

FREQUENTLY ASKED QUESTIONS ON THE PUBLIC ELECTIONS ACT 2012(PEA 2012)

Q1.What does PEA 2012 stand for?

PEA 2012 stands for Public Elections Act 2012.

Q2. What is the Public Elections Act?

A new improved law passed by Parliament which brings together all major elections laws in the country.

Q3.What is Public Election according to this new Act?

Public election means election of the President, Members of Parliament or members of Local councils.

Q.4 Is the PEA 2012 in force now in Sierra Leone?

Yes it is, ever-since the President signed his ascent to it on the 7th May 2012

Q.5 What is new in the PEA 2012?

- *Under this Act all relevant electoral laws are consolidated into one document. Other features include:*
- *NEC becomes a corporate body meaning that it can sue and be sued in its own name rather than as a government entity.*
- *NEC can invalidate an election result where there is over-voting.*
- *NEC decides how much a candidate must pay as nomination fee.*
- *A voter can register if he/she is 18 years of age or would be 18 years on the day of election.*
- *There are also new laws on electoral offences.*

Q6. Does this Law guarantee free and fair elections?

Yes! It also makes provision for election offences to be tried in a special court called the Election Offences Court (EOC).

Q7. How does this court (EOC) operate?

Hearings will take place at 6 locations: 3 in Freetown and 3 in the province-Bo, Kenema and Makeni .

Q8. Is the Electoral Offences Court a permanent court?

The Court runs for one year and will address offences which take place during the election period.

Q9.What is Election Period?

According to the PEA 2012, Election Period starts from the time of declaration of the date of election to the time when the results are announced and published in a Government Notice.

Q10.What are the kinds of offences that are mentioned in the PEA 2012

The PEA 2012 covers 26 sets of elections offences such as:

Offences relating to registration; nomination; wrongful voting; improper practices by electoral officers; Undue influence, disorderly conduct at elections and interference with campaigning.

Q11. What constitutes campaigning according to the PEA 2012?

When NEC declares Campaign open it will include political party processions in the streets; political party meetings in public places. Canvassing in Radio, Television and other media outlets.

Q12. Are the above activities lawful outside the campaign period?

Meetings, canvassing and other political party activities are only lawful outside the campaign period if they are done within the boundaries of the party premises and target members of the party with normal organization messages, otherwise campaign activities are only lawful during campaign period.

Q13. What happens if I commit an electoral offence?

You will be arrested, prosecuted and if found guilty, pay a fine and or go to jail.

Below are some electoral offences and their penalties:

PEA 2012, Section	Offence	Penalty
114 & 121	<i>Improper practice by electoral Officers</i>	5 Million+ or 1 yr jail. Barred from public office for 10 years
117 & 121	<i>Interference:Prevent, obstruct, disturb any election by force, violence, or threat</i>	2 yr jail
118 & 121	<i>Undue influence</i>	3 Million + or 1yr jail. Barred from standing, registering & voting for 5 yrs.
119&121	<i>Personation: use another’s name or try to use another persons name or double votes or attempt to; pose as an Elections Officer while you are not</i>	6 months jail. Barred from standing registering & voting for 5 yrs.

120	<i>Bribery</i>	<i>5 Million +, or 2 yr jail. Barred from standing registering & voting for 5 yrs.</i>
123	<i>Remove, destroy, conceal, mutilate or assist in doing such or snatch or unlawfully interfere with election materials</i>	<i>5+ years jail</i>
124	<i>Without authority print, manufacture or supply election materials</i>	<i>10 Million+ or 5+years in jail</i>
125	<i>At a public election meeting, without authority act or incite another to act disorderly to prevent or interfere with such meeting or hold weapon or missile</i>	<i>10 Million+ or 2 years jail. Barred from voting for 5 years (10*2*.5)</i>
127	<i>Directly or indirectly, prevent by force or threat or manipulation campaign meetings or processions or demonstration or voter education by NEC or a politician from campaigning in an area or campaign on another party's or candidate's schedule</i>	<i>20 Million+ or 5 years+</i>
131	<i>On election day campaign, prevent one from voting, shout election slogans, hold an offensive weapon or missile ,dress to intimidate others, display party symbol, loiter after voting or after being refused to vote, snatch or destroy any election material, unlawfully blares a siren, hold meetings during elections near polling or similar stations</i>	<i>1 million+ or 6 months +</i>
132	<i>Without authority use computer to access program, or data relating an election</i>	<i>2 years+ in jail</i>

Q14. What is the composition the EOC?

The EOC will be headed by either a High Court judge, a retired judge or a Barrister or Solicitor who is qualified to hold office as a high court judge

Q15. Do I have the right to appeal if I am not satisfied with the judgment of the EOC?

Of course! You can appeal in the Court of Appeal

Q16. Is there any provision under this Law for independent candidates?

The Act provides that independent candidates shall contest elections for Ordinary Members of Parliament and Local Council elections but not for the position of President of Sierra Leone.

Q17. How can I learn more about the Electoral Offences and other electoral process?

Buy a copy of the Public Elections Act 2012 or get a copy of the Public Elections Act 2012 (Abridged version).

Q18. Where can I get them?

You can get a copy of the PEA 2012 at the Government bookshop. You can have a copy of the abridged version from the NEC District Offices.