



# ELECTIONS DECREE, 1996

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**ELECTIONS DECREE, 1996**



**THE GAMBIA**

**DECREE NO. 78**

**WHEREAS** the laws governing the registration of voters and the conduct of elections in The Gambia have been contained in the Elections Act, (Cap. 3:01);

**WHEREAS** the said Elections Act, since its enactment in 1964, had undergone numerous amendments and, in its implementation, had revealed systemic and procedural weaknesses in the electoral process which hindered the efficiency and security of the process;

**WHEREAS** it is considered important to examine the administrative structures in place for the conduct of elections with a view to determining their adequacy for the conduct of transparent, free and fair elections;

**WHEREAS** It has become necessary to appraise the existing administrative arrangements for the conduct of elections for purposes of putting in place an efficient and effective independent institution for the conduct of such elections;

**AND WHEREAS** for purposes of ensuring full participation by Gambians in the electoral process, it is considered necessary to review and revise the Elections Act with a view to consolidating and simplifying the laws in connection therewith;

**NOW THEREFORE** this law is hereby decreed by the **ARMED FORCES PROVISIONAL RULING COUNCIL** of the Republic of The Gambia as follows:

## PART I - PRELIMINARY

### Short title

1. This Decree may be cited as the Elections Decree, 1996, and shall be deemed to have come into force on the 2nd day of January, 1996.

### Inter-pretation

2. In this Decree, unless the context otherwise requires,

"Administrative Area" means one of the Areas specified in Part I of Schedule I;

"Commission" means the Independent Electoral Commission established under the Constitution;

### Schedule

"Constitution" means one of the constituencies describe in Part II of Schedule I;

"Constitution" means the Constitution of the Republic of The Gambia;

"Court" means the Supreme Court established under the provisions of the Constitution;

"election officer" includes members of the Commission, a Registering Officer, Presiding Officer, Returning Officer and their assistants, and such other officers as the Commission may appoint for purposes of this Decree;

"electoral division" means a constituency, district, ward or other area for which a candidate is elected and in the case of Presidential election, the whole country and such constituency that may be created for Gambians in foreign countries; and

"political party" means an association of Gambian citizens formed solely on the basis of party politics and registered as such with the Commission in accordance with section 105.

### Application

3. (1) This Decree applies to the election of candidates for the office of President, Member of the National Assembly, District Chief, Mayor or Chairman of Municipal Council, Councillor, Village Head and such other offices as the Commission may, by Order published in the Gazette, designate.

(2) The Commission may, in the application of the provisions of this Decree, make such adaptations as may be necessary for the conduct of elections to an office designated by it under subsection (1).

## PART II - ADMINISTRATION

### Adminis- trative Areas, Consti- tuencies, Districts and Wards.

4. (1) The Commission shall, for the purpose of registration of voters and the conduct of elections, divide The Gambia into seven Administrative Areas as specified in Part I of Schedule I.

(2) For the purpose of the election of

(a) Members of the National Assembly, The Gambia shall be divided into constituencies as prescribed in Part II of Schedule I, with each constituency returning one Member; and

(b) District Chiefs and Councillors, each Administrative Area shall be divided into such number of districts and wards as the Commission may determine in accordance with the provisions of the Constitution and other laws.

### Schedule

### Appoint- ment of election officers

5. (1) Subject to this section and section 6, the Commission may appoint such number of election officers as it may consider fit, on such terms and conditions as it may determine.

(2) Without prejudice to subsection (1), the Commission shall appoint for each Administrative Area a Registering Officer and a Returning Officer, and the Commission may appoint one person to hold both offices.

(3) For purposes of conducting elections, the Commission shall appoint Presiding Officers whose duties shall include the smooth conduct of elections at polling stations.

(4) No person shall be qualified to be appointed as an election officer if

- (a) he is not qualified to be registered as a voter under this Decree;
- (b) he is or has been convicted of an offence involving dishonesty or moral turpitude; or
- (c) he has at any time been involved in election fraud or convicted of an offence under this Decree;

Provided that paragraph (a) may be waived in relation to any election conducted for Gambians in any foreign country.

(5) A person appointed as an election officer shall be a public officer under the direction and control of the Commission.

(6) An appointment made by the Commission may be revoked by it at any time.

Objections  
to appoint-  
ments

6. (1) Where the Commission appoints a person as an election officer, it shall publish that person's name in the Gazette inviting members of the public to make objections to the appointment.

(2) A member of the public who objects to an appointment under subsection (1) shall, within seven days of the publication of the appointment in the Gazette, give the Commission his reasons in person or in writing for objecting to the appointment.

(3) Where the Commission receives an objection under this section, it shall consider the objection and take a decision and its decision shall be final.

(4) Where the Commission does not receive an objection in accordance with this section, it may confirm an appointment.

Oath

7. A person who is appointed an election officer under section 5 shall subscribe to the oath for the due execution of office and oath of secrecy in accordance with Schedule II.

schedule

Powers and  
functions  
of the  
Commission

8. (1) The Commission shall, in addition to the powers and functions conferred on it by the Constitution, be responsible for

- (a) the conduct of registration of voters and the nomination and election of candidates for the offices of President, Member of the National Assembly, District Chief, Mayor or chairman of Municipal Council, Councillor, Village Head and such other office as the Commission designates under section 3;
- (b) the preparation of an election timetable in advance of the holding of elections;
- (c) the implementation of the constitutional and other legal provisions relating to the electoral process;

- (d) the registration and supervision of political parties; and
- (e) the exercise of any powers that may be incidental to its duties and functions conferred by the Constitution, this Decree or any other law.

(2) The Commission shall

- (a) enforce on the part of election officers, fairness, impartiality and compliance with the provisions of this Decree,
- (b) issue to election officers such instructions as it may deem necessary to ensure the effective execution of the provisions of this Decree and
- (c) ensure that election officers execute and perform to the best of their abilities all other powers, functions and duties which by this Decree or otherwise are conferred and imposed upon them.

(3) The Commission may, by Rules or otherwise, regulate its own procedure and may confer powers or impose duties on any election officer for the purpose of the exercise of its functions.

Delineation  
of boundaries

9. (1) The boundaries of each constituency, district and ward shall be such as the Commission may, by Order published in the Gazette, prescribe in accordance with the provisions of the Constitution.

Funds, accounts  
and audit

(2) Where the Commission considers that any changes in the distribution of population, in accordance with the provisions of the Constitution, do not justify an alteration in the boundaries of constituencies, districts or wards, it shall so report without entering upon a review of the boundaries.

(3) Any alteration of the boundaries of constituencies districts or wards shall take effect upon the next election following the alteration.

10. (1) The funds of the Commission shall consist of

- (a) monies appropriated to it by The National Assembly
- (b) such grants, donations and fees as may be made or paid to it, provided that the Commission shall not accept or receive any grant or donation made or paid by a political party.

(2) The Commission shall keep

- (a) its funds in such bank as it may determine; and
- (b) proper accounts which shall be audited annually by the Auditor-General or such other auditing firm as the Commission may appoint.

(3) The Chairman of the Commission shall, within three months after the end of the financial year, submit to The National Assembly the audited statement of accounts of the Commission.

### PART III -- REGISTRATION OF VOTERS

Register of  
voters

11. (1) The Commission shall prepare, compile and maintain in accordance with this part a register of voters for each constituency and a register of Gambian registered voters in foreign countries.

(2) A register of voters shall contain the names of persons who are entitled and apply to be registered in a constituency.

(3) The Commission shall cause each register to be divided into such parts as it may determine and the register shall contain, though not be limited to, the following:

- (a) the complete name of the voter;
- (b) the voter's date and place of birth;
- (c) the voter's usual residence and address at the time of registration;
- (d) the voter's sex;
- (e) the voter's signature and thumbprint;
- (f) a column to indicate whether or not a voter has voted;
- (g) date of registration and voting;
- (h) the form of identification used;  
and
- (i) the district, ward, town, village or such other area in which the voter is resident.

(4) A register of voters shall be kept in such number of copies and at such places as the Commission may direct to ensure the proper and fair conduct of elections.

(5) Notwithstanding anything contained in this section, the Commission may improve the format, content and design of the register of voters.

(6) The existing register of voters and voting cards shall, upon the coming into force of this Decree, cease to be valid and all previous holders of voting cards may register and be issued with voting cards in accordance with the provisions of this Decree.

Qualifi-  
cations  
for regis-  
tration

12(1) Subject to section 13, a person shall be entitled to have his name entered on a register of voters in a constituency if

- (a) he is a citizen of The Gambia,
- (b) he has attained, or will on the date of the holding of the next election attain, the age of eighteen years; and
- (c) he is resident, or was born in that constituency.

(2) Notwithstanding subsection (1), a person's name shall not be entered on a register of voters in a constituency unless he produces any one of the following documents -

- (a) a birth certificate;
- (b) a Gambian passport;
- (c) a National Identity Card, or
- (d) a document certified by five elders residing in the place of birth of the applicant stating that the applicant was born in that place.

Dis-  
qualifi-  
cation for  
registration

13. No person shall be entitled to have his name entered or retained on a register of voters if he is

- (a) by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of a foreign power or State;

Period of  
general  
and supple-  
mentary  
registration

- (b) serving a sentence of imprisonment;
- (c) a person adjudged to be of unsound mind or detained as a criminal lunatic under any law;
- (d) a person whose name is entered on a register of voters (by whatever name called) in any other country or territory; or
- (e) otherwise disqualified under this Decree or under any other law.

14. (1) The Commission shall determine and declare the period within which it is to carry out a general and supplementary registration of voters in a constituency.

(2) Where, upon the presentation of a report by an election officer or any other person, or on its own motion, the Commission is of the opinion that general or supplementary registration of voters in a constituency or part thereof has not been properly carried out or has not been performed, it shall cause general or such supplementary registration of voters in respect of that constituency or part thereof to be carried out all over again or performed, as the case may be.

Regis-  
tration  
centres

15. (1) The Commission shall, for purposes of carrying out general and supplementary registration of voters designate registration centres.

(2) Registration centres shall be so designated as to afford easy access to such centres by persons wishing to be registered.

Notice to  
claimants for  
registration

Schedule

16. (1) Where the Commission makes a declaration under section 14 to carry out a general or supplementary registration of voters, it shall cause to be published a Notice in the form prescribed in Form 1 of Schedule III requiring all persons who claim to be entitled to be registered as voters to present themselves at the designated registration centres.

(2) The Notice referred to in subsection (1) shall,

- (a) in the case of a general registration, be published not less than thirty days before the date of registration; and
- (b) in the case of a supplementary registration, be published not less than fifteen days before the date of registration.

(3) The Notice shall be published

- (a) in the Gazette;
- (b) by announcement on radio
- (c) in at least five issues of a newspaper circulated in The Gambia; and
- (d) by such other means as the Commission considers fit to adequately inform claimants for registration.

Application  
for registration

Schedule

17. (1) A person who claims to be entitled to be registered as a voter in a constituency shall, on presentation of himself at a registration centre, be supplied a form of claim as prescribed in Form 2 of Schedule III.

(2) The form of claim shall be issued free of charged and shall

- (a) be filled at the registration centre on the day of registration; and
- (b) be duly signed or thumb printed by the claimant

(3) Where a claimant is incapacitated from affixing his signature or thumbprint on a form of claim, the election officer conducting the registration shall note such circumstance in the register of voters.

(4) A person who is registered in a constituency other than the one specified in the Notice issued under section 16 shall not be entitled to claim to be registered, but shall be entitled to apply to be transferred to the constituency in which he now resides in accordance with section 35.

(5) Every claimant shall, when presenting his form of claim, supply two identical passport size photographs of himself, portraying his head and shoulders facing the camera, and without glasses unless normally worn.

(6) No election officer shall accept a form of claim unless

- (a) the form is accompanied by the photographs referred to in subsection (5); and
- (b) he satisfies himself that the photograph is a fair likeness of the claimant.

18. (1) A Registering Officer shall notwithstanding the information contained in a form of claim, examine such form and shall

- (a) call for, receive and consider such evidence as he may think fit touching upon the validity of such claim; and
- (b) require such evidence to be given on oath or affirmation and may for that purpose administer such oath or affirmation; and
- (c) investigate, as he may think fit, with the assistance of a Village head, village elders, or leaders of the adult age groups present, and adjudicate upon the claim.

(2) Where an election officer under subsection (1)

- (a) is satisfied that a claimant possesses the required qualifications, he shall enter the name of the claimant on the register of voters; or
- (b) determines that claimant does not possess the required qualifications, disallow a claim, and he shall return the photographs to the claimant and retain the form of claim.

(3) No action shall be taken on a claim disallowed under this section, except as may be directed by a revising court or on appeal from such court.

19. (1) The Commission shall prepare, from the register of voters, a separate list of voters and separate list of deletions for each constituency which shall contain the name, address and occupation of every voter, including the serial number of the voter's card.

Preparation  
of list of  
voters and  
deletions

Consideration  
of claims

(2) A list of deletions shall include the names of persons whom the Commission has cause to believe are dead or have ceased to be qualified or entitled to be on the register of voters.

(3) The Commission shall cause to be prepared such number of copies of lists of voters and lists of deletions as it may consider necessary and shall make copies of the lists available to the Revising Officer when he holds his court.

(4) The Commission shall cause the lists of voters and lists of deletions to be published for at least ten days in the Administrative Area in which the constituency is situated.

(5) In making a publication under subsection (4), the Commission shall, as far as possible, have regard to section 132 such that the lists will be easily available for scrutiny by members of the public.

(6) The Commission may at any time correct any mistake in any list of voters, list of deletions or register of voters that comes to its notice.

20. No person shall be entitled to be registered as a voter in more than one constituency at any one time.

21. (1) Every claimant whose name is entered in the register of voters shall be issued a voting card which shall be in the form prescribed in Form 4 Schedule III and a counterfoil shall be prepared in accordance with Form 3 of the same Schedule.

(2) A voting card issued to a claimant under subsection (1) shall

- (a) be valid for use by the claimant only;
- (b) be valid for the life time of the claimant and may not be renewed; and
- (c) not be transferable.

(3) Without prejudice to section 38, the Commission may change and replace a voting card where it is satisfied, upon application made to it, that

- (a) entries in the card have been obliterated or defaced in some material respect;
- (b) the photograph on the card is fading, has faded or no longer represents a fair likeness of the holder thereof; and
- (c) for any good reason it is proper and desirable that the card should be changed and replaced.

(4) An election officer or police officer may at any time seize and retain, pending inquiry, any voting card which such officer suspects is not valid.

22. (1) A person

- (a) who has made a claim to be registered as a voter and whose name has been omitted from any list of voters,
- (b) whose name being entered on a register of voters in force has been entered in any list of deletions, or

Bar to registering  
in more than one  
constituency

Issuing voting  
card

Schedule

Omissions  
and objections

- (c) who claims to have his name inserted in the list of voters or expunged from the list of deletions,

shall, within fourteen days from the date of publication of the list, appeal to the appropriate Registering Officer to have his name inserted or expunged, as the case may be.

