Referendum Regulations

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Monrovia, Liberia
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Preamble

Whereas, Article 91 of the 1986 Liberian Constitution provides that the Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both Houses of the Legislature or (2) a petition submitted to the Legislature, by not fewer than 10,000 citizens which receives the concurrence of two-thirds of the membership of both Houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the National Elections Commission not sooner than one year after the action of the Legislature;

Whereas, Article 92 of the Constitution mandates that proposed amendments shall be accompanied by statements setting forth reasons thereof and shall be published in the Official Gazette and made known to the people through the information services of the Republic;

Whereas, Article 92 of the Constitution further provides that if more than one proposed amendment is to be voted upon in a referendum, they shall be submitted in such manner that the people may vote for or against them separately;

Whereas, the Constitutional Review Committee was established in August, 2012 by the decree of the President of Liberia mandating it to adopt proposal of the Constitutional Amendments through wide public consultations;

Whereas, on August 13, 2015, the President of Liberia officially submitted list of proposed amendments to the Legislature;

Whereas, Chapter 2, Section 9(g) of the 1986 New Elections Law further empowers the National Elections Commission to conduct all elections and all referendums and declare the results thereof;

Whereas, Chapter 2, Section 9(h) of the 1986 New Elections Law empowers the National Elections Commission to formulate and enforce Guidelines controlling the conduct of all elections which guidelines shall not be inconsistent with provisions of the Constitution and the New Elections Law;

NOW THEREFORE, it is hereby promulgated as follows:
General Provisions

Article 1. Referendum Regulations

1.1. These Regulations establish the rules and procedures for conducting National Referendum.

1.2. Referendum is conducted based on the referendum writ issued by the National Elections Commission pursuant to its legal authority, according to Article 91 of the Constitution and subsequent Resolution adapted by the National Legislature.

1.3. The writ for a referendum shall be issued not later than 90 days prior to the time prescribed for the conduct of a referendum.

1.4. These Regulations may be cited as “Referendum Regulations” and shall come into force on the date of publication.

Article 2. Definitions

In these Referendum Regulations, unless context otherwise requires:

“Aggrieved Party” means a voter, political party, candidate or other legal associations, campaign committee, that alleges having suffered an injury during the referendum processes for which redress is available under the Law or whose voting rights are injured by an action, decision or omission of the NEC or any referendum officer under the direction or supervision of the NEC;

“Appeal” means where and when a party is dissatisfied with a decision made by the Chief Dispute Hearing Officer or Magistrate of Elections and submits said decision to the Board of Commissioners or from the Board of Commissioners to the Supreme Court for review.

“Objection” means a complaint filed under Article 32 of these Referendum Regulations citing an irregularity during voting or counting process of the Referendum committed by a referendum officer.

“Campaign Committee” means a civil society organization, or any other entity duly registered with the NEC in order to run a campaign supporting or opposing any proposed referendum question;

“Campaign Period” means a period declared by NEC ending twenty-four (24) hours before the date of the Referendum.

“Complaint” means a written description of an incident constituting violation of the Constitution, the Elections Law, Regulations or Guidelines promulgated by the NEC.

“Complainant” means any legal entity or natural person who files a complaint with the NEC.

“Contribution” means any gift, subscription, loan, advance or deposit of money, or anything having pecuniary value, that is either given to a campaign committee or political party, or which is made with the knowledge and consent of a campaign committee or political party. It shall include in-kind gifts, but shall exclude the value of services of individuals who volunteer without compensation, as well as the value of loans made in the ordinary course of business, meaning as a business transaction where interest is charged;

“Magistrate” means an election officer representing the National Elections Commission in the area of his appointment to perform such duties and functions, prescribed under the supervision and direction of the NEC.
“NEC” means the National Elections Commission;

“Observer” means a person representing an organization dully accredited by the NEC for the purpose of observing the referendum processes without interfering.

“Polling Place” means any approved building or structure in which voters cast their votes during the Referendum.

“Political Party” means an association with a membership of not less than five hundred qualified voters in at least six (6) counties, and duly registered with NEC.

“Referendum” for the purposes of these regulations means a nation-wide poll in which all eligible voters vote on proposed Amendments to the 1986 Constitution of Liberia;

“Referendum Violation” means violation of any provisions contained in these Regulations.

“Registration Card” means the identification card issued by the NEC to each voter after his/her name has been entered on the Registration Roll entitling the voter to vote during an election and, which shows the particulars of the voter, such as: photo, name, county, constituency, center and voter roll number.

“Final Registration Roll (FRR)” means the final list of registered voters certified by the NEC which is kept in the form prescribed by the Commission that contains the photo, family name, given name, residence and sex of each voter.

“Voting Precinct” means a designated area containing no more than three thousand registered voters.

“Voter” means any qualified person who has been registered by the NEC and is in possession of a Voter Registration Card and whose name appears on a Registration Roll.

Eligibility of Voters and Voter List

Article 3. Eligibility and Voter List

3.1. “Eligible Voter” means a Liberian citizen, who has attained the age of 18 years or above and has not been judicially declared to be incompetent, or of unsound mind, or and who has not been disenfranchised as a result of conviction of an infamous crime, presenting a valid Registration Card issued by the NEC.

3.2. A voter with a valid Registration Card may vote only in the polling place for which he/she is registered.

3.3. The valid Registration Roll compiled as a result of registration of voters during the last voter registration period and subsequent voter registration updates shall be used for the Referendum.

