

ACT

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THE POLITICAL PARTIES ACT, 2022

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SIGNED this 19th day of December, 2022.

DR. JULIUS MAADA BIO,
President.

LS

No. 25



2022

Sierra Leone

THE POLITICAL PARTIES ACT, 2022

Short title.

Being an Act to provide for the continuation of the Political Parties Registration Commission as the Political Parties Regulation Commission, to provide for the regulation, including the registration of political parties in accordance with sections 34 and 35 of the Constitution and to provide for related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. **1.** In this Act, unless the context otherwise requires -

"campaign finance" means monies used by a party or a candidate to fund campaign;

"coalition" means a temporary alliance for combined action among political parties;

"Commission" means the Political Parties Regulation Commission referred to in sub-section (1) of section 34 of the Constitution;

"Executive Secretary" means the Executive Secretary referred to under section 14;

"executive member" in relation to an association or a political party, means the National Chairman, the Leader, the General Secretary or equivalent designation, the National Treasurer or any other member of the executive committee or other executive organ of that association or political party;

"founding member" means a person who has contributed or formally offered to contribute either in cash or in kind to the initial assets of a political party in its first year of existence;

"gross misconduct" means conduct that is likely to bring the Commission into disrepute;

"hate speech" means a communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor;

"merger" means where 2 or more political parties consolidate their operations and combine all officers, structure and other functions of the political parties;

"non-citizen" means person who is not a citizen of Sierra Leone;

"political finance" means the process of accountability by political parties and their official to the public and their membership on the sources and applicability of its funds;

"political party" means an association registered as a political party under section 21 and includes its candidates;

"private funding " means funds raised by political parties through private sources like registration fees, contributions, donations and or proceeds from investments;

"public elections "means presidential, parliamentary or local council elections;

"public officer" as defined in the Constitution of Sierra Leone (Act No. 6 of 1991);

"symbol" includes any mark, character or thing or any representation thereof adopted by a political party as representing any of its ideals.

Application.

2. This Act shall apply to -

- (a) political parties registered under this Act; and
- (b) Independent candidates contesting Parliamentary or local council elections.

PART II - THE POLITICAL PARTIES REGULATION COMMISSION

Continuation of Commission.

3. (1) There shall continue in existence, the body known as the Political Parties Registration Commission as the Political Parties Regulation Commission.

(2) The Commission shall be a body corporate having perpetual succession, a common seal, and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman or other member of the Commission authorised, either generally or specially, by the Commission for that purpose; and
- (b) the Executive Secretary or some other person authorised by the Commission in that behalf.

(4) A document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone.

4. (1) The Commission shall consist of-

Composition of Commission.

- (a) a Chairman;
- (b) the Chief Electoral Commissioner;
- (c) a legal practitioner nominated by the Sierra Leone Bar Association;
- (d) a member nominated by the Sierra Leone Labour Congress; and
- (e) a member nominated by the Institute of Chartered Accountants of Sierra Leone.

(2) The Executive Secretary shall be the secretary to the Commission.

(3) The Chairman shall be a person who is qualified to be appointed a Judge of the Superior Court of Judicature, appointed by the President, in consultation with registered political parties, subject to the approval of Parliament.

5. (1) A member of the Commission, save the Chief Electoral Commissioner, shall hold office for a period of 5 years and shall be eligible for re-appointment for further term of 5 years only.

Tenure of members of Commission.

(2) A person shall cease to be a member of the Commission on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for gross misconduct;

- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Commission without reasonable cause; or
- (f) if he resigns his office by written notice to the President.

(3) A member of the Commission, except the Chief Electoral Commissioner, shall, before assuming the functions of his office, subscribe to the oath, set out in the First Schedule, before the President.

Meetings of
Commission.

6. (1) The Commission shall meet for the dispatch of its functions at such time and place as the Chairman may determine.

(2) The Chairman shall preside at all meetings of the Commission and in his absence, a member elected by the members present, from among their number, shall preside.

(3) The quorum for a meeting of the Commission shall be 3.

(4) All acts, matters or things authorised or required to be done by the Commission shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(5) A member shall have one vote but where there is an equality of votes, the Chairman or other member presiding shall have a casting vote.

