



Republic of Liberia

National Elections Commission

Referendum Regulations

February 28, 2011
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 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 the reasons therefore 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, Pursuant to Article 91 of the Constitution two-thirds of both Houses of the Legislature on 17th August 2010 adopted Joint Resolution 001 (2010) consisting of four (4) propositions to amend Articles 52(c), 72(b), 83(a) and 83(b) of the Constitution;

Whereas, on the 10th day of September, 2010, the President of the Republic of Liberia approved said propositions;

Whereas, Article 91 of the Constitution empowers the National Elections Commission to conduct voting in all referendums not sooner than one year after the aforesaid action of legislature;

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

Whereas, Chapter 2, Section 9(h) of the New Elections Law of 1986 empowers the National Elections Commission to formulate and enforce Guidelines and Regulations for all elections; and

Whereas, the requirements of all of the above referenced legal provisions and instruments have been respected and there has been full compliance with the same;

NOW THEREFORE, it is hereby promulgated as follows:

General Provisions

Article 1. Referendum Regulations

1.1. These Referendum Regulations establish the rules and procedures of conducting a nation-wide Referendum on August 23, 2011, and are based on the Joint Resolution 001 (2010) of The Senate and House of Representatives of the 52nd Legislature, Republic of Liberia, proposing a Constitutional Referendum to amend articles 52(c), 72(b), 83(a), and 83(b) of the 1986 Constitution of Liberia, and are based on the referendum writ issued by the National Elections Commission pursuant to its legal authority.

1.2. This Act shall be cited as “Referendum Regulations” and shall come into force on the day of its promulgation.

Article 2. Definitions

In this Referendum Regulations, unless context otherwise requires:

“Aggrieved Party” means a voter, person, campaign committee or organization, or an authorized representative who has standing to make such allegations on their behalf, who alleges having suffered an injury during the referendum processes for which redress is available under law or whose voting rights are injured by an action, decision or omission of the NEC or any referendum official under the direction or supervision of the NEC;

“Appeal” means a proceeding filed under Article 34 of these Referendum Regulations for review by the Supreme Court of a complaint rejected in whole or part by the NEC;

“Bill of Exception” means (i) a complaint brought by a contestant who has filed a post Referendum complaint with the NEC under Article 33 of these Referendum Regulations or (ii) a complaint filed under Article 31 of these Referendum Regulations citing an irregularity during the Referendum committed by a referendum official.

“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 the period of time commencing on May 1, 2011 and ending twenty-four (24) hours before the day of the Referendum.

“Complaint” means a written description, on a form prescribed by the NEC, of an incident constituting an election offense or referendum violation as defined in these Referendum Regulations or any violation of any guidelines or other regulations promulgated by the NEC;

“Complainant” means any legal or natural person who files a complaint within the time permitted by law or these Referendum Regulations;

“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 the referendum official appointed by NEC to be in charge of the referendum process in a particular area or county;

“NEC” means the National Elections Commission;

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

“Polling Place” means a place within the premises of a Voting Precinct in which voters cast their votes during the Referendum;

“Referendum” means the nation-wide referendum, proposing to amend articles 52(c), 72(b), 83(a), and 83(b) of the 1986 Constitution of Liberia, to be held on August 23, 2011;

“Referendum Violation” means any violation of the 1986 Constitution of Liberia, these Referendum Regulations and any other guidelines or regulations promulgated by the NEC and committed during the campaign period;

“Registration Card” means the identification card of a voter issued by the NEC during the voter registration process of 2011, showing his/her name and constituency, which entitles him/her to vote during referendum and elections;

“Voting Precinct” means an area designated in a constituency where not more than three thousand registered voters may assemble for the purpose of casting their ballots during the Referendum, and where one or more Polling Places are located; and

“Voter” means any eligible person who is registered and in possession of a valid 2011 Registration Card and whose name appears on the voters list.

Eligibility of Voters

Article 3. Eligibility and Voters List

3.1. 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, may vote in the polling place where he/she is registered during the voter registration period in 2011.

3.2. A voter with a valid registration card shall vote only in the polling place for which he/she is registered.

3.3. The voters list composed as a result of registration of voters during the voter registration period in 2011 shall be used for the Referendum. Only the voters appearing on the voters list can vote during 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 Commission

Article 4. National Elections Commission

4.1. The NEC shall prepare and conduct the Referendum with the assistance of referendum officials appointed in:

- a) National Elections Commission;
- b) Magistrate Offices;
- c) Voting Precincts and Polling Places.

