

Sierra Leone

Background	Name of EMB:	National Electoral Commission, Sierra Leone
	Status:	Permanent
Establishment of the EMB	Number of commissioners:	Four electoral commissioners and the chief electoral commissioner (CEC)/chair.
	Number of full-time EMB staff:	182 staff; permanently employed.
	Constitutional and/or legislative provisions for establishment of the EMB:	Section 32 of the 1991 Constitution of Sierra Leone (Act No. 6); and Section 2 of the Public Elections Act (PEA) (2012) make provision for the setting up of the NEC as an independent body and the sole electoral authority of Sierra Leone.
	EMB's mandate:	The National Electoral Commission's mandate is to: conduct all public elections and referenda; register voters; demarcate constituency and ward boundaries; and to make regulations and codes of conduct for the efficient performance of its functions.
	EMB model:	Independent
Appointment, tenure and removals	What standards are established in the constitution or other legislation for democratic legitimacy?	Section 32 (1.1) of the Constitution of Sierra Leone (Act No. 6), 1991, clearly establishes the independence of the commission in the performance of its functions as follows: <i>in the exercise of any functions vested in it by this Constitution, the Electoral Commission shall not be subject to the direction or control of any person or authority.</i> The laws in Sierra Leone are very clear on the legitimacy of the EMB in the execution of its functions as embedded in the constitution, Public Elections Act (2012) and other rules and regulations.
	Provisions for the appointment of commissioners:	The President of the Republic of Sierra Leone appoints the CEC/chair and other electoral commissioners, after consultation with leaders of registered political parties, screening and approval by parliament (the legislative body in Sierra Leone).
Chair qualifications:	Political status of commissioners:	CEC/chair and electoral commissioners are appointed on the basis of proven integrity, professionalism, competence and experience in elections management.
	Chair qualifications:	Proven integrity, qualification (a first degree and better), professional experience, credibility, trust and transparency.

	<p>Commissioner qualifications:</p> <p>Tenure of chair and commissioners:</p> <p>Provisions for the removal of commissioners:</p> <p>Provisions for the appointment of EMB senior staff:</p> <p>Tenure of EMB senior staff:</p> <p>Provisions for the removal of EMB senior staff:</p> <p>Setting and control of EMB's budget:</p> <p>Financial autonomy:</p> <p>Legal provisions for financial autonomy:</p>	<p>Proven integrity, qualification (a first degree and better), professional experience, credibility, trust and transparency.</p> <p>The tenure of the office of all commissioners is five years and their terms and conditions of service are prescribed by parliament. The terms are renewable.</p> <p>Section 3 of the PEA (2012) states that an electoral commissioner may resign the office by written notice addressed to the president. Section 5 further states that a member of the commission may be removed from office by the president for inability to discharge the functions of the office, whether arising from infirmity of mind or body or any other cause, or for gross misconduct.</p> <p>Senior staff of the EMB are appointed in line with Standard Operational Procedures (SOPs) and Standing Orders on Appointment of staff; they are also appointed subject to the terms and conditions that the commission may determine: (Section 9 (2) of the PEA (2012).</p> <p>The tenure of the EMB's senior staff is open; that is, permanent, except by resignation, retirement or death.</p> <p>Senior staff of the EMB may be removed from office when found culpable of violating rules and regulations as contained in Standing Orders A and B of the commission; or due to gross misconduct.</p> <p>Setting and control of the budget is through: the Government of Sierra Leone; donor support through the UN Development Programme (UNDP) control basket fund; also in line with financial regulations, as contained in Financial Standing Order C.</p> <p>The commission, as a subvented institution, has financial autonomy in the use of its yearly budgetary allocation, further divided into four quarters. It has the right to re-appropriate its allocated funds in meeting pressing administrative and operational needs for elections.</p> <p>Section 10 of the PEA (2012), which states that administrative and other expenses of the commission – including salaries, allowances, gratuities and pensions of the members and staff of the commission – shall be a charge on the Consolidated Fund; provisions are contained in Financial Standing Order C.</p>
<p>Funding arrangements</p>		

Electoral system	<p>Number of chambers/houses within the legislature: Voting system: Amendments to electoral laws:</p>	<p>Unicameral</p> <p>Majoritarian, single member, first-past-the-post (FPTP).</p> <p>The Electoral Commission can propose amendments to electoral laws through the Office of the Attorney-General and Minister of Justice for onward presentation and approval by parliament. The commission has legal retainers who advise the commission on the reformed laws, discussed by management, approved by the commission and reviewed by the Law Reform Commission, before submission to the Office of the Attorney-General and Minister of Justice.</p> <p>Drafting of electoral regulations: Yes, the NEC can make recommendations which are submitted to NEC legal retainers, among whom is a legal drafter.</p> <p>Electoral dispute resolution mechanisms: Dispute resolution takes place through engagement with political parties and other stakeholders through Political Parties Liaison Committees (PPLC) meetings at the national and districts levels. Electoral disputes may be resolved in courts of arbitration on petition cases over conduct of elections like parliamentary and paramount chieftain elections.</p>
Other issues:		
Secretariat	<p>Administrative autonomy: Women in senior positions: Administrative structure:</p>	<p>Yes, the EMB does have the power to create, promote or abolish staff posts.</p> <p>At commission level, two of the five commissioners are women, while at the secretarial level, out of the eight senior-level staff only one is a woman.</p> <p>The commissioners are the policy organ of the commission. The Secretariat is headed by the executive secretary (who is also the commission secretary), assisted by the assistant to the executive secretary.</p> <p>There are eight directorates:</p> <ol style="list-style-type: none"> 1. Administration 2. Finance 3. Operations 4. Training and Outreach 5. Human Resource, Gender and Disability 6. Information Technology and Voters Roll 7. Internal Audit 8. Legal Affairs, Research and Documentation <p>Note: additional approved directorates that are yet to function include: Media and External Relations; and Research, Monitoring and Evaluation.</p>