(6) A proposal circulated among all members and agreed to in writing by a majority of the members shall be of the same force or effect as a decision made at a duly constituted meeting of the

Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission, save that where a member requires that the proposal be placed before a meeting of the Commission, this subsection shall not apply to that proposal.

(7). Subject to this Act, the Commission shall regulate the procedure at its meetings.

7. (1) A member of the Commission who has an interest, whether direct or indirect, in a matter being considered by the Commission, shall disclose the nature of his interest to the Commission and the disclosure shall be recorded in the minutes of the Commission and such member shall not take part in any deliberation or decision of the Commission relating to that matter. Disclosure of interest.

(2) A member of the Commission who contravenes subsection (1) is guilty of misconduct and shall be removed from the Commission.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Commission or member of a committee of the Commission for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members.

(2) A member of the Commission shall not be personally liable for any debt or obligation of the Commission.

9. The Chairman and other members of the Commission shall be paid such remuneration and allowances as Parliament may approve but a payment shall not be altered to the detriment of the Chairman or any other member of the Commission. Remuneration, allowances of members.

10. (1) Where the Chairman or a member of the Commission dies, resigns, is removed from office or is absent for a continuous period exceeding 3 sittings or is, by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of - Filing of vacancies

- (a) the Chairman, the members of the Commission shall, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, to have another person appointed to the Commission.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Chairman,
members and
staff of
Commission
not to be
member of
political
party.

11. The Chairman, other members and staff of the Commission shall not belong to a political party and shall cease to hold office of a political party when he becomes a member of the Commission.

PART III - FUNCTIONS OF COMMISSION

Functions of
Commission.

12. (1) The object for which the Commission is established is for the regulation, including registration, of political parties.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission to -

- (a) regulate, supervise and monitor the affairs or conduct of political parties so as to ensure their compliance with the Constitution and this Act;
- (b) monitor compliance of political parties with the terms and conditions of their registration;
- (c) monitor the accountability of political parties to their membership and to the electorate of Sierra Leone;

- (d) promote political pluralism and the spirit of constitutionalism among political parties;
- (e) mediate conflict or dispute within a political party and between or amongst political parties; and
- (f) do all other things to contribute to the attainment of the object stated in subsection (1).

(3) In the performance of its functions, the Commission shall have regard to -

- (a) budgetary constraints in relation to the payment of emoluments and remunerations;
- (b) the productivity and performance of public officers and employees;
- (c) the need to attract and retain skilled and qualified persons in public offices; and
- (d) equity, transparency and fairness.

13. The Commission shall, in the performance of its functions, not be subject to the direction or control of any person or authority except, as otherwise provided in the Constitution and this Act. Independence of Commission.

PART IV-ADMINISTRATIVE PROVISIONS

14. (1) The Commission shall have an Executive Secretary who shall be the administrative head of the Commission and shall be responsible to the Commission for the performance of the day-to-day administration of the affairs of the Commission. Executive Secretary.

(2) Without prejudice to the generality of subsection (1) it shall be the responsibility of the Executive Secretary to -

- (a) receive and process registration applications of political parties for the consideration and decision of the Commission;
- (b) verify particulars of political parties in registration applications and asset declarations under this Act;
- (c) record and keep minutes of meetings of the Commission;
- (d) supervise and discipline other staff of the Commission; and
- (e) perform such other duties as may be assigned to him by the Commission.

Other staff
of
Commission.

15. (1) The Commission shall have such other staff as may be required for the efficient discharge of the functions of the Commission under this Act.

(2) The Commission may engage the services of such consultants or advisers as it considers necessary for the efficient discharge of its functions under this Act.

Secondment
of public
officers.

16. Public officers may at the instance of the Commission, be seconded or otherwise render assistance to the Commission but the Commission may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Commission.

PART V - FINANCIAL PROVISIONS

17. (1) The activities of the Commission shall be financed by funds consisting of - Funds of Commission.

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) monies given to the Commission by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Commission;
- (c) all other monies which may, from time to time, accrue to the Commission.

(2) The funds of the Commission shall be applied only for the purposes of the approved budget of the Commission.