3.4. All constitutional provisions, statutory provisions, and NEC Voter Registration Regulations relating to voters in the Republic of Liberia are hereby incorporated by reference as if fully set forth herein and are deemed to be an integral part of these Regulations and govern the conduct of the Referendum.

Referendum Administration

Article 4. National Elections Commission

4.1. The NEC shall organize and conduct the Referendum with the assistance of other referendum officers to be appointed.
4.2. The NEC shall, in appointing referendum officers, ensure that every referendum officer takes and signs an oath or affirmation in the prescribed form to faithfully perform the duties imposed under these Referendum Regulations without partiality, fear or favor.

4.3. No person who is a campaign committee official, political party official or representative, a candidate for election, a member of the National Legislature, or an executive appointee, shall be recruited and trained as a Referendum officer.

4.4. No person shall serve as a Referendum officer who has not been trained by the NEC.

Article 5. Functions and Powers of the National Elections Commission

5.1. The NEC shall ensure without discrimination that all voters enjoy the exercise of their right to express freely their opinion in a secret ballot cast in the Referendum according to these Referendum Regulations.

5.2. Pursuant to its legal authority, the NEC:

a) Supervises the preparation and conduct of the Referendum, and coordinates activities of Magistrates in accordance with the provisions of these Referendum Regulations;

b) Issues regulations and guidelines for the Referendum and take executive measures required;

c) Appoints within each County/District as many Magistrates as shall be necessary, determines their duties and powers and supervises their functions;

d) Distributes funds allocated from the state budget;

e) Issues procedures for the accreditation of campaign committees and the accreditation of observers;

f) Determines measures, regulations, timeline, registration and polling places for Referendum, as well as the measures to ensure the maintenance of order, freedom, fairness and secrecy in the conduct of polling and to oversee all of the above accordingly;

g) Defines and approves required documents for preparation and conduct of Referendum;

h) Ensure that ballot printed are clear and easy to understand as to each proposed referendum question;

i) Controls the counting and tabulation of ballots and declares the final results of the Referendum;

j) Takes the appropriate actions against any person who commits a referendum violation;

k) Hears complaints and exercises appellate review of decisions made by the Chief Hearing Officer/Magistrate, subject to appeal to the Supreme Court of Liberia;

l) Conducts voter information and voter education activities;

m) Prepares and issues regulations to Campaign committees and Political parties; and

n) Performs any other functions necessary to the preparation and conduct of the Referendum.
Article 6. Functions and Powers of Magistrates

6.1. Magistrates serve as representatives of the NEC within Counties/Districts where they are appointed/assigned. Each Magistrate shall comply with these Referendum Regulations, as well as with all general and special instructions issued by the NEC.

6.2. A Magistrate of Elections shall have power and functions within his/her area of jurisdiction to hear and determine complaints, objections of voters' claims and to the continuation of disqualified voters on the Registration Rolls, and upon a proper showing, to order the reinstatement upon the Registration Rolls of names of qualified voters struck off by mistakes.

6.3. Subject to any instructions given by the Commission, the Magistrate on receipt of the Referendum writ, endorses thereon the date of its receipt, and makes all necessary arrangements for the conduct of the Referendum.

6.4. The Magistrate takes such steps as may be instructed by the Commission to inform the political parties, campaign committees, observers and the voters about the general arrangements for conducting polling, time-table for the Referendum, counting and declaring the results of the Referendum.

6.5. The Magistrate, in accordance with instructions from the Commission, furnishes the approved voting precincts and polling places and provides each polling place with a ballot box, ballot papers prepared in the prescribed forms furnished by the Commission, administers oath to all persons serving in the polling places, and arranges the poll and the count and declares the results within his/her county/district.

Article 7. Voting Precinct and Polling Place

7.1. The Commission shall designate Polling Places to be located within each voting precinct.

7.2. Polling places shall have separate compartments/booths constructed so as to guarantee the secrecy of the ballot.

7.3. The NEC shall make arrangements for the list of polling places to be published not later than ten (10) days before the Referendum, and shall take all necessary steps to ensure that voters are made aware of the locations of the various polling places before the day of the Referendum.

7.4. There shall be a NEC Presiding Officer of the poll appointed to preside at the voting and counting at each polling place who shall be assisted by other clerks.

Article 8. Functions of the Presiding Officer and Assistants (Clerks)

8.1. Presiding Officer of the Polling Place:
   a) Manages a polling place and is responsible to the NEC;
   b) Trains the polling staff on polling and counting procedures;
   c) Sets up the polling place;
   d) Supervises polling officers and assistants (clerks) to ensure that Referendum procedures are followed and that all materials can be accounted for at all times;
   e) Resolves problems encountered in accordance with the procedures;
   f) Ensures that order is maintained at the polling place;
g) Ensures that the voting screens have pens and thumb print pads;

h) Records in a polling place Journal any incidents or disturbance during polling day at the polling place, as well as any objections, problems, issues, or concerns presented by campaign committee agents, observers and/or voters, and any failure to follow correct procedures in the polling place;

i) Undertakes thorough and accurate counting of the votes cast and recording of the results;

j) Reports the results of the count in an accurate and timely manner to the NEC Magistrate Office;

k) Ensures that all sensitive materials are ready and transported to the Magistrate Office;

l) Fills out and signs all necessary forms developed and approved by the NEC;

m) Substitutes any staff member who is unable to fulfill his/her task or needs to leave the polling place for whatever reason.

8.2. The Clerks may assist the Presiding Officer in the management of the poll as specified in the Polling and Counting Procedures;

Campaigning

Article 9. Campaign Committees

9.1. Any political party or civil society organization duly registered with the NEC as supporting or opposing a referendum proposition, may campaign to support or oppose a referendum question within the Campaign Period.

