

STATUTORY INSTRUMENT

Supplement to the Sierra Leone Extraordinary Gazette Vol. CXLXIII, No. 83

dated 16th November, 2022

THE CONSTITUTION OF SIERRA LEONE 1991
(ACT No. 6 of 1991)

THE PUBLIC ELECTIONS
(LOCAL COUNCILS PROPORTIONAL REPRESENTATION SYSTEM)
REGULATIONS, 2022.

Arrangement of Regulations.

PART I—PRELIMINARY

1. Interpretation.

PART II - CONDUCT OF LOCAL COUNCIL ELECTIONS BY PROPORTIONAL REPRESENTATION SYSTEM PART

2. Conduct of local council elections by Proportional Representation System.

III - ALLOCATION OF LOCAL COUNCIL SEATS.

3. Calculation of population quota.
4. Allocation of seats to localities.
5. Calculation of seats based on current seat allocation and 2021 population quota.

PART IV - CALCULATION OF MINIMUM THRESHOLD FOR APPORTIONING SEATS TO POLITICAL PARTIES AND INDEPENDENT CANDIDATES.

6. Calculation of minimum threshold for apportioning seats to political parties and independent candidates.

ii

7. Calculation of representational quotient.
8. Apportioning seats.

PART V - PROCEDURES FOR NOMINATION OF CANDIDATES.

9. Submission of party list of endorsed candidates to Commission.
10. Nomination of candidates for local councils.
11. Numbering of party list.
12. Payment of nomination fee.
13. Nomination of female candidates.
14. Objection procedures.
15. Manner of voting.
16. Death of candidate before polls.

SCHEDULE

STATUTORY INSTRUMENT No. 13 OF 2022

Published 16th November, 2022

THE CONSTITUTION OF SIERRA LEONE 1991
(ACT NO. 6 OF 1991)

THE PUBLIC ELECTIONS
(LOCAL COUNCILS PROPORTIONAL REPRESENTATION
SYSTEM) REGULATIONS, 2022.

In exercise of the powers conferred on it by section 33 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) and section 171 of the Public Elections Act, 2022 (Act No. 17 of 2022), the Electoral Commission hereby makes the following Regulations-

PART I-PRELIMINARY

1. In these Regulations unless the context otherwise Interpretation requires-

"Act" means the Public Elections Act, 2022 (Act No. 17 of 2022);

"aspirant" means a voter intending to stand as a candidate in a local council election;

"Commission" means the Electoral Commission established under section 32 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991);

"locality" means the administrative area of a local council and includes a district, town, city or metropolis;

"Proportional Representation System" means a voting system for electing representatives in localities;

"population quota" means the total population of Sierra Leone divided by the number of prescribed seats;

PART II - CONDUCT OF LOCAL COUNCIL ELECTIONS BY PROPORTIONAL REPRESENTATION SYSTEM

Conduct of local council elections by Proportional Representation System.

2. Subject to section 33 of the Constitution of Sierra Leone, 1991, local council elections shall be conducted by the Proportional Representation System.

PART III - ALLOCATION OF LOCAL COUNCIL SEATS.

Calculation of population quota.

3. The population quota for local council elections shall be calculated, by-

- (a) allocating 12 seats to every local council pursuant to subsection (3) of section 4 of the Local Government Act, 2004;
- (b) subtracting the number of seats allocated under paragraph (a) from the total number of seats constituting local councils as prescribed under paragraph (d) of subsection (2) of section 2 of the Local Government Act, 2004;
- (c) dividing the total population of Sierra Leone by the remaining number of local council seats subtracted under paragraph (b).

Allocation of seats to localities.

4. The allocation of seats to localities shall be by, -

- (a) dividing, the total population of each locality by the population quota resulting in representational quotient consisting of a whole number and a fractional remainder;

- (b) assigning to each locality, a number of seats equal to the whole number in the representational quotient;
- (c) adding all seats allocated on the basis of the whole numbers and subtracting this figure from the total number of seats to be allocated; and
- (d) ranking the fractional remainder of the representational quotient from highest to lowest and allocating the remaining seats (if any) of the fractional remainder, beginning with the highest remainder and continuing through the ranks until all of the seats have been allocated.

5. The allocation of local council seats shall be calculated,-

- (a) using -
 - (i) current local council seat allocation as specified in Table A; and
 - (ii) the population quota of the 2021 population and housing census based on the Highest Remainder Method as specified in Table B; and
- (b) the addition of, as specified in Table C.-
 - (i) the existing local council seat allocation to locality; and
 - (ii) the total seats allocated to each locality based on the 2021 population and housing census figures; and

Calculation of seats based on current seat allocation and 2021 population quota.