4.2. The NEC shall, in appointing referendum officials, ensure that every referendum official takes and signs an oath or affirmation in the prescribed form to faithfully perform the duties imposed under these Referendum Regulations without partiality, bias or favor.

4.3. No person who is a campaign committee official, political party official or representative, a candidate for elections, a member of the National Legislature, or an executive appointee, shall be appointed as a referendum official.

4.4. No person shall be appointed as a referendum official if he or she has not completed a course of training to the satisfaction of the NEC.

Article 5. Functions and Powers of National Elections Commission

5.1. The NEC shall ensure and guarantee that all voters, without discrimination, 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 takes the 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 by the state budget as necessary;
- 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 the forms of necessary documents for preparation and conduct of Referendum;
- h) Prepares, develops and prints the ballots for the Referendum so that the ballot is 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 necessary action against any person who commits a referendum violation, and takes the appropriate actions against any employee, referendum official, or worker who contravenes the provisions of these Referendum Regulations;
- k) Adjudicates appeals regarding the decisions and actions of subordinate referendum officials, and makes final decisions on complaints, subject to appeal in the Supreme Court of Liberia;
- l) Conducts voter information and voter education activities; and
- m) 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 liaison between the NEC and the County/District they represent in deference to all Referendum activities within their area of assignment. 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 has power and functions within his/her area of jurisdiction to hear and determine objections of voters' claims regarding mistakes or misconduct of the referendum officials.

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

6.4. The Magistrate with the approval of the NEC appoints the Magistrate office staff, including his/her deputy or deputies to act specially or generally, who shall have the authority to perform all the duties of the Magistrate or such duties as are specifically described and subject to such limitations as are mentioned in the appointment.

6.5. The Magistrate takes such steps as may be instructed by the NEC 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.

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

Article 7. Voting Precinct and Polling Place

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

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

7.3. The NEC shall make arrangements for the list of polling places to be published not less than twenty (20) 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. The polling staff in each polling place shall consist of the following:

- a) Presiding Officer;
- b) Polling Place Queue Controller;
- c) Voter Identification Officer;
- d) Ballot Issuer;
- e) Ballot Box Controller/Inker.

7.5. Each Voting Precinct with two or more polling places shall have one queue controller.

Article 8. Functions of Polling Staff Members

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 officials 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 a pen and a thumbprint pad;
- 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 for transportation 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. Polling Place Queue Controller is responsible to the Presiding Officer of the polling place. In the performance of her/his duties, the Polling Place Queue Controller:

- a) Plans, organizes and manages the queuing system for the polling place, in conjunction with the Presiding Officer;
- b) Ensures that the queues are orderly;
- c) Inspects the hand of the voter to see if he/she has already voted;
- d) Organizes queues so that only authorized persons enter the polling place and the polling place does not become crowded;
- e) Stays in contact with Presiding Officer, who will indicate to him/her to slow down or to speed up the voter flow;
- f) Examines each voter's Registration Card to ensure that the voter is in the correct polling place;
- g) Ensures that no unauthorized person is lingering in the vicinity of the polling place;
- h) Asks each voter to have his/her Registration Card ready to show to the Voter Identification Officer;
- i) Reports any security concerns to the Presiding Officer;
- j) Ensures that voters leave the polling place as soon as they finish voting;
- k) Closes the polling place queue at 1800 hours, upon instructions from the Presiding Officer.

8.3. Voter Identification Officer is responsible to the Presiding Officer of the Polling Place. In the performance of her/his duties, the Voter Identification Officer:

- a) Examines each voter's Registration Card to ensure that the voter is eligible to vote;

- b) Checks the photo on the Registration Card to ensure that the Registration Card belongs to the voter;
- c) Checks if the name of the voter and other details in the Registration Card match the details in the voters list;
- d) Ticks the appropriate box on the voters list;
- e) Punches through the voter's Registration Card with a punch;
- f) Returns the Registration Card to the voter;
- g) Directs the voter to the Ballot Paper Issuer.