9.2. An interested civil society organization shall submit its application to the NEC for registration as a campaign committee no later than 90 days prior to the day of the Referendum.

9.3. Application for registration as a campaign committee shall contain the completed application form issued by the NEC, Articles of Incorporation and the mission of the organization. An application from the coalition of several civil society organizations to register as a campaign committee shall also include a memorandum of understanding between such entities.

9.4. The NEC shall, within 10 days of receipt of the application, issue the Registration Certificate or deny registration in writing subject to appeal to the Supreme Court of Liberia.

9.5. The NEC may refuse or revoke the registration, if:

a) The application is incomplete;

b) The name or logo of the applicant organization resembles the name or logo of a previously registered campaign committee or a political party, such that the campaign committee is likely to be confused with the previously registered campaign committee or political party;

c) The organization uses expressions that constitute incitement to commit crimes relating to public order, insurrection, violence or threaten to resort to war or any of these actions or use expressions that call for hatred or discrimination, inciting hatred, strife, division, hostility or violence or mislead public opinion with patently false statements;

d) The campaign committee violates any of these Referendum Regulations.
9.6. A political party and campaign committee registered under the above provisions shall subscribe to and abide by the code of conduct issued by the NEC and these Referendum Regulations.

9.7. The NEC, the Government of Liberia, and media outlets shall provide and guarantee equal opportunities and just treatment in the State-owned agencies and media for the political parties and campaign committees.

9.8. The present provisions shall be interpreted and applied in a manner that is consistent with the freedoms of expression and speech. It is prohibited to restrict the freedoms of expression and speech, directly or indirectly by whatever means and methods including abuse of power in the State-owned media.

**Article 10. Campaign Regulations**

10.1. The campaign period commences 80 days prior and ends twenty-four (24) hours before the day of the Referendum.

10.2. On the day of the Referendum, it is forbidden to display any campaign material for or against any referendum proposition on the premises of the NEC, including offices of the Magistrates and Voting Precincts.

10.3. From the end of the campaign period up to the conclusion of voting it shall be forbidden to publish the results of public opinion polls (surveys) on probable voting behavior and referendum results, as well as to publish the results of public opinion polls made on the day of the Referendum.

10.4. If distributed referendum materials, including posters, slogans, leaflets, announcements, speeches or other forms of referendum propaganda and agitation shall contain inaccurate, or patently false information, or unauthorized use of party or candidate name or logo, the aggrieved party whose rights have been infringed shall have the right to file a complaint with the NEC requesting the NEC for a ruling that:

   a) Prohibits the publication of such materials and information;
   b) Orders confiscation of such materials;
   c) Requires retraction or clarification of such information;
   d) Financial fine and/or revocation of registration as an ultimate means of remedy, for repeated, deliberate and vicious violation.

10.5. A ruling by the NEC shall be issued within three (3) days after the receipt of the complaint.

10.6. Any information, communiqués, statements and/or slogans on any referendum question published in the media, which includes television, newspapers and radio at the expense of any political party or campaign committee engaged in referendum campaigning, shall bear indication of the payer and who is the donor. The responsibility for the above-mentioned indication shall belong to the respective political party or campaign committee.

10.7. A campaign committee or a political party engaged in referendum campaigning shall cover expenses from their own sources and in accordance with provisions of these Regulations.
Article 11. Accounting for contributions

11.1. Every contribution received by a political party or a campaign committee shall be accounted for within five (5) working days of receipt. The record shall include information providing the name, address, occupation and employer (if any) of the contributor, the date of the contribution, and the amount of the contribution.

11.2. All cash contributions over US $300.00 or its equivalent in Liberian Dollars received by a political party or campaign committee shall be deposited into the bank account identified in the registration application.

11.3. No contribution shall be made to, or knowingly accepted by a political party or a campaign committee from a person who is not a citizen of the Republic of Liberia.

11.4. No contribution shall be made, or knowingly received from anonymous sources, funds belonging to a corporation, a labor organization or a bank.

11.5. Except for as provided in Article 9.7 of these Regulations, political parties and campaign committees shall not utilize public resources for campaign activities and shall not receive any contribution resulting from an abuse of state resources.

11.6. The authorized representative of each political party and campaign committee indicated in their respective registration applications shall be responsible for making good faith effort to determine whether funds contributed represent such prohibited contributions. If such prohibited contribution has been tendered to the campaign committee or a political party, the campaign committee or political party shall refund the contribution within seven (7) days and inform the NEC.

11.7. The aggregate amount of referendum campaign contributions received by a single political party or campaign committee shall not exceed the Liberian Dollar Equivalent of $1,000,000 USD (one million).

11.8. Referendum campaign expenses shall not exceed the Liberian Dollar Equivalent of $1,000,000 USD (one million) for a single political party or campaign committee.

11.9. All referendum campaign contributions received by a political party or campaign committee, which are not needed to pay for referendum campaign expenses, shall be returned to the respective donors of the political party or campaign committee on a proportionate basis.

Article 12. Accounting for expenses

12.1. All expenses made on behalf of a political party or a campaign committee shall be recorded within five (5) working days of receipt. This record shall include the date, recipient, purpose and amount of the expense as specified. No expense shall be made by a political party or a campaign committee for any purpose that is prohibited by law, including but not limited to, paying voters for voting. No expense shall be made beyond the expense limitations as specified in these Referendum Regulations.