18. (1) The Commission shall keep proper books of account and other records in relation to the activities, property and finances of the Commission in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Commission a financial statement which shall include - Accounts and audit of Commission.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Commission kept under subsection (1) shall, not later than 3 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Commission shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Commission.

(5) The Auditor-General or the auditor appointed by him shall submit to the Commission a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Commission; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Commission.

Financial
year of the
Commission.

19. The financial year of the Commission shall be the same as the financial year of the Government.

Annual
report.

20. (1) The Commission shall, within 3 months after the end of the financial year, submit to the President a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 18 and the report of the audit thereon.

(3) Copies of the annual report shall be laid before Parliament within 3 months of its submission to the President.

(4) The Commission shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI—REGISTRATION OF POLITICAL PARTIES

21. An association of persons formed to -

- (a) participate in shaping the political will of the populace;
- (b) disseminate information on political ideas, social and economic programmes of a national character; or
- (c) sponsor candidates for Presidential, Parliamentary or Local Government elections,

Registration
of political
party.

that wish to function as a political party, shall apply to the Commission to be registered as a political party.

22. (1) An association under section 21 which wish to be registered as a political party shall submit an application for registration to the Commission accompanied by -

Application
for
registration.

- (a) 3 copies of the Constitution and rules of the proposed political party, duly signed by the interim national Chairman or leader and by the interim national or General Secretary of the association, stating-
 - (i) the name of the proposed political party;

-
- (ii) the aims, objectives, purposes and programmes of the proposed political party, which shall not be inconsistent with the Constitution; and
 - (iii) the internal organisation of the proposed political party, which shall reflect principles of democracy, including provision for free and fair election, at regular intervals, of the leadership of the proposed political party;
- (b) the registered office address of the proposed political party in -
- (i) Freetown; and
 - (ii) each of the provincial headquarters-towns, owned or leased for at least 5 years, by the association for the purposes of the proposed political party; and
- (c) the names of persons who are authorised to receive or issue notices and correspondence on behalf of the proposed political party;
 - (d) an abbreviation of the name of the proposed political party, if any, which may be used on ballot papers and a full description of its symbol, colour and motto;
 - (e) proof of evidence of membership of at least 50 members in each electoral district;
 - (f) such other particulars of the matters stated in paragraphs (a) to (c) as may be prescribed; and

- (g) a non-refundable application fee, calculated at the current minimum wage and multiplied by 12, to be used by the Commission in processing the application.

(2) The Commission shall, upon receipt of an application for the registration of a political party under subsection (1), -

- (a) issue the association with a receipt of payment of the application fee; and
- (b) cause a notice of application to be published in the Gazette not later than 7 days of the receipt of the application.

(3) The Commission shall, if satisfied that the provisions of the Constitution and this Act, including payment of the registration fee, calculated at minimum wage x 12 x 5 has been complied with, -

- (a) register an association as a political party at the expiration of 30 days after publication of the notice of application;
- (b) subject to section 23, issue to that association a certificate of registration.

(4) An applicant for the registration of a political party shall not organise or hold a public meeting unless it has been issued with certificate of registration by the Commission under subsection (3).

(5) The Executive Secretary shall transmit to the Administrator and Registrar-General a copy of the application together with the supporting documents provided under subsection (1) for registration and safekeeping.

Invitation
for objection.

23. (1) A notice of an application under paragraph (b) of subsection (2) of section 22 shall invite objection from the public on issues relating to the constitution, name, aims, objectives, purposes, rules, symbols, colour or motto of the proposed political party.

(2) Where the Commission receives an objection under subsection (1), not later than 30 days after the date of the publication of the notice of application, it shall enquire into the objection within 14 days.

(3) Where the Commission upholds an objection under subsection (1), it shall not register the association as a political party.

political party
shall be body
corporate.

24. (1) A political party registered under this Act shall be body corporate having perpetual succession and shall be capable of -

- (a) acquiring, holding and disposing of movable and immovable property;
- (b) suing and being sued in their corporate names; and
- (c) performing all such acts as bodies corporate may by law perform.

(2) A political party shall have a seal, the use of which shall be authenticated by the signature of -

- (a) the Chairman or the National Secretary General;
- (b) a member of the national executive and any other officer of the party authorised either generally or specifically by the Chairman, in that behalf.