Schedule

- (2) An appeal under subsection (1) shall be in writing in the form prescribed in Form 5 of Schedule III.

- (3) A person whose name appears

- (a) in any list of voters and who objects to his own name appearing on the list, or
- (b) on a current register and who objects to the name of any other person appearing on any list of voters,

shall, within fourteen days from the date of publication of the list, serve on the appropriate Registering Officer a notice of objection in the form prescribed in Form 6 of Schedule III.

Schedule

- (4) In this Decree, a person objecting to the inclusion or insertion of any name in the register of voters is referred to as the objector.

- (5) The Registering Officer on receiving the notice of objection, shall serve on the person in respect of whose name the objection is taken, a notice

Schedule

- (a) in the form prescribed in Form 7 of Schedule III, and

- (b) stating the date of hearing of the objection.

~~(5)~~ No appeal or notice of objection under this section shall be received or allowed unless it is accompanied by the payment of a fee prescribed by the Commission.

~~(6)~~ The Registering Officer shall, as soon as practicable after the period of fourteen days specified in subsection (1), prepare and publish a list of all appeals and objections and the names and addresses of the persons who have made them.

Opposition  
to an appeal

23. (1) Subject to subsection (2), a person whose name appears on a current register of voters may oppose an appeal made under section 22(1).

(2) No opposition to an appeal shall be made unless the person opposing the appeal gives to the Registering Officer a notice in Form 8 of Schedule III stating his intention to oppose the appeal.

Schedule

(3) The person opposing the appeal shall state in the notice his grounds of opposition and the Registering Officer shall give the appellant not less than five days notice in the form prescribed in Form 7 of Schedule III.

Schedule

(4) A notice under this section shall

- (a) be directed to the appellant at his address as stated in the list of appeals and objections and shall be delivered at such address; and

- (b) be lodged with the revising court established under section 24.

24. (1) As soon as may be practicable after the lists mentioned in section 19 are published, the Chief Justice shall, on the advice of the Commission, appoint a Magistrate of the First Class

(a) to hold a court (hereinafter called a "revising court"); and

(b) to hear and decide appeals and objections.

(2) A revising court shall be held in each Administrative Area in which notices of appeals and objections have been received and the Chief Justice may, for this purpose, appoint different Magistrates for each Administrative Area.

(3) A Magistrate appointed under this section shall

(a) hold his revising court and give his decision on appeals and objections within sixty days from the date the notice of such appeals and objections are lodged in the revising court;

(b) give not less than five clear days' notice of the time and place of holding of his court; and

(c) hold his revising court in public.

25. (1) At any sitting of a revising court, any person appearing to the court to be interested in or affected by the subject matter before the court may appear and be heard by himself, by a legal practitioner or by any other person duly authorised by him in writing in that behalf.

(2) The revising court shall produce or cause to be produced in court the lists of voters, deletions, appeals and objections, and shall go through the lists and

(a) insert in the appropriate place in the list of voters the name of every person who is proved to the satisfaction of the court to be entitled to have his name inserted in such lists of voters;

(b) expunge from the lists of voters the name of every person who, upon the application of an objector, is proved to the satisfaction of the revising court not to be entitled to have his name retained in such lists of voters; and

(c) expunge from the lists of deletions the name of every person who is proved to the satisfaction of the revising court to be entitled to remain on a register of voters.

(3) Notwithstanding anything to the contrary contained in this Decree, the revising court may, without any inquiry, allow any claim in respect of which no objection has been made if it is otherwise satisfied that the claim should be allowed and shall advise the Commission to insert the claimant's name in the register of voters.

(4) If an objector fails to appear in person, by a legal practitioner or by some person duly authorised by him in that behalf in support of his objection, the objection shall be rejected and the name of the person objected to shall be retained in the lists of voters.

(5) If an appellant or objector appears in person, by a legal practitioner, or by some other person duly authorised by him in that behalf to prosecute his appeal or objection, he shall prove service of the notice of appeal or objection and the revising court shall then decide the appeal or objection.

(6) The Magistrate shall, when he has determined an appeal or an objection, write his initials and the date of the determination against any name struck out of any list or inserted therein, and against any mistake or omission corrected, and shall sign his name to every page of the lists when they are finally settled.

Additional  
powers of  
revising  
courts

26. A revising court shall have the following powers in addition to any other powers given to it under this Decree

- (a) to expunge from the lists of voters the name of every person who is proved to be dead;
- (b) to correct any apparent errors or mistakes;
- (c) on the written application of a voter, to change the original name or address of such voter to an altered name or address; and
- (d) to reinstate the name of any person in a list of voters struck out by mistake or to insert therein the name of any person inadvertently omitted from the list.

Practice and  
procedure in  
revising court

Grounds on  
which appeal  
from revising  
court barred

Appeals to  
Supreme Court

27. In all proceedings in a revising court, the law and rules of evidence to be complied with shall be the same as in civil cases before a Magistrate Court, and the practice and procedure shall, as nearly as may be, conform to the practice and procedure on the hearing of such cases.

28. No appeal or notice of appeal shall be received or allowed against the decision of a revising court on any question of fact or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only.

29. (1) Any person

(a) whose claim to have his name inserted in a register of voters has been disallowed;

(b) who has made any objection to any person as not being entitled to have his name inserted in a register of voters;

(c) whose name has been expunged from a register of voters; or

(d) whose claim to have his name expunged from any list of deletions has been disallowed,

and who is dissatisfied with a decision of a revising court on any point of law material to the result of the case, may, in person, by a legal practitioner or by some other person on his behalf, give to the revising court within two days after the decision was given, a notice in writing of his desire to appeal to the Court.

(2) A notice given under subsection (1) shall

- (a) contain a short statement of the decision being appealed against; and
- (b) be accompanied by the payment of such fee as may be prescribed by the Commission.

(3) Where the Commission does not prescribe a fee under subsection (2) (b), the fees applicable in processing appeals in the High Court shall apply.

(4) The Magistrate holding a revising court shall state in writing the facts which in his judgment shall have been established by the evidence in the case, and which shall be material to the matter in question and his decision upon the whole case, and also his decision upon any point of law appealed against, and shall sign and date the same.

(5) The Magistrate shall endorse on the case so stated the name of the constituency to which the case relates and the respective names and places of abode of the appellant and of the respondent (if any) and shall

- (a) transmit the case so endorsed together with the notice of the appellant to the Registrar of the Court; and
- (b) deliver a copy of the case so endorsed to the appellant and respondent (if any) in the appeal if either makes a request to that effect.

(6) The Registrar of the Court, upon receiving a case stated from a Magistrate holding a revising court, shall file the case in Court and forthwith set down the appeal for hearing in the summary jurisdiction of the Court.

(7) The Registrar of the Court shall give seven clear days' notice of the date of the hearing of the appeal to the appellant and respondent (if any).

(8) Every judgment or decision of the Court shall be final and conclusive in the case upon the point of law adjudicated upon.

(9) When the Court has determined an appeal, the Registrar of the Court shall forward to the Revising Officer, a statement under his hand of the decision of the Court.

(10) When by any decision of the Court any decision of the revising court is reversed or altered so as to require an alteration or correction in a register of voters or list of deletions, the Magistrate of such revising court shall alter or correct the register of list, as the case may be, accordingly and shall sign his name after the words "altered (or corrected) by Order of the Court dated the ..... day of ..... 19.....". which he shall write on the register or list, as the case may be, against every such alternation or correction.

(11) The right of any person whose name is on a register of voters to vote at an election shall not be prejudiced by any appeal pending under this part, and any vote given at an election in pursuance of that right shall be as good as if no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

(12) The Court may make such order as to the payment of the costs of any appeal either in whole or in part or in proportion or by way of contribution amongst the parties interested as to the Court seems just.

Questioning  
lists of voters,  
etc.

30. No list of voters, list of deletions and entry in such list shall be questioned in any proceedings (other than criminal proceedings) except in a revising court or an appeal from such revising court to the Court in accordance with this Part.

Registers and  
supplementary  
registers

31. (1) After the conclusion of every general registration when the original lists of voters have been signed and dated by the Magistrate of a revising court, or by the Registering Officer where no Magistrate has been appointed, such lists shall become the master register.

(2) The Commission shall cause to be made copies of the master register, which may be referred to as "head registers" whenever it is necessary to distinguish between them and supplementary registers or registers in the collective sense.

(3) After the conclusion of every supplementary registration when the original lists of voters and the lists of deletions have been finally settled, signed and dated by the Magistrate of a revising court, or by the Registering Officer where no Magistrate has been appointed, such lists shall, for purposes of the supplementary registration, become the master register.

(4) The Commission shall cause to be made copies of the master register for supplementary registration, which may be referred to as "supplementary registers" whenever it is necessary to distinguish between them and head registers or registers in the collective sense, and shall cause the names of all persons on such lists of deletions to be struck out from the master register, the head registers or supplementary registers, as the case may be.

(5) A head register and any supplementary register in force may be referred to collectively as a register or a register of voters.

(6) There shall be a separate register for each constituency and in each of such registers the names of voters shall be recorded in so far as may be practicable, and, subject always to the discretion of the Commission, in alphabetical order under the name of the town, village, ward, district, or such other subdivision as may be appropriate, in which the voters are entitled to vote, and the names shall be numbered serially.

Continuation  
of existing  
head and  
supplementary  
registers

32. If for any reason a head or supplementary register of voters as required by the provisions of this Decree is not prepared, the head register, and its supplementary register, if any, in force at the time when the new head or supplementary register should have been prepared, shall remain in force until a new head or supplementary register is prepared.

Miscellaneous provisions on registers

33. (1) The head and supplementary registers shall be deemed to be in force as of the date of the signing of the lists of voters and lists of deletions by the Magistrates of the revising courts, or by the Registering Officers where no Magistrates have been appointed, and the master copy of such registers shall be retained by the Commission.

(2) The Commission shall

(a) Cause to be prepared a number of copies of every master register and master supplementary register sufficient for foreseeable elections and for sale to members of the public;

(b) make available a copy of all head and supplementary registers for all constituencies in an Administrative Area in the office of every Registering Officer for inspection by members of the public during official hours; and

(c) bring up to date copies of each master register and master supplementary register at each supplementary registration, and the Registering Officer shall certify on the cover of each of such copies that he has done so.

(3) A head register together with its supplementary registers, if any, shall remain in force until replaced by a new head register compiled pursuant to this Decree.

(4) Wherever a question arises as to what register (or what head or supplementary register) is or was in force at any particular time, the question shall be resolved by the Commission whose decision shall be final and shall not be questioned in any court.

(5) If the question arises in any proceedings in a court, a member of the Commission shall not be required to attend the court as a witness but shall at the request of the court, convey his decision to the court by means of a certificate signed under his hand, addressed to the court.

(6) A certificate conveyed under subsection (5) shall be accompanied by an appropriate master copy of the register if the court so requires, and such certificate, and such master copy of the register if required shall be admitted in evidence upon their receipt by the court.

(7) Subject to subsection (8), the validity of any register of voters, or of any entry in a register of voters or of the method of compilation of a register shall not be questioned in any proceedings whatsoever, except in criminal proceedings.

(8) On the trial of an election petition it may be shown that a specified person, whose name was entered on a register of voters and who voted at the election in question, was disqualified from, or was not qualified or entitled to vote at, that election.

34. (1) In each Administrative Area, the Village or Town Head, and in the case of Banjul and Kanifing Administrative Areas the City Clerk and Municipal Clerk respectively, in such Areas shall, not later than 31 December in each year, send to the Commission a return certified by him under his hand of the names, residences and such other information as the Commission may require of all persons over the age of eighteen years who have died within his locality since his previous return.

(2) Notwithstanding the requirement placed on the Municipal Clerk of the Kanifing Administrative Area, the heads of the various settlements comprising the Administrative Area shall each send to the Commission a return in accordance with subsection (1).

(3) The heads of medical institutions shall compile and send a list of the persons over the age of eighteen years who died in such institutions, within the period stipulated in subsection (1).

(4) The Registrar of Births and Deaths shall send to the Commission a return in accordance with subsection (1).

(5) The Commission may, for purposes of ensuring timely and proper preparation of returns, devise forms for use by those required to submit returns in accordance with subsection (1).

(6) The Commission shall, as soon as may be practicable, delete from the appropriate master register the names of those registered voters appearing in the returns of death, and shall

- (a) state against the deletions the reasons for so doing; and

- (b) initial and date the annotation.

(7) The name of any person dealt with under this section shall be entered on the list of deletions in a supplementary registration proceedings.

35. (1) Notwithstanding anything contained in this part, a registered voter may at anytime, if he ceases to be resident in the constituency in which he is registered as a voter, make application in accordance with Form 9 of Schedule III to the Commission for his name to be transferred to the register of the constituency in which he has now become resident.

(2) A registered voter seeking a transfer under this section shall pay the prescribed fee and attach to his application two recent identical photographs of himself together with his current voting card.

(3) A registered voter whose voting card has been lost, stolen or destroyed shall, before applying for a transfer under this section, apply for a replacement of his voting card.

(4) Upon receiving an application under this section, the commission shall make such inquiries as it may deem fit to satisfy itself that the application is bona fide.

(5) Where the Commission satisfies itself that an application under this section is bona fide, it shall cause the transfer applied for to be effected and the applicant to be given a new voting card after the counterfoil has been prepared.

(6) The Commission shall, upon effecting a transfer,

- (a) affix the surrendered voting card to its relevant counterfoil and annotate the counterfoil with the number of the card prepared in respect of the constituency to which the applicant is transferred;
- (b) delete the name of the applicant from the register of the constituency in which he was originally registered, and note against the deletion the name of applicant has been transferred; and
- (c) enter the name of the applicant and the serial number of his voting card in the register, annotating the entry with the name of the constituency from which the voter has been transferred.

(7) Where the Commission is satisfied that an application for a transfer under this section is not bona fide, it shall reject the application and

- (a) return the applicant's fees and photographs, together with his surrendered voting card; and
- (b) give its reasons for the rejection.

(8) The rejection of an application for a transfer under this section shall not be a bar to the submission of a fresh application, provided that no fresh application shall be entertained by the Commission earlier than six months from the date of the rejection.

Limitation  
period for  
transfers

Publication  
of lists of  
transfers

Replacement of  
voting cards

36. (1) The Commission shall, by Order published in the Gazette, determine the period immediately before the holding of an election when no application for a transfer shall be entertained.

(2) The name of a person who has been dealt with under section 35 shall not be entered on any list of voters or deletions in any supplementary registration proceedings.