12.2. Expenses over US$300.00 or its equivalent in Liberian Dollars incurred on behalf of a political party or a campaign committee shall be made by check or bank transfer. All expenses incurred by a political party or a campaign committee shall be made from the bank account identified in the registration application.
Article 13. Bookkeeping requirements

13.1. Political party or a campaign committee shall maintain books of accounts for all contributions received and all expenses made by and on behalf of the political party or campaign committee.

13.2. The book of accounts, the list of contributors and all records or documents required to be maintained by Articles 11 through 14 of these Regulations, as well as any other documentary record which evidences a contribution or expense, shall be made available to the NEC during normal working hours when requested by the NEC.

Article 14. Reporting Requirements

14.1. Each political party and campaign committee shall submit to the NEC completed Financial Reporting Forms twice, as specified by the NEC. The initial submission shall be made no later than 80 days prior to referendum and final - no later than 10 days after the day of the Referendum.

14.2. The NEC shall make the Financial Reporting Forms of every political party and campaign committee available for viewing by the members of the public at the NEC Headquarters in Monrovia during normal working hours.

14.3. Any violation of Articles 11 through 14 of these Regulations, shall be deemed an election offense under Liberian Legislation and subject to the administrative, financial or criminal penalties according to Liberian Legislation and NEC Regulations.

14.4. The NEC shall investigate all alleged violations of Articles 11 through 14 of these Regulations that are brought to its attention via complaint, audit or otherwise.

14.5. The NEC may enforce the non-payment of fines imposed under these Regulations through legal actions brought in the courts in its own name.

14.6. All filings and all financial reports required by these Regulations to be filed shall be made on standard forms approved and promulgated by the NEC. The NEC shall make such forms available to all political parties and campaign committees without charge. All such forms shall include sufficient data and information to fully inform the public of contributions received and expenses incurred for the Referendum Campaign by a political party or Campaign Committee.

Persons Allowed in the Polling Places

Article 15. Persons Allowed in Polling Places

15.1. Observers duly accredited by the NEC may observe the Referendum processes, including polling and counting at polling Places, magisterial offices and the NEC Headquarters.

15.2. Representatives of media institutions duly accredited by the NEC may attend the preparation and conduct of the Referendum. A maximum of two (2) representatives of one media institution may be present at the same time in same polling place. Representatives of media shall fully abide by the Code of Conduct for Observers issued by the NEC and shall have the same duties and rights as observers.

15.3. Campaign committees and political parties may submit the list of agents on Polling Places and Magistrate Offices for accreditation with the NEC, in accordance with these Regulations.

15.4. Special Guests duly accredited by the NEC may observe the Referendum process in the polling places and Magistrate Offices.
Article 16. Rights of Observers

16.1. Every accredited observer is entitled to attend and observe at any time the Referendum processes at polling places and at other premises used for the Referendum Election by the NEC or its officials.

16.2. Every accredited observer shall abide by the Constitution of Liberia, election laws, these Referendum Regulations and all other Guidelines and the Code of Conduct for Observers.

16.3. Every accredited observer shall be knowledgeable about the Referendum Regulations and Guidelines issued by the NEC, including but not limited to the Guidelines and the Code of Conduct for Observers, and Referendum procedures.

16.4. Observers shall be impartial while observing Referendum activities. No observer shall interfere with the Referendum processes.

16.5. Observers shall, while observing the Referendum processes, visibly display their accreditation badges and any other documentation required by the NEC.

16.6. The observer may wear additional identification issued by his/her organization identifying him/her as an observer of the organization. The observer shall not wear or carry any insignia or sign that associates him/her with a political party, campaign committee or Referendum proposition.

16.7. Notwithstanding any provisions to the contrary in these regulations and the Code of Conduct for Observers, an observer may be ordered by an officer of the NEC in charge of a polling place or other location where the Referendum processes may be conducted, to leave the polling place or other location until such time as the observer consents to comply with the provisions of these Referendum Regulations and the Code of Conduct for Observers. Any observer who fails to leave the polling place or other location when so ordered thereby commits an election offense.

16.8. Space considerations and the need to maintain an orderly flow of voters may limit the number of observers that can be allowed at any one time in a polling place.

Article 17. Request for Accreditation by Observer Organizations

17.1. An organization shall submit to the NEC or Magistrate Office an application for accreditation in a form approved by the NEC no later than forty-five (45) days prior to the Referendum Day.

17.2. With respect to a domestic organization, the application for observer accreditation shall be accompanied by proof of accreditation from the relevant Government agency or institution or of Articles of Incorporation.

17.3. With respect to an international organization, the request for observer accreditation shall be accompanied by proof of registration in the country of origin or instrument establishing the organization, or a letter signed by an officer of the international organization or the head of the international organization’s election observation mission, stating that one of the primary activities of the international organization is election observation.

17.4. The observer organization shall also furnish such further information or documentation as may be required by the NEC.

17.5. Application forms for accreditation shall be available at the NEC headquarters in Monrovia and at offices of the Magistrates and shall be free-of-charge.
Article 18. Decision of NEC on Accreditation

18.1. The NEC or Magistrate Office shall accredit the applicant organization and notify the applicant in writing within seven (7) working days of receipt of a complete and accurate application if it finds that the application of a domestic or international organization for accreditation complies with the requirements stated in these Regulations. Upon accreditation, the NEC or Magistrate Office shall also request the accredited organization to submit its list of appointed observers not later than fourteen (14) days prior to the Referendum Day.

