



Republic of Liberia  
**National Elections Commission (NEC)**



# **Regulations on Complaints and Appeals**

**July 20, 2005**

## **PREAMBLE**

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

WHEREAS, Chapter 2 of the 1986 Elections Law reiterates that the Commission is an autonomous agency of government, independent from any other branch;

WHEREAS, Sections 2.9 (a) and (h) of the 1986 Elections Law empower the Commission to administer and enforce all laws relative to the conduct of elections and to formulate and enforce electoral guidelines, respectively;

WHEREAS, the Elections Commission (ECOM), predecessor to the National Elections Commission, which was reconstituted as an independent body by the Comprehensive Peace Agreement (CPA) signed in Accra, Ghana, on August 18, 2003;

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

WHEREAS, the Comprehensive Peace Agreement mandates that the Commission operate in conformity with international standards;

WHEREAS, international elections standards provide that election contestants and citizens may complain and appeal violations of the election process;

WHEREAS, Article 65 of the January 6, 1986 Constitution of the Republic of Liberia provides for administrative consideration before a review by a court of competent jurisdiction; and

WHEREAS, the National Elections Commission desires to ensure that international election standards are applied in Liberia by approving regulations for complaints and appeals pertaining to matters under its jurisdiction related to the election process;

## **NOW THEREFORE:**

**The National Elections Commission hereby promulgates the following regulations pertaining to complaints and appeals on matters under its jurisdiction related to the election process:**

## **Part I: General**

### **Section 1. Citation**

These regulations may be cited as the Regulations on Complaints and Appeals (hereinafter “these regulations”), or in abbreviated form as the “Complaint Regulations”.

### **Section 2. Definitions**

2.1 Unless the context requires otherwise, the definitions used in these regulations shall have the meaning ascribed to them below.

2.2 In these regulations, as the context requires, a singular term shall also imply the plural and a plural term shall imply the singular.

“Aggrieved Party” means a person, political party or candidate who alleges having suffered an injury during the elections process for which redress is available under the law or an authorized representative who has standing to make such allegations on their behalf.

“Bill of Exception” means (i) a complaint brought by a contestant who has filed a Post Election Contestation Complaint with the NEC and who has been affected by its decision or (ii) a Complaint citing an irregularity during the elections process committed by an electoral official.

“Candidate” or “Contestant” means a person duly nominated by a political party or by a coalition or alliance or an individual who has satisfied the legal requirements to stand for election as an independent candidate.

“Commission” or the “NEC” means the National Elections Commission provided for under the CPA signed in Accra, Ghana on August 18, 2003.

“Complaint” means a written description, on a form prescribed by the NEC, of an incident constituting an election offense as defined in (i) Chapter 10 of The New Elections Law of 1986 (ii) Section 23 of The Electoral Reform Law or (iii) that alleges a violation of Chapter III, Article 26 of the Constitution of the Republic of Liberia (January 6, 1986) or (iv) any guideline or regulation promulgated by the NEC.

“Complainant” means any person who files a Complaint within the time permitted by law.

“Contested Election Procedure” or “Post Election Contestation” means the proceedings brought by a Contestant who justifiably believes that an election was not impartially conducted and in keeping with Liberian elections laws, and which resulted in his defeat or the defeat of a Candidate.

“CPA” means the Comprehensive Peace Agreement (CPA) on Liberia signed in Accra, Ghana on August 18, 2003.

**“Election Participant”** means a Registered Voter, Candidate or Political Party.

**“Electoral Violation”** means any violation of the Constitution of the Republic of Liberia (January 6, 1986), the New Election Law, the Electoral Reform law, and any guidelines or regulations promulgated by the NEC and committed during the Elections Process for which a Complaint may be filed.

**“International Community”** means collectively, any of the entities specified in the CPA that are authorized by its terms to mediate a dispute arising from its application or interpretation.

**“Person”** means a citizen of Liberia.

**“Political Party”** means an organization that has been formed pursuant to the laws of Liberia and that is registered with the NEC.

**“Registered Voter or Voter”** means a citizen of Liberia who is eligible to vote and whose name appears on the voter register.

### **Section 3. Purposes**

3.1 The purposes of these regulations are to set forth the requirements and procedures for submitting objections, complaints and appeals to the NEC; for their consideration, resolution and/or disposition by the NEC; and for the NEC to complete the administrative adjudication of such matters.