37. (1) The Commission shall, as soon after the 31 day of December of each year as may be practicable, publish a list of the names of all voters who have

- (a) been transferred from one constituency to another, showing the constituencies from and to which they have been transferred; and
- (b) been deleted from the master copies of the registers as a result of the deaths notified to it under section 34.

(2) The list referred to in subsection (1) shall

- (a) show the constituency, voting card number, name, address and occupation of the voters; and
- (b) be made available by the Commission for inspection in the offices of the Registering Officers and at such other place as the Commission may direct.

38. (1) Any voter, who has been issued with a voting card and who claims that this card has been lost, stolen, destroyed, mutilated or defaced, may apply in writing to the Commission to replace the card.

(2) The application shall be accompanied by such fee as may be prescribed, together with the mutilated or defaced voting card, if such is the reason for the application, and two recent identical passport size photographs of himself.

(3) Where the Commission considers an application under this section to be proper and genuine, it shall cause to be prepared a replacement voting card and counterfoil, and the voting card shall be given to the applicant.

(4) At the time when it prepares a replacement voting card, the Commission shall note the fact and the number of the new card in the relevant register of voters opposite to the name of such voter and upon the relevant counterfoils, and shall attach the mutilated or defaced card to its relevant counterfoil.

(5) Where the Commission does not consider an application under this section to be proper and genuine, it shall reject the application and

(a) return the applicant's fees and photographs, together with the surrendered voting card, if any; and

(b) give its reasons for the rejection.

(6) Subject to subsection (7), the rejection of an application for replacement of a voting card under this section shall not be a bar to the submission of a fresh application, provided that no fresh application shall be entertained by the Commission earlier than six months from the date of the rejection.

(7) The Commission shall, by Order published in the Gazette, determine the period immediately before the holding of an election when no application for a replacement of a voting card shall be entertained.

(8) A replacement voting card shall contain such particulars as were recorded on the original voting card of the voter to whom it relates.

#### PART IV - NOMINATION OF CANDIDATES

Nomination  
and election  
laws

39. (1) A candidate for election to the office of President, Member of the National Assembly, District Chief, Mayor, Chairman of a Municipal Council, Councillor, Village Head and such other office as the Commission may designate under section 3 shall be nominated in accordance with the provisions of the Constitution and this Decree.

(2) A person who desires to be nominated as a candidate for any elective office shall, before the acceptance of his nomination papers, satisfy the qualifications stipulated for that office in the Constitution, this Decree and any other law.

Notice of  
election

40. (1) When election to any of the offices referred to in section 39 becomes necessary, the Commission shall

(a) publish in the Gazette, Notice of that fact; and

(b) state in the Notice the electoral division in respect of which the election is to be held.

(2) The Notice referred to in subsection (1) shall state

(a) the date, which shall not be less than fifteen days after the publication of the Notice, and the place for nomination of candidates; and

(b) the date on which or the dates between which, as may be appropriate, the election shall be held, such date or the first day of such period, as the case may be, being not less than ten nor more than thirty days after the date of nomination of candidates.

Duties of  
Returning  
Officer on  
publication  
of Notice

41. Every Returning Officer shall, upon publication of the Notice referred to section 40,

(a) give such publicity in his Administrative Area to such parts of the Notice as affects his Area as may be necessary to adequately inform the registered voters in that Area; and

(b) obtain from the Registering Officer of his Administrative Area such number of copies of the register of voters for the electoral division concerned as he may require.

Nomination  
of candidates

42.(1) On the date and at the place appointed for the receipt of nominations, the Returning Officer shall attend between the hours of eight o'clock in the forenoon and four o'clock in the afternoon and receive the nomination of any duly qualified candidate for any vacancy to be filled.

(2) A candidate for election to the office of

Schedule

(a) President shall be nominated in the prescribed Form 1 of Part A of Schedule IV by not less than five thousand voters whose names appear in the register of voters, with at least two hundred voters being drawn from each Administrative Area;

Schedule

(b) Member of the National Assembly shall be nominated in the prescribed Form 1 of Part B of Schedule IV by not less than three hundred voters whose names appear in the register of voters for the constituency for which he seeks to be elected;

Schedule

(c) Mayor or Chairman of Municipal Council shall be nominated in the prescribed Form 1 of Part C of Schedule IV by not less than one hundred and fifty voters whose names appear in the register of voters for the electoral division for which he seeks to be elected;

Schedule

(d) Councillor shall be nominated in the prescribed Form 1 of Part D of Schedule IV by not less than seventy-five voters whose names appear in the register of voters for the ward for which he seeks to be elected;

Schedule

(e) District Chief shall be nominated in the prescribed Form 1 of Part E of Schedule IV by not less than fifty voters whose names appear in the register of voters for the district for which he seeks to be elected; and

Schedule

(f) Village Head shall, subject to subsection (7) be nominated in the prescribed Form 1 of Part F of Schedule IV by at least ten voters whose names appear in the register of voters for the village for which he seeks to be elected.

(3) Every nomination under subsection (2) shall be subscribed by the candidate who shall make the declaration contained in the relevant Form and by the persons nominating him.

(4) All nomination papers shall be obtained free of charge from the appropriate Returning Officer at any time before the close of nominations.

(5) No person shall subscribe to more than one nomination paper in respect of an office for which elections are to be held.

(6) Where a person subscribes to more than one nomination paper contrary to subsection (5), his subscription shall only be effective in the case of the one which is first delivered.

(7) Where the number of registered voters in a village is less than ten, the Commission may determine the number of registered voters required to nominate a candidate for the office of Village Head.

(8) Where the Commission, after consultations with the appropriate Returning Officer and District Chief, determines that there is a consensus in a village of the choice of Village Head, it shall declare the villagers' choice elected without the need for nomination or election to such office.

Payment of  
deposit

43. (1) A candidate shall, at the time he delivers his nomination paper to the Returning Officer for elections to the office of

- (a) President, deposit or cause to be deposited with the Returning Officer, the sum of ten thousand dalasis;
- (b) Member of the National Assembly, deposit or cause to be deposited with the Returning Officer, the sum of five thousand dalasis;
- (c) Mayor or Chairman of Municipal Council, deposit or cause to be deposited with the Returning Officer, the sum of two thousand five hundred dalasis.
- (d) Councilor, deposit or cause to be deposited with the Returning Officer, the sum of one thousand two hundred and fifty dalasis; and
- (e) District Chief, deposit or cause to be deposited with the Returning Officer, the sum of two thousand dalasis.

(2) No payment of deposit is required for nomination for election to the office of Village Head.

(3) The payment of deposit as required under subsection (1) shall be in cash and no nomination paper shall be valid without the payment of such deposit, provided that it shall be sufficient if such deposit has been paid to the Commission before nomination day and a receipt produced to that effect.

Return and  
forfeiture  
of deposit

(4) The Returning Officer shall remit to the Commission all deposits received by him and not returned pursuant to section 44.

44. (1) A deposit paid in accordance with section 43 shall be returned to the candidate if

- (a) his nomination paper is rejected;
- (b) he withdraws his nomination in accordance with the provisions of this Decree;
- (c) there is no contested election; or

(d) in a contested election,

(i) in relation to the election of a President, he obtains not less than forty percent of the votes cast for the elected candidates,

(ii) in relation to National Assembly elections he obtains twenty percent of the votes cast for the elected candidate, and

iii) in relation to the election of a Mayor or Chairman of a Municipal Council, Councillor, District Chief, he obtains fifteen percent of the votes cast for the elected candidate.

obligations

45. (1) Where a nomination paper is duly completed and the required deposit paid in accordance with this Part, the symbol and colour by which the candidate is to be identified and any other relevant document required by the Commission shall be delivered to the Returning Officer at or before the time appointed for the close of nominations.

(2) The Returning Officer shall, on receipt of the nomination paper and other relevant documents, make entries of the date and time on which the nomination paper and other relevant documents were delivered.

Acceptance of  
nomination  
paper

Schedule

Schedule

Schedule

Schedule

Schedule

Schedule

46. (1) Where a Returning Officer satisfies himself that all the constitutional and other legal requirements for the nomination of a candidate have been complied with, he shall accept the nomination paper and complete in duplicate the Acceptance of Nomination form set out in Form 2 of

(a) Part A Schedule IV, in the case of nomination for the office of President;

(b) Part B of Schedule IV, in the case of nomination for the office of Member of the National Assembly,

(c) Part C of Schedule IV, in the case of nomination for the office of Mayor or Chairman of Municipal Council;

(d) Part D of Schedule IV, in the case of nomination for the office of Councillor;

(e) Part E of Schedule IV, in the case of nomination for the office of District Chief; and

(f) Part F of Schedule IV, in the case of nomination for the office of Village Head.

(2) The Returning officer shall deliver the relevant duplicate of the Acceptance of nomination form to the candidate or his representative, whereupon the candidate shall be deemed to be nominated.

Rejection of  
nomination  
paper

47. (1) Where a Returning Officer finds, after examining the nomination paper and other documents, that the particulars appearing in such nomination paper and other documents do not comply with the constitutional and other legal requirements for the nomination of a candidate, he shall reject the nomination paper and complete in duplicate the Rejection of Nomination form set out in Form 3 of

Schedule

- (a) Part A of Schedule IV, in the case of nomination for the Office of President;

Schedule

- (b) Part B of Schedule IV, in the case of nomination for the office of Member of the National Assembly,

Schedule

- (c) Part C of Schedule IV, in the case of nomination for the Office of Mayor or Chairman of Municipal Council;

Schedule

- (d) Part D of Schedule IV, in the case of nomination for the office of Councilor,

Schedule

- (e) Part E of Schedule IV, in the case of nomination for the office of District Chief; and

Schedule

- (f) Part F of Schedule IV, in the case of nomination for the office of Village Head.

(2) The Returning Officer shall deliver the relevant duplicate of the Rejection of Nomination form to the candidate or his representative.

(3) The rejection of a nomination paper shall be without prejudice to the delivering of a fresh nomination paper, provided that the subsequent nomination paper is delivered before the close of nominations.

Persons who  
may not be  
nominated

48. The following persons may not be nominated as candidates for election to any of the offices outlined in section 39, unless before nominations are held, they vacate their offices:

- (a) Magistrates and judges;
- (b) members of The Gambia Armed Forces, The Gambia Police Force and other security forces on active duty; and
- (c) members of the Commission.

objections  
to nomi-  
nations

49. (1) A registered voter may object to a nomination paper on all or any of the following grounds, but on no other ground:

- (a) that the description of the candidate is insufficient to identify the candidate;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of the Constitution or this Decree;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected to the office to which his nomination paper relates.

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon on the day of nomination, provided that, if an objection is filed, a nomination paper may be corrected until five o'clock in the afternoon of the day of nomination.

(3) Every objection shall be in writing signed by the person objecting and shall specify the ground of objection.

(4) The Returning Officer shall, with the least possible delay, decide on the validity of an objection and inform the candidate concerned of his decision in accordance with section 46 or 47.

(5) The decision of a Returning Officer on a nomination paper or any objection may be appealed against in writing presented to the Commission within two days of the decision, and the decision of the Commission on such appeal shall be final and shall not be called into question in any court of law.

(6) Nothing contained in this Part with respect to limitation of time or otherwise shall affect a decision of the Commission whether to accept or reject a nomination paper.

(7) The Commission shall communicate its decision to the appropriate Returning Officer who shall act promptly on such decision.

50. (1) In a contested election a candidate shall, not later than the time and date set for the withdrawal of candidature under section 51, present to the appropriate Returning Officer

(a) photographs of himself according to the number of polling booths in the candidate's electoral division, and such photographs shall consist of a representation of the head and shoulders only of the candidate, bareheaded and without any distinguishing robes, insignia or uniform; and

(b) the colour and symbol (hereinafter referred to as a "representative symbol") by which the candidate desires to be identified during the election.

(2) The Returning Officer shall ensure that the representative symbols presented to him by candidates

(a) are not the same or so similar as to mislead or confuse; and

(b) do not have any religious, sectional or regional significance.

(3) If a candidate fails to comply with the requirements of this section, his nomination shall be void, provided that the Returning Officer may allow the nomination to stand if the candidate, before the lapse of the time and date referred to in subsection (1), complies with the requirements of the section.

(4) The Returning Officer may, for purposes of ensuring compliance with the requirements of this section, give such directions, to any candidate, as he may consider necessary.

Approval of  
photographs and  
symbols

Withdrawal  
of candidature

51. (1) Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the Returning Officer not later than four o'clock in the afternoon of the twentieth day before the date of election, or where the election is to be held over a period of days, before the first day of that period.

(2) On receipt of the withdrawal of candidature, the Returning Officer shall duly complete and sign, in duplicate, the Acceptance of Withdrawal form set out in form 4 of

- |          |   |
|----------|---|
| Schedule | (a) Part A of Schedule IV, in the case of a candidate for the office of President;                                |
| Schedule | (b) Part B of Schedule IV, in the case of a candidate for the office of Member of the National Assembly;          |
| Schedule | (c) Part C of Schedule IV, in the case of a candidate for the office of Mayor or Chairman of a Municipal Council; |
| Schedule | (d) Part D of Schedule IV, in the case of a candidate for the office of Councilor;                                |
| Schedule | (e) Part E of Schedule IV, in the case of a candidate for the office of District Chief; and                       |
| Schedule | (f) Part F of Schedule IV, in the case of a candidate for the office of Village Head.                             |

(3) The Returning Officer shall

- (a) hand over to the candidate or his representative the appropriate Acceptance of Withdrawal form for endorsement;
- (b) keep the original of the form and deliver the duplicate to the candidate or his representative and if the candidate was registered under a political party, give notice to such party of the candidate's withdrawal.

(4) Where the candidate withdrawing his candidature had registered his nomination under a political party, that political party may within seven days from the date of the withdrawal field another candidate.

(5) A candidate fielded under subsection (4) shall be nominated in accordance with the provisions of this Part, provided that the Returning Officer may give such shorter notice when such nomination shall be held as he may deem fit.

52. A Returning Officer shall, as soon as may be practicable after the close of nominations but at least seven clear days before the day of election, or, if the election is to be held over a period of days, before the first day of that period, publish

- (a) the names and addresses of all candidates deemed to be nominated;
- (b) the names and addresses of all persons nominating candidates; and
- (c) the representative symbols approved for each candidate.

Publication  
of particulars  
of candidates

Poll to be  
taken unless  
candidate  
unopposed

53. (1) The Commission shall
- (a) declare a candidate unopposed and elected to the office in respect of which he sought to be elected if, at the close of nominations, he is the only candidate nominated for election to that office; and
  - (b) as soon as practicable, cause such declaration to be published.
- (2) Where, at the close of nominations,
- (a) more than one candidate stands nominated, a poll shall be taken in accordance with this Decree; and
  - (b) no person is or remains nominated, the Commission shall cause to be published a fresh Notice in accordance with section 40.