- (c) dividing the sum total in paragraph (b) by 2, to obtain the number of seats to be allocated to a locality; and where the answer is a decimal point of 0.5 or above, the number shall be rounded up to the nearest whole number as specified in Table C.

PART IV - CALCULATION OF MINIMUM THRESHOLD FOR APPORTIONING SEATS TO POLITICAL PARTIES AND INDEPENDENT CANDIDATES.

Calculation of minimum threshold.

6. (1) The basis for calculating the minimum threshold for apportioning seats to political parties and independent candidates under the Proportional Representation System shall be based on-

- (a) the total number of valid votes cast in a locality; and
- (b) the attainment of the minimum threshold of 4.5 %.

(2) The total number of valid votes cast in a locality under paragraph (a) of sub-regulation (1), shall be obtained by adding up the valid votes from all the polling stations in the district as illustrated in Table D in Schedule 1.

(3) A threshold under paragraph (b) of sub-regulation (1), shall be calculated by-

- (a) dividing-
 - (i) the total number of localities in Sierra Leone; by
 - (ii) the total number of Councillor seats prescribed under paragraph (d) of subsection (2) of Section 2 of the Local Government Act, 2004 (Act No. 4 of 2004); and

- (b) multiplying the quotient under paragraph (a) by 100 as illustrated in Schedule 2.

(4) A political party or independent candidate shall obtain at least the minimum threshold of 4.5 % to qualify to have a seat in a Council.

(5) The Commission shall, in apportioning seats to political parties and independent candidates in each locality as illustrated in Table D,-

- (a) divide the total number of valid votes that a political party or independent candidate obtains by the total number of locality valid votes; and
- (b) multiply the quotient of paragraph (a) by 100; and
- (c) add the product under paragraph (b) of each political party or independent candidate that meet the minimum threshold of 4.5 %, thereby eliminating the political party or independent candidate that does not meet the minimum threshold of 4.5 %.

7. The representational quotient for the apportioning of seats to political parties and independent candidates shall be calculated, by-

Calculation of representational quotient.

- (a) dividing the product under paragraph (b) of sub-regulation (3) of Regulation 5, of each political party or independent candidate that meet the threshold of 4.5 % by the aggregate under paragraph (c) of Regulation 3; and
- (b) multiply the quotient under paragraph (a) by the number of seats allocated to the locality.

Apportioning seats.

8. (1) Apportioning seats to political parties and independent candidates shall be by-

- (a) assigning to each political party and independent candidate, the number of seats equal to the whole number in the representational quotient;
- (b) aggregate the total number of seats assigned to each political party or independent candidate in paragraph (a); and
- (c) subtract the aggregate under paragraph (b), from the total number of seats allocated to that locality;
- (d) where there are seats remaining to be assigned after the subtraction in paragraph (c), such seats shall be assigned using the highest remainder of the representational quotient.

(2) Where the valid votes cast for an independent candidate result in that candidate winning more than one seat, the extra seat or seats shall be assigned in accordance with the highest remainder formula for apportioning seats to political parties or independent candidates.

PART V - PROCEDURES FOR NOMINATION OF CANDIDATES.

Submission of party list of endorsed candidates to Commission.

9. The number of candidates on a party list of endorsed candidates shall be not less than double the number of seats allocated to a locality.

Nomination of candidates for Council

10. Nomination of a candidate shall be, in the case of-

- (a) a candidate nominated by a political party, in accordance with section 60 of the Act and
- (b) an independent candidate in accordance with section 58 of the Act.

11. (1) A political party shall submit an endorsed list of candidates to the Commission showing the order of preference for assigning seats for local council elections. Numbering of party list.

(2) The Commission shall, from the endorsed list of candidates submitted under sub-regulation (1), assign the seats won top the olitical party in the locality.

12. A nomination fee required to be paid under subsection (6) of section 58 of the Act, shall be paid by political parties or candidate into such account or accounts as may be designated by the Commission. Payment of nomination fee.

13. Nomination of female candidates shall be in accordance with Section 58 of the Act. Nomination of female candidates.

14. Objection to the nomination of candidates shall be in accordance with Section 60 of the Act. Objection procedures.

15. Voting at an election under the proportional representation system shall be in favour of a political party or an independent candidate. Manner of voting.

16. (1) Where a candidate nominated in an electoral area dies before the poll has commenced, the District Returning Officer shall, upon being satisfied of the fact of the death, report the fact to the Commission. Death of candidate before polls.

(2) The death of a candidate under sub-regulation (1) shall not affect the conduct of the election.