18.2. If the NEC or Magistrate Office finds that the application of a domestic or international organization does not comply with the requirements stated in these Referendum Regulations, then it shall notify the applicant in writing of its decision and reasons. Deficiencies in the application may be corrected by the applicant, provided the corrections are submitted within the deadline established by Article 17 of these Referendum Regulations and all other requirements of these Referendum Regulations are satisfied.

18.3. A decision of the Magistrate Office regarding an application can be appealed in the NEC. A decision by the NEC can be appealed in the Supreme Court of Liberia. The NEC shall issue a Certificate of Observer Accreditation to an applicant organization whose request for accreditation complies with the requirements stated in these Regulations.

18.4. The NEC may revoke the accreditation of an observer organization and/or of its appointed observers upon a determination that the individual or organization has:

   a) Failed to comply with a lawful instruction, direction or order issued by or on behalf of the NEC;

   b) Demonstrated a bias in favor of a particular outcome of the Referendum;

   c) Hindered or obstructed any official of the NEC in the conduct of his or her duties; or

   d) Violated these Referendum Regulations and/or the Code of Conduct for Observers.

Article 19. Appointment of Observers

19.1. A domestic or international organization which has been accredited by the NEC or Magistrate office in accordance with these Referendum Regulations may appoint observers to observe the referendum processes.

19.2. Observers appointed by accredited organizations shall be considered accredited by the NEC.

19.3. Written notice of the appointed observers shall be submitted to the NEC by the accredited observer organization according to the approved form no later than fifteen (15) days before the Referendum Day.

19.4. The forms for notice of appointment of observers shall be available at the headquarters of the NEC in Monrovia and at Magistrate Offices and shall be free of charge.

19.5. Upon accreditation of an organization, the NEC shall issue observer identification cards to the organization at the place of submission of their application.

19.6. The observer identification card shall include the NEC logo and the signature of an authorized official of the NEC.
Article 20. Agents of Political Parties and Campaign Committees

20.1. Every registered political party, Independent candidate and campaign committee shall be entitled to nominate not more than two representatives (agents) to observe the Referendum processes at every polling place, including the Magistrate Offices and the NEC Headquarters.

20.2. Only one agent from each political party, Independent candidate and campaign committee shall be allowed inside the polling place, Magistrate Offices, and the NEC Headquarters at a time.

20.3. Each political party, Independent candidate and campaign committee may nominate its agents and shall submit the list of agents no later than fifteen (15) days before Referendum Day.

20.4. Every accredited agent of a political party, Independent candidate and campaign committee shall sign a pledge to respect and uphold the Code of Conduct for Observers approved by the NEC.

20.5. The NEC shall issue the accreditation cards to agents of political parties, Independent candidates and campaign committees assigning them to one voting precinct only.

20.6. A registered political party, Independent candidate and campaign committee may at any time and with written notice to the NEC, revoke the nomination of any of its agents and replace that person with another.

Article 21. Duties and Obligations of Agents

21.1. Every political party, Independent candidate and campaign committee agent duly accredited may only observe the Referendum process carried out at the voting precincts or Magistrate Offices for which he or she is accredited. An agent may not observe Referendum processes in more than one voting precinct.

21.2. Political party, Independent candidate and campaign committee agents shall not interfere with the Referendum processes at polling places except as provided for in these Referendum Regulations. Political party or campaign committee agents shall not enter any other voting precinct other than the voting precinct for which they are registered.

21.3. The Presiding Officer may, notwithstanding any provisions to the contrary contained in these Referendum Regulations, order any agent to leave the polling place until such time as the agent complies with his/her duties and obligations pursuant to these Referendum Regulations.

21.4. An agent in a polling place shall not make any remark or act in any manner that seeks to distract or interfere in the work of Referendum officers or hinder the polling process.

21.5. An agent shall not display anything which identifies him/her as an agent of a particular political party or a campaign committee except the NEC accreditation card.

21.6. Every agent shall display the accreditation card issued to him/her by the NEC.

Ballot Paper

Article 22. Ballot Paper Design

22.1. Ballot papers shall be in a form to be prescribed by the NEC, which shall arrange to print and issue the ballot papers for the polls.

22.2. The Referendum Ballot should indicate a question proposed for the Referendum and two possible answers to this question: “yes”, and “no”.

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22.3. The Ballot Paper shall be printed on one side only.

22.4. The Ballot Paper shall contain the Referendum propositions or questions, the date of the Referendum and instructions on marking the ballot paper in order for the ballot to be considered as a valid ballot.

Referendum Polling Procedures

Article 23. Planning the Polling Place Layout

23.1. The polling place must provide for the circular movement of voters from the entrance, to the Voter Identification Officer, to the Ballot Paper Issuer, to the voting screen, to the ballot box, and to the exit point. Desks should be provided for the Voter Identification officers and Ballot Paper Issuers.

23.2. Space for agents and observers shall be allocated away from the flow of voters, but from where agents and observers can observe all proceedings.

23.3. All campaign materials within 100 meters of a voting precinct shall be removed. Voter information materials provided by the NEC must be posted inside and outside of the voting precinct and polling place. Necessary security measures shall be taken to ensure the safety of sensitive materials in the voting precinct.

23.4. No person shall vote in a polling place other than the polling place in which that person is registered as a voter.

Article 24. Polling Day

24.1. Polling officers must wear a NEC badge and NEC T-shirt, if such are provided, throughout Referendum Day until counting of the votes is completed.