8.4. Ballot Paper Issuer is responsible to the Presiding Officer of the polling place. The Ballot Paper Issuer is responsible for the security of the ballots at all times. If he/she needs to leave the Polling Place, the Presiding Officer takes her/his place. In the performance of her/his duties, the Ballot Paper Issuer:

- a) Stamps the back of the ballot papers;
- b) Explains to the voter the content of ballot paper;
- c) Detaches the ballot papers from the books;
- d) Issues the stamped ballot papers to each voter;
- e) Explains the method of voting to the voter. He/she must ensure his/her explanation is completely impartial, and should not point to the ballot paper as it may appear that he/she is telling the voter who to vote for.
- f) He/she explains to the voter that he/she should fold ballot paper and deposit it in the ballot box, once he/she has voted;
- g) Directs the voter to a vacant voting screen to mark the ballot paper;
- h) Ensures that only one voter goes into the voting screen at a time.

8.5. Ballot Box Controller is responsible to the Presiding Officer of the polling place. The Ballot Box Controller is responsible for security of the ballot box at all times. In the performance of her/his duties, the Ballot Box Controller:

- a) Ensures that each voter places the ballot paper in the ballot box before leaving the polling place;
- b) Ensures that the ballot box does not get too congested, by shaking the boxes at intervals in order to re-distribute the ballots inside the boxes. If a box is full, he/she must inform the Presiding Officer;
- c) Guards the ballot box at all times;
- d) Ensures that no unauthorized materials are deposited in the ballot box and that no one tampers with the ballot box;
- e) Thanks the voter for participating in the Referendum and directs him/her out of the polling place (the Polling Place Queue Controller helps to ensure that the voter leaves the polling place);
- f) Wipes the RIGHT thumbnail of the voter with the piece of cloth provided;
- g) Applies indelible ink to the cuticle at the base of the right thumbnail (If a voter has missing fingers, the ballot box controller inks one of her/his fingers in the following order: the third, fourth, fifth and thumb of the right hand, the index, third, fourth, fifth finger and thumb of the left hand. If the voter has no fingers, it is not necessary to apply ink);

h) Discourages voters from remaining in the polling place after they have voted.

8.6. Voting Precinct Queue Controller manages a voting precinct queue and is responsible to the polling place Presiding Officer that is managing the voting precinct staff. In the performance of her/his duties, the Voting Precinct Queue Controller:

- a) Displays signs on the entrance to the voting precinct directing voters to their respective polling places according to their voter identification numbers on their Registration Cards;
- b) Checks that the voter brought his/her Registration Card;
- c) Directs voters to the correct polling place;
- d) Ensures that voters form orderly queues outside the polling places, according to the queuing plan that was developed;
- e) Allows elderly, pregnant and disabled voters and parents with babies to go to the head of the queue;
- f) Reports cases of campaigning or canvassing for votes, displaying posters or any other material related to the Referendum within 100 meters of the polling place to the polling place Presiding Officer that is managing the voting precinct staff.

8.7. The NEC, should it determine that additional staffing is necessary for the preparation and conduct of the Referendum Election, shall retain such staff and employees it deems necessary, including but not limited to full time, part time, and temporary staff and employees, who may be directed to perform duties individually or together with other staff and employees.

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 question, may carry out a 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 April 20, 2011.

9.3. An application for registration as a campaign committee shall contain the completed application form issued by the NEC, articles of incorporation and mission of the organization. An application from the coalition of several civil society organizations to register as a campaign committee shall also include the 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 in 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 threatens 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 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 media for the political parties and campaign committees.

9.8. The above 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 on May 1, 2011 and ends twenty-four (24) hours before the day of the Referendum. Campaigning shall cease twenty-four (24) hours before the day of the Referendum.

10.2. It is forbidden to campaign for or against any referendum question on the premises of the NEC Magistrate Offices or Voting Precincts.

10.3. From the end of the campaign period up until 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, 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;

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

10.6. Any information, communiqués, statements and/or slogans on any referendum question published in the media, which includes television, publications 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 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 of 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 contributions over US \$250.00 or its equivalent in Liberian Dollars received by a political party or campaign committee shall be deposited into the 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 application shall be responsible for making a 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 and advise the NEC.

11.7. The total 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 of expenses

12.1. All expenses made on behalf of a political party or a campaign committee shall be recorded within five (5) working days. 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\$250.00 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 account identified in the registration application.

Article 13. Bookkeeping requirements

13.1. The political party or a campaign committee shall maintain a book of accounts for all contributions received and all expenses made by and on behalf of the political party or a 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 NEC completed Financial Reporting Forms, as approved by the NEC, on May 1, 2011 and 10 days after the day of the Referendum.