Death of  
candidate

54. (1) If after the date appointed for the receipt of nominations, one of the candidates nominated for election to an office dies before the poll has commenced, the Returning Officer concerned shall notify the fact of such death to the Commission which shall, upon being satisfied of the facts of the notification,
- (a) cause a fresh Notice to be published in accordance with section 40 in respect of the electoral division affected by such death, provided that the death occurs within the period stipulated for withdrawal of candidates under section 51 (1); and

- (b) defer the holding of elections in respect of the electoral division affected by such death, if the death occurs outside the period stipulated in section 51 (1).

(2) Where a Notice is issued as required under subsection (1), the provisions of section 51 (4) and (5) shall apply as if the death of the candidate were a withdrawal.

(3) Where the holding of elections in respect of any area is deferred, fresh nominations for that area shall be held and the provisions of this part shall apply accordingly.

PART V CONDUCT OF ELECTIONS

(a) Polling Stations

Provision of  
polling stations  
and allocation  
of voters

55. (1) The Commission shall provide in its discretion polling stations in every electoral division in which elections are to be held and, subject to subsection (2), shall allocate voters to such polling stations.

(2) The number of voters allocated to a polling station shall not be less than one hundred and not more than two thousand.

(3) The requirements of subsection (2) shall not apply in the case of elections to the office of Village Head, if the number of registered voters in the village in respect of which elections are being held is less than one hundred.

(4) The Returning officer shall in the statement required to be published in accordance with section 52,

- (a) include notice of the date of or period during which the poll is to be taken;
- (b) specify the polling stations in each electoral division in which elections are to be held and their location;
- (c) specify the voters allocated to each polling station; and

- (d) specify the day or days on which and the hours between which voting is to take place at every polling station.

Preparation  
of polling  
stations

56. (1) The Commission shall take measures in advance to ensure that every polling station is provided, before the commencement of the taking of the poll, with proper doors, barriers, tables, chairs and other conveniences, and shall see that the same are properly arranged for carrying out the purposes of this Decree.

(2) Each polling station shall be furnished with a compartment in which voters can record their votes screened from observation but such that any person of normal hearing in the polling station can hear the recording of votes carried out in the manner provided in this Decree.

(3) In such compartment there shall be provided a number of ballot boxes equal in number to the number of candidates standing for election.

(4) Each ballot box shall be prominently marked with the name and shall bear the representative symbol, colour and a photograph of one of the candidates.

(5) Every ballot box shall be of convenient size and shall be so constructed that the ballot tokens can be introduced into the box and cannot be withdrawn from the box without the box being unsealed.

(6) Each ballot box shall be provided internally with a baffle plate or device so placed that any ballot token inserted in the ballot box shall strike such plate or device before coming to rest at the bottom of the ballot box.

(7) Each baffle plate or device shall be of such material, and shall be so disposed within the ballot box, as to emit, upon its being struck by a ballot token inserted in the ballot box, a clear and distinctive sound audible to any person of normal hearing in the polling station in which the ballot box may be.

(8) Every ballot box in a polling station shall be of similar construction to all others in the polling station, as to ensure, as far as is practicable, that no person of normal hearing in such polling station is able to distinguish by differentiation of sound the insertion of ballot tokens in any particular ballot box.

(9) The Presiding Officer shall so place the various ballot boxes within the screened compartment as to prevent, as far as is practicable, any person from being able to distinguish by direction of sound, the particular ballot box into which a ballot token is inserted.

conduct of  
polling stations

57. (1) The Presiding Officer and any other election officer assigned to a polling station shall, to the best of their abilities, keep order in the polling station.

(2) If any person misconduct himself at a polling station, or fails to obey any lawful order of the Presiding Officer, the Presiding Officer may order such person to be removed from the polling station by a police officer.

Equipment  
for polling.

(3) The person who is removed from a polling station shall not, without the permission of the Presiding Officer re-enter the polling station during the day of the election, and such person may be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

(4) The provisions of subsection (3) shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of so voting.

58. (1) The Commission shall supply every Presiding Officer with

- (a) such number of ballot boxes as may be required to comply with the provisions of section 56;
- (b) a copy of the register of voters applicable to the electoral division concerned, the Presiding Officer, or such part thereof as contains the names of the voters allotted to the polling station at which he is appointed to preside;
- (c) a sufficient number of ballot tokens; and
- (d) such other conveniences as may be necessary for taking the poll.

(2) The materials supplied under subsection (1) shall

- (a) be certified by the Commission or such person designated by the Commission for that purpose; and

- (b) be attested by the signature of the Presiding Officer receiving the materials.

Presiding  
Officers  
and staff

59. (1) When elections are to be held over a period of days in any area, the Commission may specify that a Presiding Officer shall preside at more than one polling station in such area in such order as it may specify.

(2) The Presiding Officer shall regulate the number of voters to be admitted at a time in his polling station and shall exclude all other persons, except his authorised assistant election officers; polling agents, if any, police officers on duty and any other person so authorised by the Commission.

(3) Subject to the authority, directions and control of the Presiding Officer, an authorised assistant election officer shall have all the powers and may perform any of the duties of a Presiding Officer under this Decree.

Polling  
agents

60. (1) Each candidate nominated for election may appoint two persons (referred to in this Decree as "polling agents") to attend at each polling station within the electoral division for which he is a candidate for the purpose of detecting irregularities and offences under the Decree.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the Returning Office not later than seven days before the day of election, or, where the election is to be held over a period of days, the first day of that period.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Returning Officer notice in writing of the name and address of the polling agent so appointed.

(4) A Presiding Officer shall not allow any person to act as a polling agent if that person cannot prove to him that the provisions of this section had been complied with.

(5) The polling agents shall be posted in such place at a polling station that they can see each person who presents himself as a voter, and hear his name as given by him, but so that they cannot see how any voter votes, but can hear any voter recording his vote in the manner provided in section 56.

(6) A polling agent shall not address any voter at a polling station, but shall direct all his observations and queries to the Presiding Officer.

**(b) Voting**

Obligation  
to vote at  
polling station.

61. (1) No voter shall vote at a polling station other than the one allotted to him.

(2) Notwithstanding subsection (1), any police officer or election officer on duty at a polling station who is prevented from voting at the polling station allotted to him because of his assignment shall, if he produces a certificate under the hand of the Returning Officer stating that he is registered as a voter and any other relevant facts in support of his claim, be allowed to vote at the polling station at which he is on duty or employed, if such polling station is within the area for which he is registered.

(3) The Returning Officer shall furnish a copy of the certificate issued by him to the Presiding Officer at the polling station allotted to the person to whom the certificate relates.

(4) The Presiding Officer shall, upon receipt of the certificate but before the opening of the poll, endorse against the name of the person to whom the certificate relates in the copies of the register of voters in use at his polling station and record the fact that such person is entitled to vote at that polling station.

Directions  
on voting.

62. For the guidance of voters, Returning Officers shall cause notices to be printed in conspicuous characters and posted in various places outside and inside each polling station, in the following form or such other form as the Commission may direct:

"DIRECTIONS TO VOTERS

- (1) You may vote for one candidate only.
- (2) Place your ballot token in the ballot box bearing the name and symbol of the candidate for whom you wish to vote.
- (3) When you have recorded your vote, leave the polling station."

Ballot tokens.

63. (1) The votes at the poll shall be cast by ballot and the ballot of each voter shall consist of a token (referred to in this Decree as a "ballot token").

(2) All ballot tokens used in any particular polling station shall be identical in all respects.

Ballot boxes.

(3) Notwithstanding subsection (2), where elections are held for different offices on the same day at the same polling stations, the Commissions may direct that different ballot tokens be used for each such different office.

64

The Presiding Officer shall,

- (a) immediately before the commencement of a poll at a polling station, exhibit each of the ballot boxes empty to such persons as may be present at the polling station;
- (b) in the presence of the persons referred to in paragraph (a), take all measures necessary to ensure that no sound other than that resulting from the impact of ballot tokens on the internal baffle plate or device in each ballot box shall issue from such ballot box;
- (c) seal up all the ballot boxes, placing his seal upon each in such a manner as to prevent any ballot box being opened without breaking the seal; and
- (d) place the ballot boxes in the screened compartment of the polling station and keep them so sealed until the close of the poll at the polling station or, in an area where the election is to be held over a period of days, until the close of the poll at the last polling station for which he is appointed.

Commence-  
ment and  
close of polls.

65. Polls at a polling station shall commence at seven O'clock in the forenoon and close at six O'clock in the evening, provided that the polls

- (a) may close earlier if all the voters allotted to the polling station have voted; and
- (b) shall not be closed if there are voters waiting to vote.

Method  
of voting.

66. (1) Every voter desiring to record his vote shall present himself together with his voting card to the Presiding Officer at the polling station allotted to him.

(2) The Presiding Officer, after satisfying himself that the name of a voter is in the copy of the part of the register of voters containing the names of the voters allotted to the polling station, shall subject to subsection (3), deliver a ballot token to the voter.

(3) The Presiding Officer shall verify, in such manner as he considers fit, the authenticity of the voting card presented to him by a voter before he delivers a ballot token to such voter.

(4) Where

- (a) a voter fails to answer satisfactorily any question put to him by the Presiding Officer,
- (b) a voter refuses to furnish his signature or an impression of his thumbprint as required under this Decree or any Rules made thereunder, or

(c) after the examination of a voter's signature, thumbprint and if necessary, his voting card and counterfoil, the Presiding Officer is satisfied that the voter presenting himself to vote

(i) is not the same person whose name is on the register or voters, or

(ii) has already voted at the election,

the Presiding Officer shall refuse to give him a ballot token.

(5) Immediately before delivering a ballot token to a voter, the Presiding officer shall

(a) make a mark against the name of the voter on his copy of the register of voters to denote that such voter has received a ballot token and shall sign and date the reverse of the voter's card; and

(b) ensure that the voter's thumb or other finger is marked with an indelible ink as an indication that the voter has voted.

(6) A voter shall record his vote by putting his ballot token into the box bearing the name and representative symbol of the candidate for whom he wishes to vote.

(7) Each voter shall have only one vote and no person shall at any election vote for more than one candidate.

(8) Every voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot token in the ballot box.

(9) Subject to subsection (10), only one voter shall be allowed in a screened compartment at any one time and no person other than a voter who is recording his vote shall at any time be allowed in the compartment except the Presiding Officer or other election officer who may enter only for purposes necessary for the proper conduct of the poll.

(10) Where a voter is incapacitated by blindness or other physical cause from recording his vote without assistance, the Presiding Officer or other election officer may accompany such voter into the screened compartment to assist him to record his vote.

Priority of  
voting to  
candidates.

67. At any polling station in which elections are being held, the Presiding Officer shall give priority to the candidates contesting the elections to cast their ballot.

Fraudulent  
voting.

68. (1) If, after a person has passed through the screened compartment in a polling station but before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that such person has committed an offence under section 112 (e) and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest such person.

(2) A person in respect of whom a polling agent makes a declaration under subsection (1) shall not, if

(a) he hands back to the Presiding Officer the ballot token received by him, and

(b) satisfies the Presiding Officer that he has taken the ballot token out of the screened compartment with no intent to defraud,

be arrested but shall be allowed to vote or to leave the polling station without voting, as he wishes.

(3) The Presiding Officer shall cause a note to be placed against the name of any person arrested or allowed to vote under this section, in the marked copy of the register of voters or portion thereof and shall, if any objection is made by a polling agent to anything done by the Presiding Officer under this section, in addition, record that objection.

(4) A person arrested under the provisions of this section shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Personation.

69. (1) If at the time a person applies for a ballot token, or after he has so applied but before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed an offence of personation and undertakes in writing to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest the applicant.

(2) Subject to subsection (3), a person in respect of whom a polling agent makes a declaration under subsection (1) shall not, by reason thereof, be prevented from voting, but the Presiding Officer shall cause the words "Protested against for personation" to be placed against his name in the marked copy of the register of voters or portion thereof.

(3) Where a person in respect of whom a declaration is made under subsection (1), admits to the Presiding Officer, or where the Presiding Officer is otherwise satisfied that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so.

(4) A Person arrested under this section shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Prohibitions  
on polling day.

70. On any day on which polling is to take place in an electoral division the following shall be prohibited in that Area:

- (a) the holding of a public meeting, procession or demonstration;
- (b) the making of any speech or announcement in a public place;
- (c) the use of any loudspeaker, loud hailer or other instrument of public address;
- (d) drumming or singing in a public place;
- (e) the display in any public place of a flag, banner or slogan;

- (f) canvassing;
- (g) the ringing of a bell or the making of any sound resembling that of a bell within the radius of five hundred metres of a polling station;
- (h) the riding or parking of a bicycle within the radius of five hundred metres of a polling station;
- (i) the selling or distribution of alcoholic drinks;
- (j) arriving at a polling station in a state of inebriation;
- (k) forming groups around polling stations, except joining a queue to cast a ballot;
- (l) entering a polling station armed; and
- (m) carrying out any other activity tending to block or disturb the normal voting process.

Duty of  
Presiding  
Officer at  
close of polls

71. (1) Upon closing polls at a polling station, the Presiding officer shall, in the presence of the polling agents, seal each of the ballot boxes in use at the polling station so as to prevent the introduction of additional ballot tokens.

(2) The Presiding Officer shall, after sealing the ballot boxes, write a Report on the Closing of Polls which shall include the following:

- (a) the time when voting ended;

- (b) the number of ballot tokens which were given to him before the commencement of polling;
- (c) the number of ballot tokens remaining after voting ended;
- (d) the number of voters who voted;
- (e) the names and addresses of the polling agents who witnessed the voting and their observations or queries, if any, including the names of the candidates they represented; and
- (f) the number of certificates furnished in accordance with section 61.

(3) Every polling agent shall, on the completion of the Report on the Closing of Polls, sign or thumbprint the Report.

(4) Where a polling agent refuses to sign or thumbprint the Report on the Closing of Polls this fact shall be stated in the Report by the Presiding Officer with the reasons, if any, given by the polling agent.

(5) If a polling agent has made observations or queries in accordance with this Decree but refuses to sign the Report on the Closing of Polls, his observations or queries shall be nullified.

(6) Notwithstanding anything contained in this section, the refusal by a polling agent to sign the Report on Closing of Polls shall not affect the validity of the Report or any votes cast or any election held.

#### Transportation of ballot boxes.

(7) The Commission may determine the form of the Report on the Closing of Polls.

72. (1) When the Presiding Officer completes the requirements of section 70, he shall make adequate arrangements for the security and transportation of the ballot boxes to the counting centres designated by the Commission.

(2) The Presiding Officer and polling agents shall accompany the vehicle transporting the ballot boxes in accordance with such arrangements as the Presiding Officer may determine, but such that the vehicle transporting the ballot boxes shall be within the view of the polling agents.

(3) Upon the arrival of the ballot boxes at a counting centre, the Presiding Officer shall require each polling agent to certify such arrival, and the Presiding Officer shall note such certification in his Report on the Closing of Polls.