25. (1). Where a political party registered under section 22 intends to alteration of alter -

Notification of alteration of particulars of political party.

- (a) its Constitution;
- (b) its rules or regulations;
- (c) the name or address of a founding member;
- (d) the title, name or address of an office holder;
- (e) its name, symbol, colour, or motto,

it shall notify the Commission of its intention and the Commission shall, within 14 days after the receipt of the notification, publish the intended alteration in the Gazette and invite objection to anything contained in the intended alteration.

(2) An alteration of the particulars of a political party, under subsection (1), shall come into effect-

- (a) if no objection is made to the alteration, one month after the publication by the Commission of the Gazette referred to in subsection (1); and
- (b) in any other case, at a time that the Commission may determine.

26. (1) Without prejudice to other penalties prescribed by this Act or any other enactment, the Commission shall cancel the registration of a political party where it is satisfied that -

Cancellation of registration.

- (a) has contravened a provision of the Constitution or this Act;

-
- (b) the name, symbol, colour or motto of a party has exclusive or particular significance or connotation to members of a particular tribe, ethnic group or religious faith;
 - (c) a party is formed for the sole purpose of securing or advancing the interests and welfare of a particular tribe, ethnic group, community, geographical area or religious faith; or
 - (d) the party does not have a registered office in the Western Area and in each of the Provincial Headquarter town;
 - (e) membership or leadership of the party is restricted to members of a particular tribe, ethnic group or religious faith;
 - (f) obtained its registration in a fraudulent manner;
 - (g) is in breach of its own Constitution;
 - (h) submits a statement to the Commission, that is false in a material particular, including a declaration made under section 36 or 37;

(2) The Commission shall, prior to cancellation of the registration of a political party, inform the political party in writing, of the intention to cancel the registration and direct the political party to, within 90 days, remedy the breach or comply with this Act.

(3) Upon cancellation of the registration of a political party, the political party may, not later than 10 days after cancellation of its registration, appeal to the Commission in writing, to reconsider its decision.

(4) The Commission shall give its decision on the appeal not later than 14 days of the filing of the appeal.

(5) Where a political party is dissatisfied with a decision of the Commission under subsection (4), it may appeal against the decision to the Supreme Court.

(6) The Supreme Court shall give its decision on the appeal under subsection (5) within 30 days of the hearing of the appeal.

(7) On an appeal, the Supreme Court may confirm or reverse the Commission's decision to cancel the registration of a political party or make any other order it may think fit.

27. (1) Where the registration of a political party is cancelled under this Act or by virtue of decisions taken under any other enactment, a person shall not -

Effects of
cancellation.

- (a) summon a meeting of members or officers of the political party;
- (b) attend or make another person attend a meeting in the capacity of a member or officer of the political party;
- (c) publish a notice or advertisement relating to a meeting of the political party;
- (d) invite persons to support the political party;

- (e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or on behalf of the political party, or accept a contribution or loan for or on behalf of the political party; or
- (f) give a guarantee in respect of any funds referred to in paragraph (e).

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than Nle. 20,000.00 or to a term of imprisonment not less than 5 years.

Prohibition of certain symbols, names, etc.

28. An association shall not submit to the Commission, for the purposes of an application under section 22, a symbol which, in the opinion of the Commission, is obscene, or a name, symbol, colour, or motto which is the same which so closely resembles or which so closely resembles the name, colour or motto of -

- (a) an existing political party; or
- (b) the Republic of Sierra Leone, that is likely to deceive the members of the public.

Qualification of leader founding or executive member of political party.

29. (1) A person shall not be qualified to be a founding member, a leader or a national executive member of a political party under this Act unless he is qualified to be elected as a Member of Parliament under the Constitution.

(2) The payment by a person of a fee or dues required for the membership of a political party shall not, by itself, make such person a founding member, notwithstanding that it is made during the first year of the party's existence.

Power of Commission not to register.