3.2 To ensure administrative consideration by the NEC of violations laws, guidelines and international standards related to the election process, these regulations:

(a) To distinguish among various types of complaints and appeals, so that they are addressed under the relevant provisions and principles of law and applicable NEC regulations or guidelines;

(b) Require that the administrative adjudication of any such matter shall be completed prior to the commencement of action by the judicial branch, to prevent appeals or petitions against the NEC to the Supreme Court of Liberia, or any other Liberian court, concerning matters upon which the NEC has not duly been notified of an exception, received a complaint, reached a decision on the complaint, and had the opportunity to respond to any notice of appeal arising from the complaint;

(c) Clarify which complaints and appeals may be considered only as part of a post-election contestation, and which complaints and appeals may be pursued during the electoral process before the determination of the election results; and

- (d) Provide an opportunity for the NEC to request mediation by the International Community pursuant to the CPA in the event of a dispute between it and another institution of the NTGL with respect to the application or interpretation of the election-related provisions of the CPA.

#### **Section 4. Interpretation**

These regulations shall be strictly construed. Any failure to comply with the procedural or other requirements set forth herein shall result in deprivation of the right to seek a remedy based on an alleged electoral violation or breach of administrative or legal responsibility related to the election process that falls within the jurisdiction of the NEC.

### **Part II: Initial Requirements**

#### **Section 5. Standing**

Any person, including any election participant, who is aggrieved by an action or decision, or the omission of an action or decision, by the NEC or any electoral official under direction or supervision by the NEC, may submit a complaint to the NEC in accordance with these regulations.

#### **Section 6. Exceptions**

- 6.1 In order to preserve the right to have a complaint considered by the NEC concerning actions by electoral officials under the direction and supervision of the NEC, which includes election magistrates, NEC presiding officers, or other electoral 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.

- 6.2 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 happened, where, involving which persons (if they can reasonably be identified), and with what adverse effects.

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:

- 6.3 Where the objector is an individual person, by that individual or an authorized legal representative. Where the objector is a registered political party, by an authorized representative of the party; and where the objector is a registered candidate, by the candidate or an authorized representative of the candidate.

- 6.4 Complaints about incidents that are alleged to have occurred during the voting or counting of votes, must also be entered into the log book of the relevant polling station, or be submitted in writing to the relevant county electoral magistrate within twenty-four (24) hours after the occurrence of the event which forms the basis of the exception.
- 6.5 In accordance with Section 6.6 of The New Elections Law no bill of exception may be filed with the NEC as a complaint later than five (5) days after the date of the elections.

### **Part III: Complaints; Types**

#### **Section 7. Contested Election**

- 7.1 Under the Liberian Constitution, Article 83 (c), and the New Elections Law, Chapter 6, the primary method of complaint and appeal for parties and candidates contesting an election is through the contested election procedure (or post-election contestation) that seeks to overturn the results of an election. The statutory timelines and procedures for such contestations, including the filing of exceptions during the election process under these regulations, must be strictly complied with.
- 7.2 To preserve the right to initiate a post-election 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, and in accordance with Section 6.6 of the New Elections Law, all such exceptions must be filed not later than five days after election day.
- 7.3 In accordance with Section 6.7 of The New Elections Law, a complaint to initiate a contested election procedure must be submitted to the NEC not later than seven (7) days after the announcement of the results of the elections.
- 7.4 As provided in Section 6.2 of The New Elections Law, for those complaints involving a contested election, the NEC shall have thirty (30) days to consider the complaint and undertake the necessary investigation before making its determination. In order to accept and consider a post-election contestation complaint, the NEC must find that the errors alleged were not harmless and that they were proved to have affected the result of the election.