24.2. Polling places shall be opened for voting at 08:00A.M.

24.3. Voters shall fill out Referendum ballot papers in secret voting screens.

24.4. It is forbidden to allow another person in the voting screen while a voter is marking his/her ballot paper. However, a voter who is unable to mark a ballot paper independently due to illiteracy or physical incapacitation may be assisted by another registered voter.

24.5. The voter shall deposit the marked ballot paper in the ballot box personally.

24.6. Immediately before the commencement of the poll, the Presiding Officer shall display the ballot box to persons lawfully present in the polling station so as to ascertain that the ballot box is empty, and shall thereupon close the ballot box so that it may not be opened without breaking the seal. The seal number for each ballot box seal shall be recorded in the polling place journal by the Presiding Officer.

24.7. At exactly 6:00P.M., the Voting Precinct Queue Controller ensures that all voters in the voting precinct join the queue and the Voting Precinct Queue Controller closes the door of the voting precinct. Citizens who arrive after 6:00P.M may not vote in the Referendum. Polling shall continue until all voters who were in the queue by 6:00P.M have voted.
**Article 25. Polling Process**

Upon entering the voting precinct, the voter:

a) Shows his/her Registration Card to the Voting Precinct Queue Controller in order to be directed to the correct polling place;

b) Enters the polling place when the Polling Place Queue Controller deems there to be sufficient space to conduct voting in a safe and orderly manner;

c) Is directed to approach the Voter Identification Officer by the Polling Place Queue Controller;

d) Shows his/her Registration Card to the Voter Identification Officer;

e) Has his/her name ticked off in one of the boxes beside his/her name on the Final Registration Roll (FRR) by the Voter Identification Officer (VIO), provided the Registration Card is in order and belongs to the person presenting it;

f) Has his/her Registration Card punched by the Voter Identification Officer;

g) Is directed to approach the Ballot Paper Issuer, who explains the methods of voting, stamps the back of the ballot and issues the ballot to the voter;

h) Ballot paper issuer directs the voter to the empty voting screen;

i) Voter marks his/her ballot paper in secret, folds the ballot paper so that his/her choices cannot be seen, and places the ballot paper in the ballot box;

j) Ballot Box Controller (BBC) shall have the voter’s finger inked;

k) The voter then leaves polling place.

**Article 26. Order in the Polling Place**

26.1. It shall be the duty of the Presiding Officer to maintain order at the polling place.

26.2. If any person violates any of these Referendum Regulations or causes disorder in a polling place, or fails to obey the lawful instructions or orders of the Presiding Officer, the person may immediately be removed by order of the Presiding Officer, with help of state security officer(s) if necessary, and a person so removed shall not re-enter the polling place during the continuance of the poll without the permission of the Presiding Officer.

26.3. Notwithstanding these Referendum Regulations, a Presiding Officer may adjourn the polling proceedings at the polling place if the polling proceedings are interrupted or threatened by a riot, violence, natural catastrophe, shortage of equipment or other cause, but the polling proceedings shall be resumed as soon as practicable. The Magistrate Office shall be informed if polling proceedings are adjourned.

26.4. The NEC may request a Presiding Officer to extend the hours of polling at the polling station where polling has been interrupted or postponed under this article or for other good cause(s), and shall, where polling at a polling station is adjourned, extend the period of polling to recover any lost time due to the adjournment.

26.5. A voter who knowingly fails to place a ballot paper issued to him/her (other than a spoiled ballot paper) into a ballot box before leaving the polling place where the ballot box is situated, commits an Election offense and shall be subject to financial or criminal penalties according to Liberian Legislation.
26.6. A polling officer who deliberately refuses to follow the procedure of these Referendum Regulations commits an Election offense and shall be subject to financial or criminal penalties according to Liberian Legislation.

**Article 27. Special Cases of Voting**

27.1. If a voter or a Ballot Paper Issuer spoils the ballot paper, it shall be replaced with a new ballot paper. The Ballot Paper Issuer shall notify the Presiding Officer about the spoiled ballot and, in the presence of the Presiding Officer, shall write the word “SPOILED” on the back of the ballot paper, cut the corner of the ballot paper, and place the ballot paper in the envelope for spoiled ballot papers.

27.2. If a ballot paper or part of a ballot paper is found outside the ballot box in the polling place or the voting precinct, the Presiding Officer shall be notified. The Presiding Officer shall write the word “DISCARDED” on the back of the ballot paper or part of the ballot paper and place it in the envelope for discarded ballot papers. The Presiding Officer shall make a note about the found discarded ballot paper in his/her polling place journal.

27.3. If a polling place runs out of ballot papers, the Presiding Officer shall request extra ballot papers from a neighboring polling place within the same voting precinct and record the number of received ballot papers in the polling place journal.

27.4. A voter may request assistance in voting in case of illiteracy or physical incapacitation. Only another registered voter may assist the voter who requires assistance. The voter assisting shall keep the assisted voter’s choice secret. One registered voter may assist only one voter on the day of the Referendum.

**Counting and Tabulation of Results**

**Article 28. Counting and Tabulation**

28.1. The NEC shall issue detailed instruction or Guideline stating the precise modalities for the counting and tabulation of the voting results, which shall address the following matters: securing the polling place and ballot boxes at the time of close of the voting; securing the election materials at the time of close of the voting; opening of the ballot boxes; reconciliation of the number of ballot papers received and used; reconciliation of the election materials and supplies received and used; determination of validity of ballot papers; the process for counting each ballot paper; the process for tabulation of the votes; the process for transfer of voting results to the NEC; and any other matter necessary to ensure a transparent, secure, and accurate determination of the results of voting in the Referendum.