14.2. The NEC shall make the Financial Reporting Forms of every political party or a 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 financial or criminal penalties according to Liberian legislation.

14.4. The NEC shall investigate all alleged violations of Articles 11 through 14 of these Regulations that are brought to the attention of the NEC 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 upon request and 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 at Polling Places, the Magistrate Offices and at the NEC during the polling and counting processes.

15.2. Representatives of media duly accredited by the NEC or Magistrate offices may attend the preparation and conduct of the Referendum. A maximum of two (2) representatives of one media organization 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.

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 question.

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 official of the NEC in charge of a polling place or other location where the referendum process 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 Referendum Day.

17.2. With respect to a domestic organization, the application for observer accreditation shall be accompanied by a copy of proof of accreditation by the Ministry of Planning and Economic Affairs or of Articles of Incorporation.

17.3. With respect to an international organization, the request for observer accreditation shall be accompanied by a copy of 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) 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.

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 its 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 with regard to an application is final, subject to appeal 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.

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 and/or a campaign committee shall be entitled to nominate not more than two representatives (agents) to observe the referendum processes at every polling place and each Magistrate Office.

20.2. Only one agent from each political party and/or a campaign committee shall be allowed inside the polling place at a time and at the Magistrate Office.

20.3. Each political party and/or a campaign committee may nominate its agents and shall submit the list of agents no later than forty five (45) days before Referendum Day.

20.4. Every accredited agent of a political party or a 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 and campaign committees assigning them to one voting precinct only.

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

Article 21. Duties and Obligations of Agents

21.1. Every political party or 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 or campaign committee agents shall not interfere with the referendum process 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 officials 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, who 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”.

22.3. The ballot paper shall be printed on one side only.

22.4. The ballot paper shall contain the referendum 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 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 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 officials 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 08:00.

24.3. Voters shall fill out referendum ballot papers in secret voting booths.

24.4. It is forbidden to allow another person in the voting booth while a voter is filling out a ballot paper. However, a voter who is unable to fill out a ballot paper independently due to illiteracy or physical incapacitation may be assisted by another registered voter.

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

24.6. Immediately before the commencement of the poll, the Presiding Officer shall show 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 18:00, 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 18:00 may not vote in the Referendum. Polling shall continue until all voters who were in the queue by 18:00 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 voters list by the Voter Identification Officer, 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 to the vote, stamps the back of the ballots and issues the ballots to the voter;
- h) Is directed to an empty voting screen;
- i) 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 a ballot box;
- j) Ballot Box controller has voter's finger inked;
- k) The voter then leaves the polling place and leaves the voting precinct.

Article 26. Order in the Polling Place

26.1. It shall be the duty of the Presiding Officer to keep 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 police 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 postpone or 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 consulted if polling proceedings are postponed or adjourned.

26.4. A Presiding Officer may 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 postponed, extend the period of polling to recover any lost time due to the postponement.

26.5. A voter who knowingly fails to place a ballot paper issued to the voter (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 presence of 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 choices secret. One person may assist only one voter on the day of the Referendum.

Counting and Tabulation of Results

Article 28. Counting and Tabulation

28.1. NEC shall issue a 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 in their respective districts.

Article 29. Results

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

29.2. Each proposed amendment to the 1986 Liberian Constitution will be ratified if the proposed amendment receives the approval of two-third of registered voters, voting in the Referendum.

29.3. The NEC shall publish the decision of Board of Commissioners stating the results of the Referendum concerning each referendum question, 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.

29.4. 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.

Complaints and Appeals

Article 30. Complaints

30.1. An 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 these 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 directly and substantially affects the rights of voters, campaign committees or observers.

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

30.4. A separate written submission concerning each complaint must be separately prepared for each incident of complaint, except where a series of related incidents are the subject of a single complaint; in such case the individual exceptions taken may be listed in the submission. Where a complaint lists a series of related incidents, each of which constitutes an exception, every incident and exception must be individually described.

30.5. Every complaint must be signed. 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.

30.6. A complaint shall be submitted not later than three (3) days after the occurrence of the event complained of, provided however that a complaint presenting a series of incidents as

allowed under Article 30.4 of these Referendum Regulations shall be submitted not later than three (3) days after the occurrence of the last alleged incident.

30.7. 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 accompany its submission with proof that it has reported the breach in question to the alleged offending party and has sought 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 receipt of the complaint. The NEC shall accept the complaint or reject it in whole or part.