(4) Where a polling agent refuses to make a certification as required under subsection (3), the Presiding Officer shall note the polling agent's refusal, and reason, if any, for such refusal.

(5) The refusal of a polling agent to make a certification under this section shall not affect the validity of the votes cast at an election or the election itself.

(6) Upon making a certification, or where there is a refusal to make a certification, upon the Presiding Officer noting such refusal in accordance with this section, every polling agent shall withdraw from time counting centre.

Power to designate counting centres

(c) Counting of Votes

73. The Commission shall, prior to conducting elections for any electoral division under this Decree, designate, by Order published in the Gazette, counting centres for the counting of votes cast in such election.

Appointing counting agents

74. (1) Each candidate may appoint one person (hereinafter referred to as "counting agent") to attend at the counting of votes.

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate to the Returning Officer not later than seven days before the day of election, or if the election is to be held over a period of days, before the first day of that period.

(3) The Returning Officer may refuse to admit to a counting centre any person purporting to be a counting agent in respect of whom a notice has not been given.

(4) If a counting agent dies or becomes incapable of acting as such, the candidate concerned may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

Counting of votes

75. (1) The Returning Officer shall

(a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the receipt of all the ballot boxes from the polling stations within his

Administrative Area; and

(b) break the seals on the ballot boxes of candidates, one after the other per polling station, bearing the name and representative symbol of each candidate and, with the aid of his election officers, proceed to examine and count the ballot tokens in accordance with this Decree.

(2) Where elections are held over a period of days counting shall not take place before the last day of polling.

(3) The Returning officer shall ensure that ballot tokens are counted and carefully examined to verify that the number of votes matches the number of voters who have voted, using the Report on the Closing of Polls prepared by the respective Presiding Officers under section 71 as a guide.

(4) The Returning Officer, his election officers and the candidates and their respective counting agents and other persons authorised by the Commission, and no other persons, may be present at the counting of the votes.

Void and rejected votes

76. (1) Any object, not being an official ballot token, or any official ballot token which appears to have been tampered with in any way whatsoever, shall not be counted.

(2) The votes cast in an election shall be void if voting in such election was held in locations different from the polling stations designated by the Commission.

(3) The Returning Officer shall enclose any object or any tampered ballot token which is not to be counted as a vote in a cover on which he shall endorse the word "rejected", and shall add to the endorsement the words "rejection objected to" if any objection be in fact made by a candidate or his counting agent to his decision.

(4) The Returning Officer shall report to the Commission

- (a) the fact of any votes that are void by virtue of this section; and
- (b) the number of objects or any tampered ballot token rejected as votes and not counted by him.

(5) The Returning Officer shall, on request by any candidate for whom a rejected vote not counted has been given or his counting agent, allow such candidate or his counting agent to copy the report before it is sent to the Commission.

Commission's  
decisions on  
ballot counts  
final

77. Subject to review on an election petition questioning the election, the decision of the Commission on any question arising in respect of any ballot token examined or counted in any electoral division shall be final.

Recount of  
votes

78. (1) A candidate or his agent may, if present when the counting or any re-count of the votes is completed, require the Returning Officer to have the votes re-counted or again re-counted but the Returning Officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any recounting of votes until the candidates and their counting agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by subsection (1).

Equality of  
votes.

79. (1) Where, after the counting of the votes or any recount of such votes is completed, an equality of votes is found to exist between any candidates, the Returning Officer shall declare a tie between the candidates and report the matter to the Commission.

(2) Where the Commission receive a report under subsection (1), it shall direct that fresh elections be held in respect of the electoral division in which the tie has been declared by the Returning Officer.

Report  
on counting  
of votes.

80. (1) Upon the completion of the counting of votes at an election centre, the Returning Officer shall prepare a Report on the Counting of Votes which shall include the following:

- (a) the total number of votes cast per polling station for each electoral division;
- (b) the number of valid votes;
- (c) the number of invalid votes;
- (d) the number of ballot tokens received and those not used;
- (e) the votes obtained by each candidate; and
- (f) the protests, if any, by counting agents regarding the validity of votes or any other matter.

(2) The Returning Officer shall require each counting agent to sign or thumbprint the Report on the Counting of Votes, and for this purpose the provisions of section 71 (4), (5) and (6) shall apply as if the reference in those subsections to Report on the Closing of Votes and polling agent were a reference to Report on the Counting of Votes and Counting agent respectively.

(3) The Report on the Counting of Votes shall be in such form as the Commission may determine.

Transmission  
declaration  
of results

81. (1) Upon completion of the requirements of section 80, the Returning Officer shall report the results of the elections to the Commission by such means of communication as the Commission may direct.

(2) The Commission shall, as soon as practicable upon receipt of election results, declare

- (a) the results; and
- (b) elected, the candidate or in the case of a list of candidates the number on that list in accordance with section 79, who received the greatest number of votes.

publication  
of results

82. The Commission shall, after the declaration of results,

- (a) publish the results of the election; and
- (b) retain the ballot tokens and any documents transmitted to it in pursuance of the provisions of this Decree for a period of six months and dispose of such ballot tokens and documents in such manner as it thinks fit.

Saving

By-elections

Declaring  
election  
campaign  
periods

Election  
campaign  
materials

83. Where in this decree any act or thing is required or authorized to be done in the presence of the candidates, polling agents or counting agent, the non-attendance of any of them at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

84. If, for any reason, the seat to an electoral division to which a candidate had been declared elected under section 80 becomes vacant and in consequence a by-election becomes necessary, the Commission shall hold another election for that electoral division in accordance with the provisions of the Constitution and this Decree.

#### **PART VI - ELECTION CAMPAIGN**

##### **(a) Election Campaigning**

85. (1) The Commission shall, by Order published in the Gazette, determine and declare the period after nominations are held when campaigning by candidates and political parties may begin and end.

(2) The Commission may, in its discretion, declare different periods for election campaigns for different offices.

86. (1) Upon the commencement of an election campaign candidates and political parties may, in addition to regular campaigning,

- (a) publish books, magazines, brochures, pamphlets, flyers, posters, signs and other similar materials;
- (b) make use of the press, radio, television and other media form;

- (c) carry out various political activities within the limits of the law.

(2) Every election campaign material published in accordance with the power conferred under subsection (1) shall identify

- (a) the issuing candidate or political party, as the case may be; and  
(b) the printer of the material.

(3) No person shall post banners, posters, placards, drawings, billboards or other similar material on public buildings, national monuments, religious institutions or private property unless the owner of the property gives his consent.

(4) A candidate or political party shall, notwithstanding any law to the contrary, be exempted from the payments of customs duty in respect of election campaign material which is imported upon the presentation of a Certificate of Authorisation issued by the Commission.

(5) The Commission may, on application made to it by a candidate or political party wishing to import electoral campaign materials, issue such candidate or political party, as the case may be, with a Certificate of Authorisation.

87. (1) Where a political party wishes to hold a demonstration or procession during an election campaign period, it shall submit a written request to the Commission indicating the date, time and place of the holding of such event, at least three days in advance.

Holding demonstration  
procession

Saving

By-elections

Declaring  
election  
campaign  
periods

Election  
campaign  
materials

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Holding demonstration  
procession

Publishing  
information

Rights of  
candidates  
and political  
parties to  
campaign

(2) The Commission shall, upon receipt of a request under subsection (1), take a decision within forty-eight hours of the submission of the request.

(3) Where a demonstration or procession is requested by different political parties for the same time and place, the Commission may change the requests as submitted, but in any case giving priority to the first request received by the Commission.

(4) The Commission may, for purposes of ensuring the smooth co-ordination of a demonstration or procession and the maintenance of the peace and public order, liaise with the Inspector General of Police.

(5) Nothing contained in this section shall be construed to prohibit a political party from conducting any meeting, organisational activity or publishing any book or other material in connection with its normal activities as a political party.

88. When the election campaign for any election comes to an end, all election campaign activity shall cease and the public media shall be at the disposal of the Commission to publicise information on procedures for exercising the right of suffrage.

89. (1) Where a candidate or political party believes that his or its rights under this part have been violated, such candidate or political party may lodge a complaint with the Commission.

(2) The Commission shall, upon receipt of a complaint under subsection (1), take all necessary steps to ensure that the rights of the candidate or political party which are the subject of a complaint are properly addressed and rectified without delay.

(b) Election Campaign Ethics

Obligations  
of candidates  
and political  
parties

90. Every candidate and political party involved in an election campaign shall

- (a) respect the fundamental principles of the State as enshrined in the Constitution; and
- (b) carry out his or its campaign in keeping with ethical and moral standards and respect due to the candidates and political parties, voters and the Gambian people.

Prohibitions  
during election  
campaigns

91. No candidate or political party shall, during an election campaign period,

- (a) insult or slander another candidate;
- (b) abuse or engage in the improper use of property of the Government for political propaganda purposes;
- (c) campaign in public offices or educational institutions during working hours or hours of instruction.

Code on  
election  
campaign  
ethics

92. (1) The Commission shall prepare a code on election campaign ethics which it shall, at least thirty days before the beginning of election campaigning, issue to each candidate and political party.

(2) The acceptance of the code prepared and issued by the Commission under subsection (1) shall be a condition of

- (a) the acceptance of a candidate's nomination paper; and

- (b) registration of a political party to take part in an election conducted under this Decree.

(3) The code of ethics on election campaign shall be published in the Gazette by Order.

(c) Use of Radio and Television

Air time  
on radio and  
television

93. (1) The Commission shall, during an election campaign period, ensure that equal air time is given to each candidate and national party on the public radio and television.

(2) The Commission shall, in compliance with subsection (1), determine the time to be allocated to each candidate and political party per day or such other period as the Commission may consider reasonable, taking into account the number of candidates and political parties making a request under subsection (3).

(3) A candidate or political party wishing to be given air time under subsection (1), shall make a request in writing addressed to the Commission, and the Commission shall not be obligated under this section in the absence of the receipt of a request in writing.

Use of private  
radio and  
television  
stations

94. (1) Every candidate and political party shall enjoy the right to use private radio stations and television stations under the contract.

(2) A private radio station or television station shall, during an election campaign period, guarantee to each candidate and political party, in accordance with the principle stated in subsection (1), a minimum air time of five minutes.

Rates of air  
time

95. (1) Every radio station and television station, whether public or private shall, within seven days of a declaration being made under section 85, prepare and present to the Commission the rates they intend to charge for air time for candidates and political parties.

(2) Upon receipt of the rates, the Commission shall, if it considers it reasonable so to do, enter into negotiations with the persons concerned in the management of the radio stations and television stations for purposes of

- (a) finalising the rates; and
- (b) ensuring fairness in the distribution of air time.

(3) The Commission shall publish the rates agreed upon under subsection (2) and a copy of such rates shall be made available, free of charge, to each candidate and political party upon request.

(4) A candidate or political party requesting to be given air time in pursuance of section 93 or 94 shall pay the rates published by the Commission under subsection (3)

96. No religious radio station or television stations shall conduct political campaigns.

#### **PART VII - ELECTION PETITIONS AND CIVIL PROCEEDINGS**

97. No election and no return to an elective office shall be questioned in any proceedings except by an election petition presented in accordance with this Part.

Religious  
radio and  
television  
stations

Elections to  
be questioned  
only by  
petition

Presentation  
of election  
petition

98. (1) A petition complaining of an undue return or undue election under the provisions of this Decree (hereinafter called an "election petition") may, within thirty days from the date of the declaration of the result of the election, be presented to the Court in its civil jurisdiction by any one or more of the following persons:

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person who claims to have had a right to be returned or elected at such election; or
- (c) a person who alleges himself to have been a candidate at such election.

(2) At the time of the presentation of the petition, or within three days afterwards, the petitioner shall give security for the payment of all costs, charges and expenses that may become payable by him to any witness summoned on his behalf or to any respondent.

(3) The security shall be such amount and shall be given in such manner as the Court may order, and in the event of failure to comply with such order no further proceedings shall be had on the petition.

99. Without prejudice to section 100. (10) and (11), all or any of the following relief to which a petitioner may be entitled may be claimed in an election petition:

- (a) declaration that the election is void;
- (b) a declaration that the return of the person elected was undue;

Relief which  
may be claimed

- (c) a declaration that a candidate was duly elected and ought to have been returned;
- (d) where the seat of an electoral division is claimed for any unsuccessful candidate on the ground that such candidate had a majority of the valid votes cast, a scrutiny under section 103.

100. (1) Every election petition shall be tried by the Chief Justice in open Court.

(2) During the trial of an election petition the Court may order

- (a) the production and inspection of any rejected ballot token, of any voting card or counterfoil;
- (b) the inspection of any counted ballot token; or
- (c) the opening of any sealed packet of used ballot tokens.

(3) In making and carrying into effect an order made under subsection (2), the Court shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Court to be invalid.

(4) A person called as a witness at the trial of an election petition shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer to the question may incriminate or tend to incriminate himself, or on the grounds of privilege.

(5) A witness who answer truly all questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity under the hand of the Chief Justice, stating that the witness has so answered.

(6) Any answer by a person to a question put by or before the Court shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be in any proceedings, civil or criminal, admissible in evidence against him.

(7) Subject to subsection (9) and the provisions of this Decree and without prejudice to any power to make Rules of Court under any other law, the Chief Justice may make, amend, or revoke rules for regulating the practice and procedure to be observed on election petitions, and, subject to such rules, the procedure at the trial of an election petition shall, as near as circumstances will admit, be the same, and the Court shall have the same power, jurisdiction and authority as if it were trying a civil action.

(8) The witnesses shall be subpoenaed and sworn in the same manner, as near as circumstances will admit, as in the trial shall be subject to the same penalties for perjury.

(9) The Rules prescribed in Schedule V shall be deemed to be made under the powers conferred in subsection (7).

(10) At the conclusion of the trial, the Court shall determine whether the person of whose return or election complaint is made, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Commission

(11) Upon a certificate being given under subsection (10) by the Chief Justice,

- (a) the determination shall be final and no appeal shall lie therefrom; and
- (b) the election shall be confirmed, or a new election held, as the case may require in accordance with such certificate.

(12) No election officer shall be joined as a party to an election petition, and no Court shall accept such a petition, except in the case of a Returning Officer, and then only if it be shown by affidavit annexed to the petition that there was wilful misconduct on the part of the Returning Officer.

101. (1) Where a person has received a certificate of indemnity in relation to an election, and by legal proceedings are at any time brought against him for any corrupt or illegal practice committed by him be stayed previous to the date of the certificate at or in relation to the election, the Court having cognizance of the case shall, on production of the certificate, stay the proceedings and may in its discretion award to the person such costs as he may have been put to in the proceedings.

Reporting of  
illegal and  
corrupt  
practice

(2) Nothing in this section shall be deemed to relieve any person receiving a certificate of indemnity from any incapacity under any law or from any proceedings to enforce that incapacity, other than a criminal prosecution.