SCHEDULE 1
TABLE A
CURRENT LOCAL COUNCIL SEAT ALLOCATION

No	Region	District	Name of Locality	Total Councillor Seats (not including Chair) 2017
1	Eastern	Kailahun	Kailahun District Council	29
2	Eastern	Kenema	Kenema District Council	25
3	Eastern	Kenema	Kenema City Council	18
4	Eastern	Kono	Kono City Council	24
5	Eastern	Kono	Koidu/New Sembehun City Council	15
6	Northern	Bombali	Bombali District Council	21
7	Northern	Bombali	Makeni City Council	16
8	Northern	Falaba	Falaba District Council	18
9	Northern	Koinadugu	Koinadugu District Council	18
10	Northern	Tonkolili	Tonkolili District Council	29
11	N/West	Kambia	Kambia District Council	23
12	N/West	Karene	Karene District Council	21
13	N/West	Port Loko	Port Loko City Council	13
14	N/West	Port Loko	Port Loko District Council	28
15	Southern	Bo	Bo District Council	25
16	Southern	Bo	Bo City Council	17
17	Southern	Bonthe	Bonthe District Council	18
15	Southern	Bonthe	Bonthe City Council	11
16	Southern	Moyamba	Moyamba District Council	22
17	Southern	Pujehun	Pujehun District Council	23
18	Western Area	Western Rural	W/Area Rural District Council	27
19	Western Area	Western Urban	Freetown City Council	48
			TOTALS	489

TABLE B
Total seats allocated to each locality based on the 2021 population and housing census figures

NO	REGION	DISTRICT	LOCALITY	Total Population 2002	Chair	Minimum Seat Allocation	Representational Quotient for additional allocation of seats	1st Distribution (whole number only)	Additional Seats based on highest Remainder	Total additional seats on the basis of population	Total councillor seats (not including Chair) 2022
1	EAST	KAILAHUN	KAILAHUN DISTRICT COUNCIL	550,435	1	11	18.010705	18		18	29
2	EAST	KENEMA	KENEMA CITY COUNCIL	255,110	1	11	8.34741787	8		8	19
3	EAST	KENEMA	KENEMA DISTRICT COUNCIL	517,362	1	11	16.9285281	16	1	17	28
4	EAST	KONO	KONO NEW SEMBEHUN CITY COUNCIL	196,418	1	11	6.42696533	6		6	17
5	EAST	KONO	KONO DISTRICT COUNCIL	424,285	1	11	13.8829689	13	1	14	25
6	NORTH	BOMBALI	MAKENI CITY COUNCIL	85,116	1	11	2.78506848	2	1	3	14
7	NORTH	BOMBALI	BOMBALI DISTRICT COUNCIL	302,120	1	11	9.88562537	9	1	10	21
8	NORTH	FALABA	FALABA DISTRICT COUNCIL	166,205	1	11	5.43837007	5	1	6	17
9	NORTH	KOINADUGU	KOINADUGU DISTRICT COUNCIL	206,133	1	11	6.74484845	6	1	7	18
10	NORTH	TONKOLILI	TONKOLILI DISTRICT COUNCIL	557,257	1	11	18.2339267	18		18	29
11	NORTH WEST	KAMABIA	KAMBIA DISTRICT COUNCIL	367,699	1	11	12.0314265	12		12	23
12	NORTH WEST	KARENE	KARENE DISTRICT COUNCIL	290,313	1	11	9.49929021	9	1	10	21
13	NORTH WEST	PORT LOKO	PORT LOKO CITY COUNCIL	40,804	1	11	1.33514186	1		1	12
14	NORTH WEST	PORT LOKO	PORT LOKO DISTRICT COUNCIL	487,234	1	11	15.9427141	15	1	16	27
15	SOUTH	BO	BO CITY COUNCIL	223,075	1	11	7.29920521	7		7	18
16	SOUTH	BO	BO DISTRICT COUNCIL	533,900	1	11	17.4696657	17	1	18	29
17	SOUTH	BONTHE	BONTHE MUNICIPAL COUNCIL	12,376	1	11	0.40495333	0		0	11
18	SOUTH	BONTHE	BONTHE DISTRICT COUNCIL	285,185	1	11	9.33149765	9		9	20
19	SOUTH	MOYAMBA	MOYAMBA DISTRICT COUNCIL	346,771	1	11	11.3466444	11		11	22

20	SOUTH	PUJEHUN	PUJEHUN DISTRICT COUNCIL	429,574	1	11	14.0560295	14		14	25
21	W/AREA	RURAL	WESTERN RURAL DISTRICT COUNCIL	662,156	1	11	21.6663119	21	1	22	33
22	W/AREA	URBAN	FREETOWN CITY COUNCIL	609,174	1	11	19.9326955	19	1	20	31
				7,548,702	22	242		236	11	247	489
Total Seats to be allocated				511							
Total Minimum Seats allocated 22+242				264							
Remaining Seats to be allocated 511 -264				247							
POPULATION QUOTA				30,562							