30. Pursuant to subsection (5) of section 35 of the Constitution, the Commission shall not register an association as a political party if the Commission is satisfied that -

-
- (a) the membership or leadership of the association-
- (i) is restricted to members of a particular tribe, ethnic group or religious faith; or
 - (ii) includes a non-citizen or a person prohibited from membership or leadership of a political party under the Constitution or this Act;
- (b) the name, symbol, colour or motto of the association has exclusive or particular significance or connotation to members of a particular tribe, ethnic group or religious faith;
- (c) the association is formed for the sole purpose of securing or advancing the interests and welfare of a particular tribe, ethnic group, community, geographical area or religious faith;
- (d) the association does not have a registered office in the Western Area and in each of the provincial Headquarters' town; or
- (e) the association has contravened a provision of the Constitution or this Act relating to the application or registration of a political party.

31. (1) An association aggrieved by a decision of the Commission refusing its application shall, apply to the Commission to reconsider its decision not to register the association as a political party.

Appeal against
refusal of
registration.

(2) Subject to subsection (1) if the Commission refuses to reconsider its decision within 7 days of the application, the association may appeal to the Supreme Court and its decision shall be given within 30 days of the assignment of the appeal.

Mergers,
and other
reconstitutions
of political
parties.

32. (1) A number of political parties may, by written agreement, come together to form a single association or a merger.

(2) Where as a result of an agreement to form a single association or a merger under subsection (1) -

- (a) a new association comes into being, the association shall seek fresh registration and the provisions of Part III shall apply mutatis mutandis;
- (b) the single association retains or is to retain substantially the name, colour, motto and other symbols of identification of one of the constituent political parties, that single association shall continue in existence as a political party by the name, colour, motto and other symbols or identification before the agreement, and the political parties or party absorbed in the agreement shall cease to exist; and
- (c) a merger is formed, the political parties involved shall continue to exist in their individual capacities.

(3) Unless otherwise provided in an agreement under subsection (1), the property, assets, rights and liabilities of a political party which ceases to exist after an agreement shall vest in the political party which comes into existence after the agreement.

(4) Where a group of members of a political party breaks away from that political party to form a new association, such new association shall seek fresh registration to function as a political party.

33. (1) A political party shall maintain at its head or national office an accurate and permanent record of the following -

Records to be maintained at party offices.

- (a) a list of its membership, including the founding members and executive members thereof;
- (b) any contribution whether in cash or in kind, made by the founding members of the political party;
- (c) a statement of its accounts, showing the sources of funds and the name of any person who has contributed to the funds, membership dues paid, donations in cash or in kind and all the financial transactions of the political party which are conducted through, by or with the head or national office of the party;
- (d) any property that belongs to the political party and the time and mode of acquisition of the property; and
- (e) such other particulars as the Commission may reasonably require with respect to the matters referred to in paragraphs (a) to (d).

(2) A political party shall maintain at each of its provincial offices an accurate and permanent record in relation to the requirements under subsection (1) of the matters relating to that province.

(3) The accounts of every political party shall be audited following standard audit procedure not later than 3 months after the end of each year by an auditor referred to in subsection (3) of section 18 and a copy of the audited accounts shall be filed by the political party with the Commission within the period of three months referred to in this subsection.

(4) A member of a political party and also, every member of the public, shall inspect, upon payment of a fee prescribed by the Commission, to inspect at the offices of the Commission or to be given copies of the audited accounts of a political party filed with the Commission under this section.

(5) Where the Commission feels dissatisfied with the audited accounts of a political party, it shall notify the Auditor-General who shall take all necessary steps to resolve the dissatisfaction and shall inform the Commission accordingly.

Duty to
provide
information
required by
Commission.

34. (1) The Commission may request a political party or an officer of a political party, in writing, to furnish for inspection by the Commission, records required to be maintained under section 33 or any other information that is reasonably required by the Commission to enable it ensure that this Act is complied with.

(2) The Commission may make copies of or take extracts from records or other information furnished to it under this section.

(3) A political party that is in contravention of a provision of this part shall be liable upon proof by the Commission to the following penalties in the sequence as set out hereunder -

(a) a written warning;

(b) a fine not exceeding Nle. 20,000.00

- (c) a suspension; or
- (d) deregistration.