102. (1) If during the course of the trial of an election petition it is shown to the satisfaction of the Court that any person or political party has been guilty of an illegal or a corrupt practice the Court shall, at the conclusion of the trial, report the person or party to the Commission, specifying in the report.

- (a) the name, description and address of the person or party; and
- (b) the type of illegal or corrupt practice committed.

(2) Before the Court makes a report under subsection (1), it shall give the person or political party concerned an opportunity of being heard and of giving and calling evidence to show why he or the party should not be reported

(3) Any person or political party reported in accordance with this section for an illegal or corrupt practice, shall from the date of the report be subject to the same incapacities as if on such date he or the party had been convicted of that practice in accordance with Part IX.

(4) Upon receiving a report under this section, the Commission shall,

- (a) in the case of the person, cause such person's name to be struck off from any register of voters on which it appears; and

Proceedings  
against person  
who has received  
certificate of  
indemnity to be  
stayed.

- (b) in the case of the political party;
- (i) cause to be struck off from any register, the name of any person who, in the opinion of the Commission, has been involved in the illegal or corrupt practice committed by the party; and
- (ii) take such disciplinary measures, including deregistration or suspension of the party as may appear appropriate to the Commission to prevent a recurrence of the illegal or corrupt practice by the party.

(5) Where the Commission takes action against a person or political party under subsection (4), it shall publish the name of such person or party in the Gazette, stating its reasons for the action.

Votes to be  
struck off at  
a scrutiny

103. (1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off:

- (a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was recorded;
- (b) the vote of any person whose vote was procured by bribery, treating or undue influence;
- (c) the vote of any person who committed or procured the commission of personation at the election;
- (d) the vote of any person proved to have voted at the election in more than one electoral division;

(e) the vote of any person, who, by reason illegal practice or by reason of the report made against him under section 102, or by reason of his conviction of an offence under Part IX was incapable of voting at the election; and

(f) the votes given for a disqualified candidate by a voter knowing that the candidate was disqualified or the facts causing the disqualification, or after sufficient public notice of the disqualification, or when the disqualification or the facts causing it, were notorious.

(2) The vote of a registered voter shall not, except in the case specified in subsection (1) (e), be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered on the register of voters.

(3) On a scrutiny, any invalidated vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

## PART VIII REGISTRATION AND CONDUCT OF POLITICAL PARTIES

Participation  
of political  
parties in  
election

104. (1) The conduct of elections to an elective office in accordance with the Constitution and this Decree shall be based on party politics.

(2) Notwithstanding subsection (1), any person who is qualified to be registered as a voter under the Constitution and this Decree may contest as an independent candidate in any election.

(3) A person who is a citizen of The Gambia may freely choose the political party he desires.

(4) No political party shall be formed on sectional, religious, ethnic or regional basis.

(5) Every political party shall conform to democratic principles, and its actions and purposes shall not contravene or be inconsistent with the Constitution or any laws.

105. (1) The Commission shall, on the written application of a political party in the prescribed form, register the party, if the Commission is satisfied that

- (a) it is the principal object of that political party to participate in the promote election under this Decree including
  - (i) the nomination of persons as candidates for such election;
  - (ii) the canvassing for votes for a candidate at such election; and
  - (iii) the devotion of any of its funds or any part thereof to the election expenses of any candidate taking part in such elections;
- (b) the internal organisation of the political party conforms to democratic principles;

(c) the purposes and actions of the political party do not contravene or are not inconsistent with the Constitution or other laws; and

(d) the political party has a national character and is not formed on any sectional, religious, ethnic or regional basis.

(2) The application shall be accompanied by

- (a) the political party's constitution;
- (b) the political party's name and full address;
- (c) the names and addresses of all the registered officers of the political party;
- (d) the full address of the political party's secretariat;
- (e) the political party's emblem, colour, motto and symbol which shall have no ethnic, religious or regional connotation;
- (f) a declaration signed by at least five hundred members of the political party whose names appear in the register of voters to the effect that such voters support the registration of the political party and seek its registration as a political party;

Political parties  
to notify  
Commission  
of change

- (g) such fee as the Commission may determine; and
- (h) a written undertaking that the political party shall abide by the code on election campaign ethics which the Commission may from time to time prepare.

106. (1) if a change occurs in relation to

- (a) the name, emblem, colour, motto, symbol or address of a political party, or
- (b) the secretariat of registered officers of a political party,

the political party shall notify the Commission in writing of the change within thirty days after the date on which such change has occurred.

(2) If the Commission determine that the name, emblem, colour, motto or symbol of a political party

- (a) violates the provisions of this section, or
- (b) is identical to the name, emblem, colour, motto or symbol of any other political party or so closely resembles it that voters may be misled or confused thereby,

the Commission shall so notify the political party which shall change such name, emblem, colour, motto or symbol within ten days of receipt of the notification.

Submission  
of manifesto

(3) Where the political party fails to comply with a notification issued under subsection (2), the Commission shall deny registration to the party or where the party is already registered, de-register the party.

107. At or prior to the time a political party submits a nomination for any election, it shall submit to the Commission a copy of the party's manifesto which shall contain

- (a) written commitment of the party to encourage the growth of the spirit of tolerance and multiculturalism amongst Gambians;
- (b) evidence that the party is not based on religious, cultural or ethnic lines or on any consideration which may induce divisive political activity or promotion of unpatriotic and non-national interests;
- (c) a commitment to provide opportunities for its members to benefit from the Government's programme of civic and member education; and
- (d) a clear cut explanation of the party's programme for national development.

Cancellation  
of registration

108. Without prejudice to section 106 (3), the Commission shall cancel the registration of a political party if it is

- (a) notified in writing signed by a majority of the registered officers of the political party that the political party has, by resolution, dissolved or is going to be dissolved on a date which shall be specified in such resolution; or
- (b) proved to the satisfaction of the Commission that the political party has at any time after its registration failed to comply with any of the provisions of this Part.

Appeal

109. (1) A political party which is aggrieved by a decision of the Commission to deny it registration or to de-register it may, within fourteen days of such denial or de-registration, appeal to the Court.

(2) The decision of the Court may be appealed against to the Court of Appeal whose decision shall be final.

## PART IX OFFENCES AND PENALTIES

Offences in  
respect of  
voter registration  
and voter forms

110. A person who

- (a) knowingly makes a false declaration or statement on any Claim for Registration either as a claimant or on behalf of a claimant,
- (b) forges, counterfeits, alters, defaces or fraudulently destroys any Claim for Registration, voting card or counterfoil,

- (c) sells, purchases or fraudulently possesses any Claim for Registration, voter card or counterfoil,
- (d) registers to vote in more than one constituency without applying for transfer of registration, or
- (e) induces or procures any other person to register to vote knowing that such person is prohibited or is not qualified or entitled by any law to register to vote,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years and shall be incapable during the period of five years from the date of his conviction of being registered as a voter or of voting at any election.

Offences relating  
to registers

111. A person who

- (a) copies or possesses any copy of a register of voters or any part thereof without lawful authority,
- (b) forges, counterfeits, alters, defaces or fraudulently destroys any register of voters, or
- (c) unlawfully retains, seizes or possesses a voting card, counterfoil book, registration stamp or anything in use at a registration centre,

commits an offence and is liable on conviction to a fine not exceeding five thousand dalasis or to imprisonment for a term not exceeding two years, or both.

Offence relating  
to nominations,  
ballot tokens and  
representative symbols

112. A person who

(a) forges, fraudulently defaces  
or fraudulently destroys any  
nomination paper or delivers to any  
person or authority to whom the nomination  
papers are required under this Decree to be  
delivered, any nomination paper knowing the  
same to be forged or fraudulently defaced,

(b) forges, counterfeits, defaces,  
fraudulently destroys, takes,  
opens or otherwise interferes  
with any ballot token,  
representative symbol or ballot  
box then in use for the purposes  
of an election,

(c) supplies a ballot token to any  
person without lawful authority,

(d) fraudulently puts into any ballot  
box any object other than the  
ballot token which he is  
authorized by law to put in, or

(e) fraudulently takes any ballot  
token out of the screened  
compartment in a polling station,

commits an offence and is liable on  
conviction to imprisonment for a term  
not exceeding two years.

Offences relating  
to registers

(c) sells, purchases or fraudulently  
possesses any Claim for  
Registration, voter card or  
counterfoil,

(d) registers to vote in more than  
one constituency without applying  
for transfer of registration, or

(e) induces or procures any other  
person to register to vote  
knowing that such person is  
prohibited or is not qualified or  
entitled by any law to register  
to vote,

commits an offence and is liable on  
conviction to imprisonment for a term not  
exceeding two years and shall be incapable  
during the period of five years from the  
date of his conviction of being registered  
as a voter or of voting at any election.

114. A person who

(a) copies or possesses any copy of a  
register of voters or any part  
thereof without lawful authority,

(b) forges, counterfeits, alters,  
defaces or fraudulently destroys  
any register of voters, or

(c) unlawfully retains, seizes or  
possesses a voting card,  
counterfoil book, registration  
stamp or anything in use at a  
registration centre,

commits an offence and is liable on  
conviction to a fine not exceeding five  
thousand dalasis or to imprisonment for a  
term not exceeding two years, or both.

Offence relating  
to nominations,  
ballot tokens and  
representative symbols

112. A person who

(a) forges, fraudulently defaces  
or fraudulently destroys any  
nomination paper or delivers to any  
person or authority to whom the nomination  
papers are required under this Decree to be  
delivered, any nomination paper knowing the  
same to be forged or fraudulently defaced,

(b) forges, counterfeits, defaces,  
fraudulently destroys, takes,  
opens or otherwise interferes  
with any ballot token,  
representative symbol or ballot  
box then in use for the purposes  
of an election,

(c) supplies a ballot token to any  
person without lawful authority,

(d) fraudulently puts into any ballot  
box any object other than the  
ballot token which he is  
authorized by law to put in, or

(e) fraudulently takes any ballot  
token out of the screened  
compartment in a polling station,

commits an offence and is liable on  
conviction to imprisonment for a term  
not exceeding two years.

offences relating  
to infringement  
of secrecy

113. (1) Every election officer, candidate,  
agent and other authorised person in  
attendance at a polling station shall  
maintain and aid in maintaining the secrecy  
of the voting in such polling station and  
shall not communicate, except for some  
purpose authorised by law, to any person  
any information as to the name or number on  
a register of voters of any voter who has  
or has not applied for a ballot token or  
voted at that polling station before the  
poll is closed.

(2) Every election officer, enumerator,  
candidate, agent and other authorised  
person in attendance at the counting of the  
votes shall maintain and aid in maintaining  
the secrecy of the counting and shall not  
communicate any information obtained at  
such counting as to the candidate for whom  
any vote is given by any particular voter.

(3) No person shall directly or indirectly  
induce any voter to make known to any  
person, or otherwise obtain information as  
to the candidate or representative symbol  
of the candidate for whom the voter is  
about to vote or has voted or communicate  
at any time to any person any information  
obtained as to the candidate or  
representative symbol of the candidate for  
whom any voter is about to vote or has  
voted.

(4) A person who contravenes any provision  
of this section commits an offence and is  
liable on conviction to a fine not  
exceeding five thousand dalasis or to  
imprisonment for a term not exceeding two  
years, or both.

(5) The provisions of this section shall  
not be construed to extend to any procedure  
prescribed for recording the vote of any  
voter who is incapacitated by blindness or  
other physical cause.

Offence relating  
to interference with  
an election

114. (1) A person who at any election held under this Decree or incites another person to act in a disorderly manner for the purpose of preventing or obstructing the conduct of such election commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(2) A person who

- (a) makes use of or threatens to make use of any force, violence or restraint, or
- (b) inflicts or threatens to inflict any injury, damage, harm or loss upon or against an election officer during the conduct of the election officer's official duties,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

- (3) A person who does, takes part in, organises or connives at any act prohibited under section 71 commits an offence and is liable on conviction to a fine not exceeding two thousand dalasis or to imprisonment for a term not exceeding six months, or both.

Conduct of  
illegal practices

115. A person who

- (a) votes or induces or procures any other person to vote at an election knowing that he or such other person is prohibited from voting, or is not qualified or entitled by any law to vote, in such election,

- (b) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purposes of defeating such candidate or promoting or procuring the election of another candidate,

- (c) induces or procures any other person to become a candidate or to withdraw as a candidate, in an election in consideration of any payment or promise of any nature whatsoever, or

- (d) interferes with a voter when recording his vote,

commits the offence of an illegal practice and is liable on conviction to a fine not exceeding five thousand dalasis or to imprisonment for a term not exceeding two years, and shall in addition be incapable of being registered as a voter or of voting at any election during the period of five years from the date of his conviction.

Conduct of  
corrupt practices

116. (1) The term "corrupt practice" as used in this Decree means bribery, treating, undue influence or personation as provided in this Part or aiding, abetting, counselling or procuring the commission of personation.

(2) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge or consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

(1) Where a corrupt practice is committed by any candidate elected at an election held under the provisions of this Decree, the election of such candidate shall be invalid.

Bribery

117. (1) A person is guilty of bribery if he

- (a) directly or indirectly, by himself or by any other person on his behalf, gives, lend agrees to give or lands, offers, promises, or promises to procure or endeavour to produce any money or valuable consideration to or for any other person in order to induce any person in order to

induce any voter to vote or refrain from voting or does any such act on account of such voter having voted or refrained from voting at any election;

- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures or agrees to give or procure or offers, promises or promises to procure or endeavour to procure any office, place or employment to or for any other person in order to induce any voter to vote or refrain from voting or does any such act on account of such voter having voted or refrained from voting at any election;

- (c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any person at any election or the vote of any voter at any election;

- (d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure the return of any person at any election or the vote of any voter at any election;

- (e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election or who knowingly pays or causes to be paid money wholly or in part expended in bribery at any election;

- (f) before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election; or

- (g) after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

(2) The provisions of sub-section (1) shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred concerning any election.

#### Treating

118. A person is guilty of treating if he

- (a) directly or indirectly, by himself or by any other person, either before, during or after an election, gives, provides or pays, wholly or in part, the expenses of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election or on account of such person or any other person having voted or refrained from voting at such election; or
- (b) being a voter, corruptly accepts or takes any such food, drink, entertainment or provision.

#### Undue influence

119. A person is guilty of undue influence if he directly or indirectly

- (a) by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict by himself or by any other person an injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election; or
- (b) by abduction, duress or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election.

#### Personation

120 A person is guilty of personation if he,

- (a) at any election, applies for a ballot token in the name of some other person or tenders a vote in the name of another person whether that name be the name of a person living or dead or of a fictitious person; or
- (b) having voted once at any election, applies for a ballot token or tenders a vote at the same election in his own name.