## **Section 8. Other Complaints**

- 8.1 A complaint may be filed with the NEC during the elections process only where published Guidelines and/or Regulations promulgated by the NEC explicitly provide for such a complaint to be made, or when the electoral action or omission that is the basis of the complaint directly, substantially and irreversibly affects the electoral rights of voters, political parties or potential candidates.
- 8.2 Complaints that may be filed during the elections process include those arising from certain actions concerning the registration of individual voters, under the NEC's Voter Registration Regulations (12 April 2005), and Guidelines on the Determination of Objections and Appeals against Rejection (30 June 2005); as well as with respect to the registration of political parties and independent candidates, under the NEC's Guidelines Relating to the Registration of Political Parties and Independent Candidates (17 January 2005).
- 8.3 (a) The allocation of seats in the House of Representatives to the counties and the delimitation of electoral districts within the counties (developed pursuant to the NEC Guidelines on the Establishment of Electoral Districts in Liberia (16 May 2005) and the Memorandum of Understanding between and among the Registered Political Parties of Liberia and the NEC for the Establishment and Implementation of Electoral Districts for the October 2005 Elections) unless it violates the fundamental civil rights of voters is considered not to directly affect the electoral rights of voters, political parties or potential candidates.
- (b) The fundamental civil rights referred to in paragraph 8.3 (a) above, are non-discrimination and equal participation in public affairs of certain groups of voters based on factors related to their personal or cultural identity such as ethnicity, language or religion. Any complaint submitted to the NEC on the subject of allocation of seats or delimitation of electoral districts during the electoral process will be considered only where the complainant convincingly demonstrates that the delimitation in question would violate such fundamental civil rights. Other complaints related to allocation of seats or delimitation of electoral districts may be submitted only as, or in connection with, a post-election contestation.
- 8.4 Complaints concerning breach of the provisions of the Liberia Political Parties' Code of Conduct, 2005 (April 14, 2005) may also be submitted during the electoral process. Such complaints will follow the special procedures set forth below.
- 8.5 A complaint concerning commission of an electoral offense (including those defined in Chapter 10 of the New Election Law, 1986 or the amendments to that Chapter adopted through Sections 22-27 of the Electoral Reform Law of 2004) may be submitted to the NEC on the same basis as any other complaint, subject to the provisions of this Part. Where the NEC accepts any complaint in whole or part the subject of which is an alleged commission of an electoral offense, it may make an

appropriate remedial order. Such order may be adopted to limit or eliminate the effect of the offense on the election process, take disciplinary action against persons subject to its direction and supervision, or impose electoral sanctions against any participant in the electoral process. The NEC shall not be required, however, to attempt to enforce the statutory sanctions for an electoral offense itself, or to recommend enforcement by other government authorities with jurisdiction over such matters; although it may in appropriate cases refer its findings and conclusions to such authorities for further action.

#### **Part IV: Complaints; Procedures**

##### **Section 9. Submission of Complaint**

- 9.1 Every complaint must be submitted to the NEC in writing, on the form (if any) prescribed by the NEC, by or on behalf of 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 has been issued.
- 9.2 A separate written submission concerning each complaint must be separately prepared for each incident complained of, except where a series of related incidents are the subject of complaint, 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.
- 9.3 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 political party, by an authorized representative of the party; and if by a registered candidate, by the candidate or an authorized representative of the candidate.
- 9.4 Where a complaint concerns an action or decision of the NEC itself, then the complaint shall be submitted within seventy-two (72) hours of the time that action or decision (or omission, if the complaint involves an omission) has been commenced or taken. If a complaint concerns an action of an electoral official acting under the direction and supervision of the NEC, then the complaint must be submitted within five (5) days of the action in question, provided the complaint is not filed later than the fifth (5<sup>th</sup>) day after the voting.
- 9.5 If a complaint brought by a political party concerns a breach of the Liberia Political Parties' Code of Conduct (2005) alleged to have been committed by another political party, the complainant party shall accompany its submission with proof that it has reported the breach in question to the alleged offending political party and has sought to settle the dispute amicably, in accordance with Article VII.1 of the Code.

##### **Section 10. Consideration of Complaint**



- 10.1 Complaints that are accepted by the NEC for consideration during the electoral process, shall be resolved within seven (7) days. The NEC shall accept the complaint or reject it in whole or part, 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 of that fact within three (3) days, and the hearing shall be scheduled no later than five (5) days after receipt of the complaint.
- 10.2 Following a hearing on a complaint, the NEC shall render its decision within three (3) days, accepting the complaint or rejecting it in whole or part, and ordering whatever remedial action is appropriate.
- 10.3 Where a complaint submitted by a political party concerns a breach of the Liberia Political Parties' Code of Conduct (2005) alleged to have been committed by another political party, and the complaint has not been amicably resolved by those parties, the Inter-Party Consultative Committee (IPCC) formed under that Code will then reprimand the party in the wrong. The dissatisfied party may appeal to the NEC which shall, within three (3) additional days make a determination. Any party not satisfied with the NEC's decision may take an appeal to the Supreme Court of Liberia.
- 10.4 To facilitate consideration or resolution of a complaint, the NEC may appoint one or more of its members as conciliator(s). In that case, the timelines contained in the preceding subsection shall apply *mutatis mutandis*, with the conciliator(s) standing in place of the IPCC.