PART VII - POLITICAL PARTY FUNDS AND ASSETS

35.
to -

(1) The source of funding a political party shall be limited Funding of
political
party

- (a) contributions or donations, whether in cash or kind, from persons who are entitled to be registered to vote in a Presidential or Parliamentary election in Sierra Leone;
- (b) contributions or donations from corporate bodies and other business houses;
- (c) proceeds from the sale of party products;
- (d) proceeds from investments; and
- (e) grants, gifts and donations.

(2) A political party shall make full and frank disclosure to the Commission of the sources, amount, purpose and the use of funds raised by it.

(3) A political party shall not transact or contract business with or accept financial aid or assistance, whether in kind or cash, from a proscribed group or persons funding such group.

(4) A political party that is in contravention of subsections (2) or (3) shall, upon proof by the Commission, be liable to a fine not less than Nle. 250,000.00 and forfeiture of funds received from a proscribed group or persons funding such group.

(5) A political party shall not use the State's resources, facilities or officials to run its day to day activities, campaigns and other electioneering exercises.

(6) A political party that contravenes subsection (7) shall be liable, upon proof by the Commission, to a fine not less than Nle. 20,000.00 and shall make restitution where necessary.

Declaration
of assets
accounts and
audit of
political
party.

36. (1) A political party shall, immediately after the issuance of its certificate of registration, submit a written declaration to the Commission, giving details of its assets and expenditure, including contributions, donations or pledges, whether in cash or in kind, made or to be made by its founding members in respect of the first year of its existence.

(2) A declaration submitted to the Commission under subsection (1) shall state the sources of funds and other assets of the political party and the particulars of the person or firm appointed by the political party as its auditor.

(3) For the purposes of subsection (2) an auditor shall be, in the case of -

(a) an individual, a member of the Chartered Institute of Accountants of Sierra Leone, not being a member of the political party; or

(b) a company or firm, under the supervision of a member of the Institute of Accountants of Sierra Leone.

(4) A political party shall submit to the Commission a declaration of the source of its income, assets and liabilities together with its audited accounts within 3 months after the end of the financial year.

(5) A declaration made by a political party under subsections (1) and (4) shall be signed by the National Treasurer and the Secretary General or his equivalent.

(6) The Commission shall, within 30 days after receipt of a declaration under subsections (1) and (4), publish the declaration in the Gazette.

37. (1) A political party shall submit a statement of its assets and liabilities to the Commission, within 21 days after the notification of the holding of a public election, excluding a bye-election which it intends to contest, in such form as the Commission may prescribe

Declaration of assets etc. in relation to elections.

(2) A political party shall, within 60 days after the declaration of the results of a public election, in which it has participated, submit to the Commission a single statement of all expenditure incurred either by the party or a candidate, specifying the manner in which the expenditure was incurred, in such a form as the Commission may prescribe.

(3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the National Treasurer and the Secretary General or his equivalent.

(4) Subsections (1), (2) and (3) shall, with the necessary modifications, apply to a person standing as an independent candidate in a public election.

38. A political party shall within 60 days after its first national and parliamentary elections held after issuance of its certificate of registration, furnish the Commission with evidence, satisfactory to the Commission, of -

Particulars of provincial offices and officers.

(a) the location of its national and provincial offices, clearly indicating -

- (i) the name of the street, road or avenue and area where the office is situated;
 - (ii) the type of ownership, whether leasehold or freehold or otherwise; and
 - (iii) the names and addresses and nationalities of the owners
- (b) the list of political party officers, both national and provincial.

PART VIII – CONDUCT OF POLITICAL PARTIES

Prohibited
conduct.

39. (1) A political party, including its members, supporters, candidates and operatives shall not be involved in -

- (a) violent conduct in party offices or activities, whether directly or indirectly;
- (b) the use of thugs;
- (c) the use of profane and obscene language or provocative songs against political opponents;
- (d) the use of incendiary and inciting statements, including hate speech against political opponents; and
- (e) the obstruction of the activities of political opponents including the destruction of campaign materials.

(2) A political party which contravenes subsection (1) is liable, upon proof by the Commission, to the penalties in the following order -

- (a) a written warning;
- (b) a fine not less than Nle 100,000. 00;
- (c) a suspension; and
- (d) de-registration.