Punishment  
for corrupt  
practices

Certification of  
illegal or  
corrupt practices

121. (1) A person who is guilty of bribery, treating, undue influence or personation or of aiding and abetting, counselling or procuring the commission of the offence of personation commits the offence of a corrupt practice and is liable on conviction to a fine not exceeding twenty-five thousand dalasis or to imprisonment for a term not exceeding five years, or both.

(2) person who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable during a period of ten years from the date of his conviction, or, if on such conviction he has been sentenced to imprisonment, during such imprisonment, during such imprisonment and during a period of ten years from the date when complete the serving of such sentence

- (a) of being registered as voter or voting at any election held under the provisions of this Decree,
- (b) of being elected to any office to which this Decree applies or, if elected before his conviction, of retaining such office, and
- (c) of holding any judicial office.

122. (1) Any court convicting a person of an illegal or corrupt practice under the provisions of this Decree shall report such fact to the Commission which shall cause that person's name to be struck off any register of voters on which it appears.

(2) If on appeal the conviction is set aside, the court hearing the appeal shall report such fact to the Commission which shall cause the person's name to be reinstated on the register of voters.

Attempted  
offence

Effect on  
Caps, 10 and  
12: 01

General offence  
where specific  
provision  
not made

Power to  
institute criminal  
proceedings

123. (1) Any attempt to commit an offence specified in this Part shall be punishable in the same manner in which the offence itself is punishable.

(2) In any prosecution for an offence in relation to nomination papers, ballot boxes, ballot tokens, voting cards, counterfoils, representative symbols and things in use at an election, the property in such papers, tokens, cards, counterfoils, representative symbols and things, may be stated to be in the Commission.

124. Nothing in this Decree shall in any way prejudice or affect any of the provisions of the Criminal Code or of the Criminal Procedure Code as to the Offence relating to public elections or to public offices or officers.

125. (1) Where in this Decree provision is made for compliance with, or prohibiting, an act or thing for which no offence is stated, the non-prohibition in respect of, such act or thing by any person shall be an offence.

(2) A person who commits an offence by virtue of subsection (1) is liable on conviction to a fine not exceeding one thousand dalasis or to imprisonment for a term not exceeding six months, or both.

126. The Commission may in its own name, institute criminal proceedings for any offence committed under this act or refer such offence to the Attorney General for prosecution.

## **PART X GENERAL**

Power to resolve  
issues not  
addressed  
by this Decree

127. (1) Where any issue arises relating to electoral matters which is not addressed by this Decree or any other law, the Commission shall resolve such issue in keeping with the standards and rules of natural justice and fairness.

(2) A decision of the Commission with respect to an issue arising under subsection (1) shall be final and shall not be called into question in any court of law.

Non-compliance  
with Decree

128. Save as is otherwise provided by the Constitution in respect of elections to any elective office, no election shall be invalid by reason of a non-compliance with this Decree or any other law, if it appears that the election was conducted fairly and in good faith and that such non-compliance is not shown to have affected the result of the election.

Providing  
security  
officers

129. (1) The Inspector General of Police shall, on the request of the Commission, assign to the Commission such number of police officers as the Commission may require during the periods of registration of voters and the conduct of election.

(2) A police officer assigned to the Commission shall, during his assignment, be under the control and direction of the Commission.

(3) Every police officer assigned under this section shall serve the Commission from the period of the commencement of registration of voters or the conduct of elections until

- (a) three days after the end of the registration; and

Guaranteeing  
candidate's  
job

- (b) seven days after the declaration of election results.

130. Where a person who desires to run for an elective office in accordance with this Decree is an employee of any institution, the institution shall, upon application made by that person,

- (a) grant him leave of absence with pay for the duration of the election Campaign up until five days after the declaration of results; and

- (b) guarantee him his job irrespective of his political affiliation

Inaccurate  
description  
of persons  
and places

131. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document prepared or issued under or for the purposes of this Decree shall in any way affect the operation of this Decree as respects that person or place if that person or place is so designated in such register, notice or other document as to be identifiable.

Mode of  
carrying out  
publications

132. Where in this Decree it is provided that any notice, list, register or other document shall be published and no specific provision is made as to the mode of publication, such publication may, in the discretion of the person responsible for the publishing of such publication or at the direction of the Commission, be made by posting the notice, list, register or other document near any post office, police station, court house, market place or other place where such publications are customarily posted in the constituency, ward, city, town, village or other area to which it applies.

(2) Nothing in subsection (1) shall be deemed to prohibit the publication of any publication in the Gazette at the discretion of the Commission.

Designating  
public places  
for election  
purposes

133. (1) The Commission may, for purposes of public registration of voters, polling and the counting of votes, designate any public premises or buildings to be used for those purposes.

(2) A person who is in charge of public premises or buildings which are designated under subsection (1) shall co-operate with, and provide all necessary assistance to, the Commission to facilitate the use of such premises or buildings for the purpose for which they are designated.

Power of  
Commission  
to make Rules

134 (1) The Commission may by Order published in the Gazette, add to, rescind, vary or otherwise amend Schedule I and the various Forms contained in Schedules III and IV.

Provided that the amendment of Schedule 1 shall be subject to the approval of the National Assembly.

(2) The Commission may make Rules generally for the better carrying out of the provisions of this Decree and shall in particular make Rules

- (a) prescribing fees for the registration of political parties and any other fees which may be prescribed under this Decree;
- (b) revising the deposits payable under this Decree;
- (c) prescribing such procedures not covered under this Decree as the Commission considers necessary for the effective conduct of elections;

- (d) authorising individuals, local and international organisations, and members of the press and media to witness registration of voters and the conduct of elections;
- (e) regarding the certificate to be used by the Returning officers to allow election officers and police officers to vote at their places of duty;
- (f) regarding the forms of the Report on the Closing of Polls and Report on the Counting of Votes;
- (g) prescribing the Certificate of Authorisation required under section 86;
- (h) prescribing the amount of donations and gifts which a candidate or political party may receive with respect to any election;
- (i) prescribing forms for returns of death and the registration of political parties; and
- (j) prescribing any matter which may be prescribed under this Decree

Repeal and modification of  
Caps. 3:01, 2:01 and 3:03

135. (1) The Elections Act, 1964. Presidential Elections Act, 1982 and the Registers of voters (Application to Constituencies) Act, 1986 are hereby repealed.

(2) The provisions contained in

Cap. 27:

- (a) the Provinces Act relating to the power of the President, by Proclamation, to divide each Division into districts, and

Cap. 33.01  
33:02 and  
Decree No.7 of  
1991

- (b) the Local Government Act,  
Local Government (City of Banjul)  
Act, Kanifing Municipal Council  
Act, 1991 and any subsidiary  
legislation made thereunder  
relating to the division of  
Municipal or Area Councils into  
wards,

shall, on the coming into force of this  
Decree, be modified such that the  
powers exercisable thereby and the  
matters provided therein in relation to  
the delineation of boundaries shall  
vest in the Commission in accordance  
with the provisions of the Constitution  
and this Decree.

## **PART X1 - TRANSITIONAL PROVISIONS**

Establishment  
of Provisional  
Commission

136. There shall be a Provisional  
Independent Electoral Commission  
(hereinafter referred to as "the Provisional  
Commission") which shall be established by  
Decree.

Membership of  
Provisional  
Commission

137. (1) The Provisional Commission shall  
be made up of a Chairman and six members  
appointed by the Armed Forces provisional  
Ruling Council.

(2) The Chairman and members of the  
Provisional Commission shall

- (a) be citizens of The Gambia of good  
reputation and integrity; and
- (b) be disqualified from being  
nominated or contesting as  
candidates in the first  
Presidential, Parliamentary and  
Local Government elections to be  
held under this Decree

(3) No person shall be qualified to be  
appointed a member of the Provisional  
Commission if

- (a) he has at any time been nominated  
or contested as a candidate in  
any Presidential, Parliamentary  
or Local Government election;
- (b) he is, or has at any time been,  
the holder of an office in any  
organisation that sponsors or  
otherwise supports, or that has  
at any time sponsored or  
otherwise supported, a candidate  
for election to any elective  
office or if he has actively  
identified himself with such an  
organisation;
- (c) he is a public officer, unless he  
first resigns his public office  
or is seconded to the Provisional  
Commission; or
- (d) he has at any time been involved  
in an election fraud or been  
convicted of any offence  
involving dishonesty, moral  
turpitude or felony.

(4) The Provisional Commission shall cease  
to function upon the establishment of, and  
appointment of members to, the Commission  
pursuant to the Constitution.

Determining  
citizenship

138 (1) In determining whether a person is a  
citizen of The Gambia for purposes of any  
election under this Decree while the Constitution  
of the Republic of The Gambia, 1970, as suspended  
and modified remains in force, the qualifications  
for citizenship shall be those stipulated in  
Chapter II of that Constitution.

(2) The age qualification to be registered as  
a voter shall be eighteen.

Prescribed  
Constituencies

Schedule.

Questions  
to membership  
of elective  
office.

139. For the first National Assembly elections conducted under this Decree, the Constituencies shall be those prescribed in Part II of Schedule I.

140. (1) The Court of Appeal shall have jurisdiction to determine any appeal arising from any petition questioning whether any person has been validly elected in the first elections to an elective office conducted under this Decree.

(2) If at the time of holding the first elections to an elective office under this Decree the Constitution of the Republic of The Gambia, 1970, as suspended and modified, remains in force, the qualifications, in addition to those prescribed under this Decree, for a person to be nominated for election to such office shall be such as the Provisional Electoral Commission may determine.

(3) For purposes of determining qualifications to an elective office under subsection (2), the Provisional Electoral Commission shall have regard to the recommendations, as may be adopted or modified by any lawful authority, of the Constitutional Review Commission established under the Constitutional Review Commission Decree, 1995.

PART - XI1 - MISCELLANEOUS

Decree No.33

Power to  
conduct  
Presidential  
election  
in a  
foreign  
country

141.

The Independent Electoral Commission may make rules for Gambians in any foreign country to vote in a Presidential election.

SCHEDULE 1

PART 1

ADMINISTRATIVE AREAS

1. **BANJUL ADMINISTRATIVE AREA consisting of the Constituencies of:**
  - BANJUL NORTH
  - BANJUL CENTRAL
  - BANJUL SOUTH
2. **KANIFING ADMINISTRATIVE AREA consisting of the Constituencies of:**
  - BAKAU
  - SEREKUNDA EAST
  - SEREKUNDA WEST
3. **BRIKAMA ADMINISTRATIVE AREA consisting of the Constituencies of:**
  - KOMBO EAST
  - KOMBO CENTRAL
  - KOMBO NORTH
  - KOMBO SOUTH
  - FONI BREFET
  - FONI BINTANG
  - FONI KANSALA
  - FONI BONDALI
  - FONI JARROL
4. **KEREWAN ADMINISTRATIVE AREA consisting of the Constituencies of:**
  - LOWER NIUMI
  - UPPER NIUMI
  - JOKADU

**THE CONSTITUENCIES BOUNDARIES****1. BANJUL NORTH**

Comprising that part of the City of Banjul lying substantially to the South West and West of a line running along the centre line of the road from Oyster Creek Bridge to the roundabout at the North Western end of Independence Drive and thence in a South Easterly direction along the centre line of Independence Drive to its junction with Mosque Road and thence in a South Westerly direction along the centre line of Mosque Road up to the junction of Jones Street and Thomas Street and thence in a South Westerly direction along the centre line of Thomas Street to the junction with James Senegal Street and thence along the centre line of James Senegal Street in a South Easterly direction to the junction with Welesley Street and along the centre line of Welesley Street in a South Westerly direction across Imam Omar Sowe Avenue in a straight line to the Bund Road.

**2. BANJUL CENTRAL**

Comprising the part of the City of Banjul lying on the seaward side of a line running along the centre line of the road from Oyster Creek Bridge to the roundabout at the North Western end of Independence Drive and thence in a South Easterly direction along the centre line of Independence Drive to its junction with Mosque Road and thence in a South Westerly direction along the centre line of Mosque Road up to the junction of Jones Street and Thomas Street and thence in a South Westerly direction along the centre line of Thomas Street to the junction with James Senegal Street and thence along the centre line of James Senegal Street in a South Easterly direction to the junction with Wesley Street and along the centre line of Wesley Street in a South Westerly direction across Imam Omar Sowe Avenue in a straight line to the Bund Road and thence along the centre line of the Bund Road in a South Easterly direction to the junction of the Bund Road and the Lasso Wharf Canal and thence in a North Easterly direction along the Lasso Wharf Canal up to the Canal bend at the junction of Hopkinson Street and thence in a North Westerly direction a point on the Canal opposite the junction of Lasso Wharf with Allen Street and thence along the centre line of Allen Street in a North Easterly direction and across the junction of Allen Street, Independence Drive and MacCarthy Square and continues along the centre line of MacCarthy Square in a North Westerly direction to the sea running between the Six-Gun Batteries and the Battery Flats.

**3. BANJUL SOUTH**

Comprising that part of the City of Banjul lying substantially to the South and South East of the Southern most Boundary of the Banjul Central Constituency.

LOWER BADDIBU

UPPER BADDIBU

CENTRAL BADDIBU

**5. MANSAKONKO ADMINISTRATIVE AREA consisting of the Constituencies of:**

KIANG WEST

KIANG EAST

KIANG CENTRAL

JARRA WEST

JARRA EAST

JARRA CENTRAL

**6. JANJANBUREH ADMINISTRATIVE AREA consisting of the Constituencies of:**

LOWER SALOUM

UPPER SALOUM

NIANIJA

NIANI

SAMI

JANJANBUREH

FULLADU WEST

NIAMINA EAST

NIAMINA WEST

NIAMINA DANKUNKU

**7. BASSE ADMINISTRATIVE AREA consisting of the Constituencies of:**

FULLADU EAST

KANTORA

SANDU

WULI

4. **BAKAU**

Comprising that part of Kombo St. Mary Division lying substantially to the North of a Straight line from a point on the left Bank of the Oyster Creek running along a North Westerly direction crossing the Banjul/Bakoteh Road at the Kanifing industrial Estate and adjacent to the ACE Company premises and continuing to a point at which it crosses the prolongation North Eastwards of the Coastal Highway and thence along the centre line of the Coastal Highway in a South Westerly direction to the point at which it crosses the Kuto Streams to the Coast and thence along the coast to Cape St. Mary and continuing along the coast to Oyster Creek Bridge and thence along the Left Bank of the Oyster Creek Bridge to the beginning of the aforementioned straight line.