31.2. Following a hearing on a complaint, the NEC shall render a written decision within three (3) days, accepting the complaint or rejecting it in whole or 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 subparagraph. Where the NEC accepts any complaint in whole or part, the subject of which is an alleged commission of a referendum offense, it may make an appropriate remedial order. Such order 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 consideration or resolution of a complaint, the NEC may appoint one or more of its members as conciliator(s).

Article 32. Bill of Exceptions

32.1. In order to preserve the right to have a complaint considered by the NEC concerning actions by referendum officials under the direction and supervision of the NEC, which includes Magistrates, Presiding Officers, or other polling officials or workers, the aggrieved party must submit a written bill of exception to the NEC within-seventy-two (72) hours after the occurrence of an event which forms the basis of the exception.

32.2. The submission of an exception must be on a form (if any) prescribed by the NEC, and contain a written explanation which identifies the circumstances giving rise to the exception with sufficient specificity to enable the NEC to determine what is alleged to have occurred, the location of the occurrence, the persons involved (if they can reasonably be identified), and the resulting adverse effects.

32.3. The form and any other written material or evidence supporting an exception must be separately prepared and dated for each incident complained of. Every bill of exception must be signed by the objector. Where the objector is an individual person, that individual must sign the bill of exception. Where the objector is a registered political party or campaign committee, then the bill of exception must be signed by an authorized representative of the political party or campaign committee.

32.4. Complaints about incidents that are alleged to have occurred during the voting or counting of votes, must also be entered into the polling place journal, or be submitted in writing to the relevant Magistrate Office within twenty-four (24) hours after the occurrence of the event which forms the basis of the exception. Provided however, that this subparagraph shall not prevent consideration of a complaint where the NEC finds that there was a justified reason that prevented entry of the occurrence into the polling place journal.

32.5. No bill of exception may be filed with the NEC as a complaint later than three (3) days after the day of the Referendum.

Article 33. Contested Referendum

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

33.2. To preserve the right to initiate a referendum contestation, as for submitting other complaints, the filing of bills of exception with the NEC must occur within seventy-two (72) hours after the occurrence of any event complained of. Such an exception filed with the NEC as a complaint must be filed not later than three (3) days after the day 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 question had been adopted or rejected, must be submitted to the NEC not later than three (3) days after the publication of the results of the Referendum by the NEC.

33.4. In adjudicating complaints involving a contested referendum, the NEC shall have no more thirty (30) days to consider the complaint and undertake the necessary investigation before making its 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 question.

Article 34. Appeals

34.1. A complainant whose complaint is rejected in whole or 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 NEC on the complaint.

34.3. All appeals shall be considered expeditiously, and whatever orders may result should be capable of efficient application and implementation before the Presidential and Legislative elections of 2011 occur.

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 campaign for or against any referendum question directly or indirectly.

35.2. Before assuming office, each NEC Commissioner, Magistrate, referendum official 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 official or employee of NEC, before assuming the duties and functions of his office, shall subscribe 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 officials 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 legislation of Liberia as an election offense:

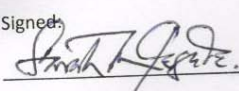
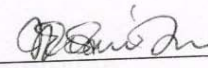
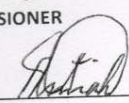
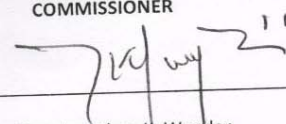
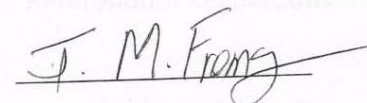
- a) Influencing or attempting to influence the results of referendum where such influence or attempt is a violation of these Referendum Regulations;
- b) Omitting or refusing to sign the results protocol or other document which is required to be signed in connection with the Referendum without just 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 voters list with the intent to violate any provision of these Referendum Regulations.

- 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 voters list 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) THIS 28TH DAY OF FEBRUARY, A.D. 2011.

Signed:

 Cllr. Sarah Jegede COMMISSIONER	 Cllr. Jeanette A. Ebba-Davidson COMMISSIONER
 Hon. Ansumana F. Kromah COMMISSIONER	 Hon. David S. Menyongai COMMISSIONER
 Hon. Jonathan K. Weedor COMMISSIONER	 Cllr. Elizabeth J. Nelson CO-CHAIRMAN
 Hon. James M. Fromayan CHAIRMAN	