(3) A penalty imposed by the Commission under subsection (2) shall not preclude a person who has suffered as a result of the conduct of a political party, including its members or supporters, to seek redress under any other law.

(4) A political party found liable by the commission, for any of the conducts proscribed in subsection (1) shall be at liberty to appeal against the decision of the commission to the High Court of Sierra Leone and such appeal shall be determined within 30 days from the date of its assignment.

(5) A political party shall not extend the tenure of any of its executives for more than 6 months.

40. (1) A political party, including its candidates, officials, members and supporters or an independent candidate, wishing to contest a public election shall be bound to observe the Code of Conduct prescribed in the Second Schedule.

Political
party bound
by
Code of
Conduct.

(2) Where a political party or an independent candidate contravenes subsection (1), the Commission -

- (a) shall endeavour to resolve the matter with the political party or independent candidate as the case may be;
- (b) may issue a warning to the party or candidate to desist from the contravention;

- (c) may impose a fine that it may determine on the political party or independent candidate; or
- (d) may disqualify the party or independent candidate from contesting the election.

(3) A political party or independent candidate aggrieved by a decision of the Commission under this section may appeal to the High Court.

PART IX - POLITICAL INCLUSION

30% quota for female candidates in electoral districts.

41. Political parties shall comply with the provisions of Section 58 of the Public Elections Act 2022.

30% quota for female candidates in executive positions.

42. A political party may have at least 30% placement for women in executive positions from ward to national level.

Persons with disability in executive positions.

43. A political party shall endeavour to make adequate provisions for persons with disability in executive positions from ward to national level.

Penalty.

44. A political party that contravenes a provision in this part is

- (a) liable to a fine of not less than N1e 25,000.00; or
- (b) disqualified from submitting nomination of a candidate for elections.

PART X—MISCELLANEOUS PROVISIONS

45. (1) The Commission may, by statutory instrument, make regulations as may appear to it to be necessary or expedient for giving effect to this Act. Regulations.

(2) Regulations made under subsection (1) may prescribe a fine not less than Nle. 15,000.00 or a term of imprisonment not exceeding 1 year for the contravention of any provision.

(3) The Commission may make regulations that provide for limits on campaign finance, the amount of contribution or donation to a political party and the disclosure of information that may limit the influence of money in the political process.

46. (1) The Political Parties Act, 2002 (Act No. 3 of 2002) is hereby repealed. Repeal and savings.

(2) Notwithstanding subsection (1), any rules, regulations, orders, notices, prescriptions and other instruments or directives issued under the repealed Act and in existence immediately before the commencement of this Act shall continue in operation until their expiration or until their express repeal or revocation.

(3) All investigations, prosecutions and other legal proceedings instituted or commenced under the repealed Act and which have not been concluded before the commencement of this Act, shall be continued and concluded in all respects as if that Act had not been repealed.

(4) A political party registered by the Commission in accordance with any enactment in force immediately before the coming into operation of this Act shall be deemed to have been duly registered under this Act.

SCHEDULES**FIRST SCHEDULE****OATH**

" I do hereby (in the Name of God swear (solemnly affirm) that I will faithfully and truly discharge the duties of the office of the Republic of Sierra Leone and that I will support, uphold and maintain the Constitution of Sierra Leone (as by law established (So help me God))"

SECOND SCHEDULE**CODE OF CONDUCT****Promotion of Code of Conduct**

1. Political parties, their members and supporters and all independent candidates and their supporters shall promote this Code of Conduct, publicise it in their election campaigns and post a copy of it in a prominent place in their offices.

Compliance with Code of Conduct

2. Political parties, their members and supporters and all independent candidates and their supporters shall -

- (a) instruct all their members, supporter and officials to comply with the Code of Conduct;
- (b) take all reasonable steps to ensure that, all their members, supporters and officials comply with the Code of Conduct in full;

-
- (c) make an oath or affirmation on the nomination form that they will abide by this Code of Conduct as the basis for acceptance to participate in public elections.