28.2. Counting shall take place at the polling place level.

28.3. Observers, media and agents of political parties and campaign committees shall be allowed to observe the counting and tabulation processes in the polling place.

28.4. The Magistrates are responsible for organizing the counting and tabulation processes in their respective counties/districts.
Article 29. Results

29.1. The NEC shall adjudicate all Referendum complaints. Results will be tallied up from Magistrate Offices and the NEC shall declare the final official results no later than fifteen (15) days after Referendum Day.

29.2. For each proposal to amend the Constitution that was presented to the voters in the Referendum, the NEC shall determine and announce whether or not the proposal was ratified by the voters in accordance with Article 91 of the Constitution.

29.3. The NEC shall declare ratification of any proposition to amend the Constitution if 2/3 or more of all valid votes were cast in support of the adoption of the proposition.

29.4. The NEC shall declare that the proposal was not ratified by voters if less than 2/3 of all valid votes were cast in support of the adoption of the proposition.

29.5. The NEC shall publish the decision of the Board of Commissioners stating the results of the Referendum concerning each referendum proposition, which shall include: whether or not each proposed amendment was ratified, the total number of votes cast both for and against each proposed amendment, the total number of valid and invalid votes cast for each proposed amendment, and other data or statistical information necessary to fully inform the public of the results of the Referendum.

29.6. For all purposes, the results of the Referendum stated in the Board of Commissioners’ decision shall be the official results of the Referendum and the amendment to the 1986 Liberian Constitution, if the amendment is ratified, shall enter into force immediately upon promulgation.

Article 30. Complaints

30.1. Any aggrieved party, as defined in Article 2 of these Referendum Regulations, who is aggrieved by an action or decision, or the omission of an action or decision, by the NEC or any referendum official under direction or supervision by the NEC, may submit a complaint to the NEC in accordance with the Referendum Regulations.

30.2. A complaint may be filed with the NEC during the referendum process only where published Guidelines and/or Regulations promulgated by the NEC explicitly provide for such a complaint to be made, or when the action, decision, or omission that is the basis of the complaint violates these Referendum Regulations and directly and substantially affects the rights of voters, campaign committees or observers.

30.3. Every complaint must be submitted to the NEC in writing and on the form (if any) prescribed by the NEC, by the aggrieved party or on behalf of an aggrieved party by a person of standing. The complaint shall be addressed to the Chairperson of the NEC and delivered to the NEC Clerk of Hearing Office. A complaint shall not be considered to be received by the NEC unless a signed receipt for the complaint has been issued.

30.4. Every complaint must be signed and submitted not later than seven (7) days after the occurrence of the event complained of. If the complainant is an individual person, the complaint must be signed by that individual or a legal representative. If a registered campaign committee or political party submits a complaint, then the complaint must be signed by an authorized representative of the political party or campaign committee.
30.5. If a complaint brought by a political party or a campaign committee concerns a breach of these Referendum Regulations or of the Code of Conduct, which is alleged to have been committed by another political party or campaign committee, the complainant shall report the breach in question to the alleged offending party and seek to settle the dispute amicably prior to seeking redress with the NEC.

**Article 31. Consideration of Complaint**

31.1. Complaints that are accepted by the NEC for consideration during the referendum process shall be resolved within seven (7) days, except where the NEC determines that a hearing on the evidence is required. In that event, the NEC shall inform the complainant and any other directly affected party, within three (3) days, of the time and place of the hearing, which shall be scheduled no later than five (5) days after the receipt of the complaint.

31.2. Following a hearing on a complaint, the NEC shall render a written decision within seven (7) days, accepting the complaint or rejecting it in whole or in part, and ordering whatever remedial action is appropriate.

31.3. A complaint alleging the commission of a referendum offense may be submitted to the NEC on the same basis as any other complaint, subject to the provisions of this sub-paragraph. Where the NEC accepts any complaint in whole or part, the subject of which is an alleged commission of a referendum offense, it may take appropriate remedial action. Such action may be adopted to limit or eliminate the effect of the offense on the Referendum process, take disciplinary action against persons subject to its direction and supervision, or impose sanctions against any participant in the Referendum process. The NEC shall not be required, however, to attempt to enforce the statutory sanctions for a referendum offense itself, or to recommend enforcement by other government authority with jurisdiction over such matters. The NEC may in appropriate cases refer its findings and conclusions to such authorities for further action.

31.4. Any party not satisfied with the NEC’s decision may take an appeal to the Supreme Court of Liberia.

31.5. To facilitate the consideration or resolution of a complaint, the NEC may appoint one or more hearing officers.

**Article 32. Objection**

32.1. Objection is a complaint about incident or incidents that are alleged to have occurred during the voting or counting of votes, concerning actions by referendum officers under the direction and supervision of the NEC, which includes Magistrates, Presiding Officers, or other polling officers or workers.

32.2. An individual witnessing incident must submit a written Objection to the NEC, Magistrate office or Presiding Officer within twenty-four (24) hours after the occurrence of an event which forms the basis of the Objection.

32.3. The submission of an objection must be on a form (if available) prescribed by the NEC, and contain a written explanation which identifies the circumstances giving rise to the objection with sufficient specificity to enable the NEC to determine what is alleged to have occurred, the location of the occurrence, the persons involved or witnesses (if they can reasonably be identified), and the resulting adverse effects.
32.4. The objection form and any other written material or evidence supporting an objection must be submitted separately and dated for each incident complained of. Every objection must be signed by the objector, the individual who witnessed the alleged violation.