## **Part 5 – Appeals**

### **Section 11. Notification of NEC**

- 11.1 A complainant whose complaint is rejected in whole or part by the NEC may appeal to the Supreme Court of Liberia. Before doing so, the complainant must notify the NEC of his intention to pursue a judicial appeal by delivering a written notice of appeal to the NEC three (3) days before submitting a petition on such matter to the Court.
- 11.2 If the NEC does not respond in writing to the complainant before the end of the three (3) day notice period, the complainant may proceed to the Court. If, however, in response to a complainant's notice of appeal the NEC indicates that it is prepared to review its decision on his complaint, the NEC shall have an additional three (3) days to communicate in writing its further decision based on that review.

- 11.3 In the case of an appeal from a decision of the NEC regarding a contested election, in accordance with the statute, the appeal must be filed with the Supreme Court no later than seven (7) days after the final determination of the NEC.
- 11.4 If upon review, the NEC fails to accept any part or all of the complaint in question, then the complainant may after two (2) additional days, submit an appeal to the Supreme Court regarding that part of the complaint which was not accepted.

## **Part VI – National and International Review**

### **Section 12. Judicial and International Action**

- 12.1 The NEC notes that judicial appeals during the electoral process have the potential to delay or disrupt the process, potentially leading to noncompliance with the requirements for elections under the CPA, the Liberian Constitution, or the election statutes; wastage of the considerable resources that have been expended on the elections; and even potential threats to peace and political order. If such appeals are permitted, they should be considered expeditiously, and whatever orders may result should be capable of efficient application and implementation before the elections occur.
- 12.2 Where at any time the NEC finds that actions of other institutions of the NTGL create a dispute involving the application or interpretation of the election-related provisions of the CPA with respect to the current electoral process, it reserves the power, as an independent commission with primary authority over the electoral process, to request mediation by any or all of those parties named in CPA Article XXXVI, to settle the dispute, as described therein.



Republic of Liberia  
**National Elections Commission (NEC)**



### COMPLAINT FORM

1. I, \_\_\_\_\_,  
Given Names Family Name

hereby declare that I am a citizen of Liberia filing a complaint alleging the election offense described below. Under penalty of perjury I do solemnly swear to be personally acquainted with the facts I allege and will make myself available for any hearing this Commission may deem necessary to dispose of this case. I also understand that all allegations made under this form must be supported with documents or other evidence to the full satisfaction of the law.

2. **Particulars of Complainant:**

- Address \_\_\_\_\_
- Telephone Number (if any) \_\_\_\_\_
- Birth date 

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(dd/mm/yy)

3. **This complaint is brought against?** (please name the association or individual complained against)

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4. **Particulars of association or individual complained against:**

- Address \_\_\_\_\_
- Telephone Number (if any) \_\_\_\_\_

5. **Offense Alleged (check only one):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Malfeasance                     | <input type="checkbox"/> Failure to obey poll worker | <input type="checkbox"/> Abusive/ profane language       |
| <input type="checkbox"/> Fraudulent registration         | <input type="checkbox"/> Multiple Voting             | <input type="checkbox"/> Re-entry into polling place     |
| <input type="checkbox"/> Unlawful disclosure             | <input type="checkbox"/> False statements re: claims | <input type="checkbox"/> Election day campaigning        |
| <input type="checkbox"/> Destruction of ballot box/paper | <input type="checkbox"/> Anonymous publications      | <input type="checkbox"/> Stirring unrest/rebellion       |
| <input type="checkbox"/> Unauthorized election expenses  | <input type="checkbox"/> Influencing voters          | <input type="checkbox"/> False statements re: objections |
| <input type="checkbox"/> Restricting travel              | <input type="checkbox"/> Ballot paper fraud          | <input type="checkbox"/> Other (provide details)         |

6. **Please describe the facts that form the basis of this complaint:**

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*\*Note: This form is for complaints by Liberian Citizens alleging election offenses enumerated in the attached document. All allegations that personally name NEC officials or that seek to contest an election must be by a Bill of Exceptions in the ordinary constitutional manner.*

7. I swear/affirm, under penalty of perjury, that all of the information contained in this complaint and provided by me in connection with this complaint is true.