Political parties and independent candidates to affirm rights

3. A political party or candidate shall publicly state that every political party has the right within the limits of the law to -

- (a) freely express their political beliefs and opinions;
- (b) challenge and debate the political beliefs and opinions of others and offer alternatives to those beliefs and opinions;
- (c) publish, distribute and post campaign materials and advertisements;
- (d) erect banners, billboards, placards and posters;
- (e) canvass support for a political party or candidates;
- (f) recruit members for a political party or campaign;
- (g) hold public meetings and rallies; and
- (h) travel and attend public meetings and rallies.

Cooperation with the Media

4. (1) A political party or independent candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

(2) A political party or independent candidate shall -

- (a) ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting, and;
- (b) if such orders exist, they shall be followed strictly;
- (c) if an exemption is required from such orders it shall be applied for and obtained, well in time.

(3) Organisers of a political meeting shall seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder.

(4) Organisers themselves shall not take action against such persons.

(5) Parties shall denounce violence and cooperate with the law-enforcing agencies in the recovery of weapons of violence and the arrest of persons in possession of weapons of violence.

Prohibited conduct

5. (1) A political party or independent candidate shall not do any of the following -

- (a) use language or act or behave in any way, that may provoke or promote violence during the campaign or intimidation of candidates, members of parties, representatives or supporters of political parties, candidates or voters;
- (b) deface or unlawfully remove or destroy the posters, placards, billboards, or any other election material of a political party or candidate;
- (c) aid, abet, tolerate; or promote intimidation in any form. All parties and independent candidates shall, in their manuals and instruction-s to members and supporters reinforce this prohibition;
- (d) tolerate any kind of violent activity to demonstrate political party strength or prove supremacy;
- (e) publish false or defamatory allegation in connection with an election in respect of -
 - (i) a party, its candidates, representatives or members, or
 - (ii) a candidate or that candidate's representatives;

- (f) plagiarise the symbols, colours, acronyms or publications of other registered parties;
- (g) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political activity.

Freedom of access

6. Political parties shall ensure freedom of access of all other Political Parties and candidates to all potential voters on public or private property and ensure that potential voters wishing to participate in political activities are free to do so

Cooperation with the Commission

7. (1) A political party and independent candidate shall recognise -
- (a) the authority of the Electoral Commission in the conduct of public elections;
 - (b) the duty of the Electoral Commission to take measures to ensure that the elections are conducted under conditions of complete freedom and fairness in accordance with the Public

The Public Elections Act, 2022.

(2) In furtherance of the provisions of the Public Elections Act, 2022 and of this Code of Conduct, every political party and independent candidate shall

-
- (a) give effect to any lawful direction, instruction, or order of the Electoral Commission, or an authorised member, employee or officer of the Commission or any of them;
 - (b) facilitate the access of members, employees and officers of the Commission, to public meetings, demonstrations and rallies of that party or candidate;
 - (c) co-operate in any investigation of the Commission;
 - (d) take reasonable steps to ensure the safety of members, employees and officers of the Commission in the exercise of any power or performance of any duty under this Act and ensure that representatives of political parties and independent candidates attend meetings or other forum convened by the Commission.

Corporation with the media

8. Under media guidelines, every political parties and every independent candidate shall -

- (a) recognise the role of the media before, during and after the elections;
- (b) not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
- (c) take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazards, threats or physical assault by any of their representatives or supporters.

Intimidation and coercion

9. A party or an independent candidate shall not -

- (a) intimidate, a person before, during or after an public election; or
- (b) intimate a Paramount Chief or the subjects of a Paramount Chief or any other authority to deny a political party or independent candidate the right of access to a chieftom for political functions;
- (c) raise a private force or militia or use the police or Armed Forces to intimate its or his opponents so as to gain political or electoral advantage.

Communication

10. Every political party shall make every effort to maintain communications with other political parties. Safety, Independence, security of electoral officials, accredited observers, etc.

11. All political parties and candidates shall -

- (a) ensure the safety and security of electoral officials, party agents, accredited observers, ballot boxes and other materials before, during and after a public election;

- (b) respect and cooperate with any election official or & accredited observer in maintaining the secrecy of the voting.

Campaigning

12. A political party or an independent candidate shall not indulge in an activity which may create or aggravate tension between gender, ethnicity, language, class or religious faith.

Passed in Parliament this *24th day of November*, in the year of our Lord two thousand and Twenty Two.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.