32.5. Objections about incidents that are alleged to have occurred during the voting or counting of votes, must also be entered into the polling place journal. However, this sub-paragraph shall not prevent consideration of an objection where the NEC finds that there was a justified reason that prevented entry of the occurrence into the polling place journal.

32.6. Any objection submitted in violation of the twenty-four (24) hour deadline is deemed inadmissible.

**Article 33. Contested Referendum**

33.1. An aggrieved party may seek to overturn the results of the voting on a Referendum proposition through the procedures established by these Referendum Regulations. The timelines and procedures for such contestations, provided herein, including the filing of objections during the Referendum process under these Referendum Regulations, must be strictly complied with.

33.2. To preserve the right to initiate a referendum contestation the filing of objection with the NEC must have occurred within twenty-four (24) hours after the occurrence of any violation that affected the referendum results, or a complaint pursuant to Article 30 must have been submitted to the NEC alleging gross violation of Referendum Regulations which have affected the outcome of the Referendum.

33.3. A complaint to initiate a contested referendum procedure, which challenges the manner in which the NEC tabulated the results of the voting or determined whether a particular referendum proposition had been adopted or rejected, must be submitted to the NEC not later than three (3) days after the publication of the final results of the Referendum by the NEC.

33.4. In adjudicating complaints involving a contested referendum, the NEC shall have no more than thirty (30) days to consider the complaint and undertake the necessary investigation before rendering its final decision. In order to accept and consider a referendum contestation complaint, the NEC must find that the errors alleged were not harmless and that they were proved to have affected the results of the voting on a referendum proposition.

33.5. Following a hearing of a contested referendum complaint, the NEC shall render a written decision accepting the complaint or rejecting it in whole or in part, and ordering whatever remedial action is appropriate.

**Article 34. Appeals**

34.1. A complainant whose complaint is rejected in whole or in part by the NEC may appeal to the Supreme Court of Liberia.

34.2. The appeal must be filed with the Supreme Court no later than seven (7) days after the final determination of the NEC on the complaint.

34.3. All appeals shall be considered expeditiously.
Code of Conduct and Referendum Offenses

Article 35. Code of Conduct

35.1. No NEC Commissioner, Magistrate, referendum official or any employee of the NEC shall be a member, or an affiliate of any political party, or of a campaign committee. No NEC Commissioner, Magistrate, referendum officer or any employee of the NEC shall directly or indirectly campaign for or against any referendum proposition.

35.2. Before assuming office, each NEC Commissioner, Magistrate, referendum officer and every employee of the NEC shall solemnly subscribe to an Oath renouncing allegiance to, and severing all connections, affiliation and relationship with his/her own, or any political party or campaign committee during his/her service or tenure with the NEC.

35.3. Any NEC Commissioner, Magistrate, referendum officer or employee of NEC, before assuming the duties and functions of his/her office, shall subscribe to the following oath which shall be filed in the office of the President of Liberia in the case of a NEC Commissioner, and in the office of the NEC, in the case of referendum officers or NEC employees.

I ______________________________________ DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL TRULY AND FAITHFULLY EXECUTE AND PERFORM THE DUTIES OF AND WILL UPHOLD, PROTECT AND SUPPORT THE CONSTITUTION OF THE REPUBLIC OF LIBERIA AND ALL LAWS TO THE BEST OF MY ABILITY, AND THAT I, AS OF TODAY’S DATE, AND DURING MY TENURE, RELINQUISH MY ALLEGIANCE TO THE POLITICAL PARTY OR CAMPAIGN COMMITTEE OF WHICH I WAS A MEMBER OR A SUPPORTER, AND WILL IN NO MANNER OR FORM UNDERTAKE TO DO ANYTHING ILLEGAL IN THE INTEREST OF SAID PARTY OR COMMITTEE OR ANY OTHER PARTY WHICH MIGHT TEND TO SUPPORT SAID PARTY OR COMMITTEE AND UNDERMINE THE FAITHFUL DISCHARGE OF THE DUTIES AND RESPONSIBILITIES OF MY OFFICE, AND OF THE NATIONAL ELECTIONS COMMISSION, SO HELP ME GOD.

Article 36. Referendum Offenses

The following acts shall constitute malfeasance and be punishable under the Liberian Legislation as an election offense:

a) Influencing or attempting to influence the results of referendum where such influence or attempt is a violation of these Referendum Regulations;

b) Omitting or refusing to sign the results protocol or other document which is required to be signed in connection with the Referendum without just cause;

c) Committing or attempting to commit any act designed to violate the secrecy of the ballot;

d) Unlawful disclosure of any knowledge officially acquired regarding the vote of any voter;

e) Receiving or giving money or any valuable consideration or making a promise for the purpose of influencing any vote or canceling or destroying any ballot paper, ballot box, or a signed Final Registration Roll with the intent to violate any provision of these Referendum Regulations.
Approval of Referendum Regulations:

DONE UNDER OUR HANDS AND SEAL OF THE NATIONAL ELECTIONS COMMISSION (NEC) ON THIS 6TH DAY OF MAY, A.D. 2016.

Signed:

Cllr. Boakai Amadu Dukuly
COMMISSIONER

Hon. Davidetta Browne Lansanah
COMMISSIONER

Cllr. Jeanette A. Ebba-Davidson
COMMISSIONER

Hon. Samuel Z. Joe
COMMISSIONER

Hon. Jonathan K. Weedor
COMMISSIONER

Cllr. Sarah M. Jegede-Toe
CO-CHAIRMAN

Hon. Jerôme G. Korkoya
CHAIRMAN

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