Table C
Allocation of seats based on average of current seats and 2021 census seat allocation

NO	DISTRICT	LOCALITY	Current seat allocation	Seat Allocated base on 2021 Census figure	Total	Average
1	KAILAHUN	KAILAHUN DISTRICT COUNCIL	29	29	58	29
2	KENEMA	KENEMA CITY COUNCIL	18	19	37	19
3	KENEMA	KENEMA DISTRICT COUNCIL	25	28	53	27
4	KONO	KONO NEW SEMBEHUN CITY COUNCIL	15	17	32	16
5	KONO	KONO DISTRICT COUNCIL	24	25	49	25
6	BOMBALI	MAKENI CITY COUNCIL	16	14	30	15
7	BOMBALI	BOMBALI DISTRICT COUNCIL	21	21	42	21
8	FALABA	FALABA DISTRICT COUNCIL	18	17	35	18
9	KOINADUGU	KOINADUGU DISTRICT COUNCIL	18	18	36	18
10	TONKOLILI	TONKOLILI DISTRICT COUNCIL	29	29	58	29
11	KAMABIA	KAMABIA DISTRICT COUNCIL	23	23	46	23
12	KARENE	KARENE DISTRICT COUNCIL	21	21	42	21
13	PORT LOKO	PORT LOKO CITY COUNCIL	13	12	25	13
14	PORT LOKO	PORT LOKO DISTRICT COUNCIL	28	27	55	28
15	BO	BO CITY COUNCIL	17	18	35	18
16	BO	BO DISTRICT COUNCIL	25	29	54	27
17	BONTHE	BONTHE MUNICIPAL COUNCIL	11	11	22	11
18	BONTHE	BONTHE DISTRICT COUNCIL	18	20	38	19
19	MOYAMBA	MOYAMBA DISTRICT COUNCIL	22	22	44	22
20	PUJEHUN	PUJEHUN DISTRICT COUNCIL	23	25	48	24
21	WESTERN AREA RURAL	WESTERN RURAL DISTRICT COUNCIL	27	33	60	30
22	WESTERN AREA URBAN	FREETOWN CITY COUNCIL	48	31	79	40
			489	489		493

TABLE D

Where 5 political parties and one independent candidate named A, B, Independent candidate, D, E and F, compete for a total of 4 seats in a particular district with a total district vote of 41,550, seats shall be apportioned be as follows:

NOTE: These figures are only hypothetical figures

	Party A	Party B	Independent candidate	Party D	Party E	Party F
Threshold	4.5%					
Votes obtained	15,700	8900	4,600	1350	10,200	800
Product/percentage	37.7858	21.41998	11.0709988	3.249097	24.54874	1.925391
11.9% threshold and above	37.7858	21.41998	11.0709988		24.54874	
Representational Quotient	4.375198	2.480208	1.281905124		2.842485	
First apportioning of seat	4	2	1		2	
Final apportioning of seat using highest remainder	4	3	1		3	
Next highest-ranking Party	1					

1. Add valid votes obtained by all contestants which total 41,550
2. Divide valid votes obtained by each candidate by the total valid votes cast and multiply by 100 to get a fraction.
E.g. For Party A: $15,700 \div 41,550 \times 100 = 37.7858$
3. Add the product of all political parties and independent candidates that obtain the minimum threshold of 4.5% and above.
E.g. $37.7858 + 21.41997593 + 11.0709988 + 24.54874 = 95$
4. Divide the product of each political party and independent candidate by the total sum of those that meet the threshold and multiply the quotient by the total number of seats allocated to the district to get a representational quotient.
E.g. Party A: $37.7858 \div 95 \times 100 = 4.375198$
5. Assign to each political party and independent candidate, a number of seats equal to the whole number in the representational quotient.
E.g., Party A = 4; Party B = 2; Independent = 1 and Party E = 2
6. Apportion the remainder of seats using the highest remainder method. Party A with 0.8 and Party B with 0.4 shall be assigned one more seat each.

SCHEDULE 2

Calculation of threshold: Total number of districts divided by the total number of seats prescribed by President in accordance with paragraph (d) of subsection (2) of section 2 of the Local Government Act, 2004 and multiplied by 100. i.e., $22 \div 493 \times 100 = 4.5\%$

MADE this 15th day of November, 2022.

MOHAMED KENEWUI KONNEH
CHAIRMAN,
ELECTORAL COMMISSION FOR SIERRA LEONE

FREETOWN,
SIERRA LEONE