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name and Title of NEC official

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*DO NOT WRITE BELOW\* FOR OFFICIAL USE BY NEC OFFICIALS ONLY\* DO NOT WRITE BELOW**

**NEC DECISION**

Brought before NEC on: \_\_\_\_\_  
Date: dd/mm/yyyy

Decision made on: \_\_\_\_\_  
Date: dd/mm/yyyy

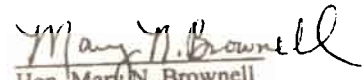
Notification to Complainant \_\_\_\_\_

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

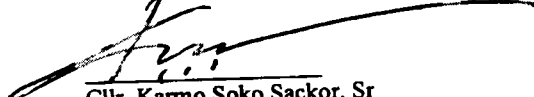
\_\_\_\_\_  
Signature of NEC Official Date: dd/mm/yyyy

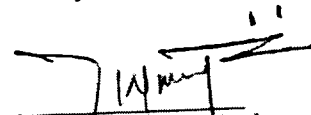
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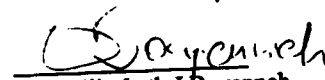
**DONE UNDER OUR HANDS AND SEAL OF THE NATIONAL ELECTIONS  
COMMISSION (NEC) THIS 20<sup>TH</sup> DAY OF July A.D. 2005**

  
Hon. Mary N. Brownell  
COMMISSIONER


  
Hon. James K. Chelley, Sr  
COMMISSIONER

  
Cllr. Karmo Soko Sackor, Sr  
COMMISSIONER

  
Hon. Jonathan K. Weedor  
COMMISSIONER

  
Cllr. Elizabeth J. Boyenneh  
COMMISSIONER

  
Hon. James M. Fromayan  
Co-CHAIRMAN

  
Cllr. Frances Johnson-Morris  
CHAIRMAN

**AMENDMENTS TO REGULATIONS ON**

**COMPLAINTS AND APPEALS , SEPTEMBER 22 , 2005**

WHEREAS , Sections 2. 9 (a) and (h) of the 1986 Elections Law empower the Commission to administer and enforce all laws relative to the conduct of elections and to formulate and enforce electoral guidelines , respectively ;

WHEREAS , internal elections standards provide that election contestants and citizens may complain and appeal violations of the election process ;

WHEREAS , Article 65 of the January 6, 1986 Constitution of the Republic of Liberia provides for administrative consideration before a review by a court of competent jurisdiction ;

WHEREAS , the National Elections Commission desires to ensure that international election standards are applied by approving regulations for complaints and appeals pertaining to matters under its jurisdiction related to the election process , and to amend such regulations when necessary to avoid confusion and uncertainty , and to ensure compliance with international standards ;

**NOW THEREFORE :**

**The National Elections Commission hereby promulgates the following amendments pertaining to the Regulations on Complaints and Appeals , 20 July 2005 .**

## **Section 6 : Exceptions**

**Section 6. 4** is hereby amended to read as follows :

Complaints about incidents that are alleged to have occurred during the voting or counting of votes , must also be entered into the log book of the relevant polling station , **and** be submitted in writing to the relevant county electoral magistrate within twenty-four (24) hours after the occurrence of the event which forms the basis of the exception .

## **Section 9 : Submission of Complaint**

This Section is hereby amended by the insertion of the following new sub-sections :

### **Section 9. 1 (a)**

A complaint shall be submitted not later than three (3) days after the occurrence of the event complained of .

### **Section 9. 1 (b)**

For the purpose of giving notice to the NEC as required by this section , NEC shall include its representatives in the counties .

## **Section 10 : Consideration of Complaint**

Section 10 . 1 is hereby amended to read as follows :

Complaints that are accepted by the NEC for consideration during the electoral 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 of that fact within three (3) days , and the hearing shall be scheduled no later than five (5) days **after notice has been given to the complainant and any other directly affected party**. The NEC shall either accept the complaint or reject it in whole or in part .