5. **SEREKUNDA WEST**

Comprising that part of Kombo St. Division lying on the South of the Bakau Constituency boundary running from the mouth of the Kuto Stream thence along the Kotu Stream to a point at which it crosses the Coastal Highway at a North Easterly direction crossing the Banjul/Serekunda Road at Kanifing Industrial Estate adjacent to the promises of ACE Company to a point on the Left Bank to the Oyster Creek thence in a South Westerly direction crossing the Banjul/Brikama Road at a point opposite the Texaco Petrol Station thence along the central line of the Banjul/Brikama Road in a Northerly direction to the junction of Pipeline and Banjul/Serekunda Roads thence along the centerline of the Banjul/Serekunda Road to the Bakoteh Bridge thence along the stream in a Southerly direction the Kombo St. Mary Divisional Boundary thence along the Kombo St. Mary Divisional Boundary to the Atlantic Coast thence along the coast to the mouth of the Kotu Stream.

6. **SEREKUNDA EAST**

Comprising that part of Kombo St. Mary Division lying substantially between the Eastern Boundary of Serekunda West Constituency and the Kombo St. Mary Divisional Boundary running along the left bank of Lamin Bolong thence along the right bank of the Daranka Bolong thence along the South Bank of the stream connecting Oyster Creek and Daranka Bolong up to the Serekunda west Constituency Boundary.

**KOMBO NORTH**

Comprising the district of Kombo North.

**KOMBO SOUTH**

Comprising the district of Kombo South

**KOMBO CENTRAL**

Comprising the district of Kombo Central

**KOMBO EAST**

Comprising the district of Kombo East

**FONI BREFET**

Comprising the district of Foni Brefet

**FONI BINTANG KARANAI**

Comprising the district of Foni Bintang Karanai

**FONI KANSALA**

Comprising the district of Foni Kansala

**FONI BONDALI**

Comprising the district of Foni Bondali

**FONI JARROL**

Comprising the district of Foni Jarrol.

**LOWER NUIMI**

**UPPER NUIMI**

Comprising of the district of Lower Nuimi.

### **JOKADU**

Comprising of the District of Jokadu.

### **LOWER BADIBU**

Comprising the District of Lower Badibu.

### **CENTRAL BADIDU**

Comprising the District of Central Badibu.

### **UPPER BADIBU**

Comprising the District of Upper Badibu.

### **KIANG WEST**

Comprising the District of Kiang West.

### **KIANG CENTRAL**

Comprising the District of Kiang Central.

### **KIANG EAST**

Comprising the District of Kiang East.

### **JARRA WEST**

Comprising the District of Jarra West.

### **JARRA CENTRAL**

Comprising the District of Jarra Central.

### **NIAMINA EAST**

Comprising the district of Niamina East

### **FULLADU WEST**

Comprising the district of Fulladu West

### **JANGJANBURAY**

Comprising the district of Jangjanburay

### **SAMI**

Comprising the district of Sami

### **NIANI**

Comprising the district of Niani

### **NIANIJA**

Comprising the district of Nianija

### **UPPER SALOUM**

Comprising the district of Upper Saloum

### **LOWER SALOUM**

Comprising the district of Lower Saloum

### **FULLADU EAST**

Comprising the District of Fulladu East

### **KANTORA**

Comprising the District of Kantora

### **WULI**

Comprising of the district of Wuli

### **SANDU**

Comprising the district of Sandu

**JARRA EAST**

Comprising the district of Jarra East.

**NIAMINA WEST**

Comprising the District of Niamina West.

**NIAMINA DANKUNKU**

Comprising the District of Niamina Dankunku.

SCHEDULE II

A. OATH FOR THE DUE EXECUTION OF OFFICE

I, A.B. do swear that I will execute the functions of the  
office of.....without fear or  
favour, affection or ill-will, according to the  
Constitution, Elections Decree and other Laws regulating  
elections in The Gambia. So help me God.

B. OATH OF SECRECY

I, A.B., having been appointed.....do  
swear that I will not directly or indirectly reveal such  
matters as may be committed to my secrecy or relate to the  
execution of my duties with respect to election processes  
which require confidentiality. So help me God.

SCHEDULE III

FORM 1

NOTICE OF REGISTRATION OF VOTERS

All persons who reside or were born and claim that they are entitled to be registered in the ..... Constituency are hereby required to present themselves to deliver in person and in writing their claim to the Registering Officer at ..... registration centre on ..... the ..... day of ....., 19 ..... between the hours of ..... a.m. and ..... p.m.

- (a) Forms of claim will be available free of charge at ..... registration centre.
- (b) All claimants must at the time of registration provide evidence of citizenship by providing any two of the following:
- (i) Birth certificate;
  - (ii) Gambian passport;
  - (iii) National identity card;
  - (iv) testimony of five elders who are registered or are eligible to be registered as voters in that Constituency.
- (c) All claimants must have or will have attained the age of eighteen years by the date of the next elections, and must not be disqualified or disentitled from being registered or voting under any law.

Dated this ..... day of ..... 19 .....

.....  
Registering Officer

.....  
Administrative Area

FORM 2

CLAIM FOR REGISTRATION AS A VOTER

Affix  
2 identical  
passport size  
photographs

..... Constituency in the  
..... Administrative Area

1. SURNAME: .....
2. OTHER NAMES: .....
3. CURRENT ADDRESS: .....
4. OCCUPATION: .....
5. DATE OF BIRTH: .....
6. AGE AT LAST BIRTHDAY: .....
7. PLACE OF BIRTH: .....
8. NAME AND ADDRESS OF FATHER: .....  
.....
9. NATIONALITY OF FATHER: .....
10. NAME AND ADDRESS OF MOTHER: .....
11. NATIONALITY OF MOTHER: .....

12. HAVE YOU EVER APPLIED TO BE REGISTERED AS A VOTER  
IN ANY CONSTITUENCY? - YES/NO.\*

IF ANSWER IS YES, STATE THE NAME OF THE  
CONSTITUENCY AND THE YEAR OF APPLICATION.

.....

13. WAS YOUR APPLICATION SUCCESSFUL? - YES/NO.\*

(a) IF ANSWER IS YES, STATE THE NUMBER OF THE  
VOTING CARD ISSUED TO YOU.....

(b) IF ANSWER IS NO, STATE THE REASON(S) WHY THE  
APPLICATION WAS NOT SUCCESSFUL .....

.....

.....

.....

14. ARE YOU IN ANY WAY DISQUALIFIED OR DISENTITLED  
FROM BEING REGISTERED OR FROM VOTING UNDER ANY  
LAW? - YES/NO.\*

IF ANSWER IS YES, SPECIFY THE LAW OR GIVE  
EXPLANATION

.....

.....

.....

.....

15. BY WHAT MEANS DO YOU WISH TO PROVE YOUR  
QUALIFICATIONS TO BE REGISTERED AS A VOTER?

(a) BIRTH CERTIFICATE .....

(b) NATIONAL IDENTITY CARD .....

(\*Cross whichever is not applicable)

(c) GAMBIAN PASSPORT .....

(d) IDENTIFICATION BY TWO ELDERS .....

(i) Name, address and signature or thumbprint of elder

.....

.....

.....

(ii) Name, address and signature or thumbprint of elder

.....

.....

.....

FOR OFFICIAL USE ONLY

DATE APPLICATION PRESENTED.....

REGISTRATION CENTRE.....

APPLICATION APPROVED.....

NUMBER OF VOTING CARD ISSUED.....

APPLICATION REJECTED.....

REASONS FOR REJECTION.....

Name and Signature of Registering Office:.....

.....

Date.....

FORM 3

COUNTER FOIL

The Elections Decree, 1996		Passport Size photograph
<div></div> <div></div>		
Voting Card No.	Register No.	
	Page No. of Register	Line No. of Register
Surname		
First Name (s)		
Address		
Occupation		

# FORM 4

## VOTING CARD

The Elections Decree, 1996		VOTER'S CARD	
<p>_____</p> <p>_____</p>		<p>This card is issued to the person named herein and must be produced by the said person when casting a vote at an election in which he is qualified to vote. It is of no value to any other person and, if found, should be handed in to the Independent Electoral Commission, the nearest Police Station or any Government Office for return to the Independent Electoral Commission.</p>	
No. of Card	Register No.		
Page No. of Register		Line No. of Register	
Surname		Photograph	Signature or thumbprint
First Name (s)			
Address			
Occupation			Date, stamp and initials of Registering Officer
NOT TRANSFERABLE			

# FORM 5

## NOTICE OF APPEAL

under section 22(1) and (2)

To the Registering Officer at .....

Administrative Area .....

I, ..... of .....

..... in the ..... Constituency and a

..... by occupation do hereby give notice that I appeal from

\*(a) your disallowance of my claim to be registered as a voter in the ..... Constituency;

\*(b) your removal of my name from the register for the ..... Constituency.

(\*Strike out whichever is not applicable)

My grounds of appeal are: .....

.....

.....

.....

Dated the ..... day of ..... 19 .....

Signature .....

or thumbprint .....

Witness (in case of an illiterate) .....

Address of witness .....

.....

FORM 6  
NOTICE OF OBJECTION

Signature or thumbprint .....  
Witness (in case of an illiterate) .....  
Address of witness .....  
.....

FORM 7  
NOTICE TO PERSON OBJECTED TO  
undersection 22(5) (a) of the Elections Decree, 1996

To (state name of person objected to/appellant) .....  
.....

I, ..... Registering  
Officer for the ....., Constituency, in  
the ..... Adminstrative Area do hereby  
give notice that:

Mr/Mrs/Miss/Ms .....  
being a .....(occupation) whose

\*(a) name appears on the list of voters for the .....  
.....Constituency;

\*(b) name appears on the current register of voters of the  
..... Constituency;

(\*Strike out whichever is not applicable)  
(a) objects to your name being retained on the list of voters  
for the .....Constituency;  
(b) intends to oppose your appeal;

(Delete whichever is not applicable)

His/Her grounds of objection/opposition are:

.....  
.....  
.....  
.....

And that you are hereby commanded in the name of the Republic of  
The Gambia to appear before the Revising Officer at .....  
..... on the ..... day of .....  
..... 19..... at .....  
a.m./p.m.

Dated the ..... day of ..... 19.....

.....  
Registering Officer

..... Administrative Area

#### FORM 8

#### NOTICE OF OPPOSITION TO APPEAL

under section 23(2) of the Elections Decree, 1996

To the Registering Officer at ....., of

I, ....., of

.....

being a ..... by occupation do  
hereby give notice that I intend to oppose the appeal of  
Mr/Mrs/Miss/Ms (state name of appellant) .....

.....  
of .....

Occupation ..... from

\*(a) your disallowance of his/her claim to be registered as  
a voter in ..... Constituency;

\*(b) your removal of his/her name from the register for the  
..... Constituency.

(\*Strike out whichever is not applicable)

My grounds of opposition are: .....

Dated the ..... day of ..... 19 .....

Signature or thumb-print .....

Witness (in case of an illiterate) .....

Address of Witness .....

.....

#### FORM 9

#### APPLICATION FOR TRANSFER

To the Independent Electoral Commission.

I hereby apply for my name to be removed from the register of  
voters for the ..... constituency,

where I have ceased to reside, and in which my registration particulars are as follows:

Serial No. Card No. Surname First Name Occupation Previous address

.....

and for my name to be inserted on the register of voters for the ..... constituency, where I have been ordinarily resident in..... town\*/village since ..... 199 ..... and where I intend to continue to reside.

I hereby certify that I last made a claim to be registered, and my claim was allowed, at the general\*/ supplementary registration for ..... constituency in ..... 19 .....

I attached hereto my voting card No. .... and two passport size photographs of myself.

Dated the ..... day of ..... 19 .....

.....  
\*\*Signature or thumb print of applicant

.....  
Signature of registering officer as witness.

\*Delete as applicable.

\*\*To be signed or thumbprinted in the presence of the Registering Officer.

(Note: The application must be signed or thumbprinted by the applicant in the same manner in which the original card surrendered by him was signed or thumbprinted).

.....

## SCHEDULE IV

### PART A

#### Presidential Elections

#### FORM 1 - NOMINATION PAPER FOR ELECTION OF PRESIDENT

To: Independent Electoral Commission

We, the undersigned (see attachment), being registered voters, hereby nominate the undermentioned person as a candidate for election to the office of the President of the Republic of The Gambia.

#### Candidate's Particular

Surname	Other Names	Date of Birth	Residence starting last five years from date of last election	Occupation	Level of Education	No of Voting Card	Choice of Vice-President

I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the office of President of the Republic of The Gambia.

I hereby declare that I am qualified to contest as a candidate in the Presidential elections and that I am not disqualified to be elected as President of the Republic of The Gambia for any of the reasons mentioned in the Constitution or other law relating thereto.

Signature of Candidate .....

Date .....

FOR OFFICIAL USE ONLY

Received at the ..... Administrative Area on the.....day  
of ..... 19 ..... at .....

Nomination Paper in order and accepted .....

Nomination Paper is not in order and rejected .....

Reason(s) for rejection

.....  
.....  
.....

Signature of Returning Officer .....

Name	Address	Voting Card No.	Constituency	Occupation	Date	Signature or thumb impression

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF PRESIDENT

I, ....., Chairman, Independent Electoral  
Commission for the ..... Presidential Elections,  
hereby certify that Mr/Mrs/Miss/Ms ..... 's  
nomination paper is in order and that he/she is eligible to  
contest in the ..... Presidential Elections.

.....  
Date ..... Signature of Chairman, Independent Electoral  
Commission

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF PRESIDENT

I, ....., Chairman, Independent Electoral  
Commission for the ..... Presidential  
Elections, hereby certify that Mr/Mrs/Miss/Ms .....  
has not fulfilled all the requirements prescribed in the  
Constitution and Elections Decree 1996 to contest in the .....  
..... Presidential Elections.

Reason(s) for rejection: .....  
.....  
.....

.....  
Date ..... Signature of, Chairman, Independent  
Electoral Commission

FORM 4 - ACCEPTANCE OF WITHDRAWAL OF CANDIDATURE

I, ....., Chairman, Independent Electoral  
Commission for the ..... Presidential  
Elections, hereby accept the letter of withdrawal of  
Mr/Mrs/Miss/Ms ..... from contesting in  
the ..... Presidential Elections.

.....  
Date ..... Signature of Chairman, Independent  
Electoral Commission

PART B  
NATIONAL ASSEMBLY

FORM 1 - NOMINATION PAPER FOR ELECTION OF MEMBER  
OF THE NATIONAL ASSEMBLY

To: The Returning Officer for.....Administrative Area  
We, the undersigned (see attachment), being registered voters in  
.....constituency in the.....Administrative Area  
Member of The National Assembly.

Candidate's Particulars

Surname	Other Names	Date of Birth	Residence for past one year	Occupation	Level of Education	No. of Voting Card

I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the office of Member of The National Assembly of the Republic of The Gambia. I do not stand nominated for election to the National Assembly in any other constituency.

I hereby declare that I am qualified to contest as a candidate in the National Assembly and that I am not disqualified to be elected as Member of The National Assembly of The Republic of The Gambia for any of the reasons mentioned in the Constitution or other law relating thereto.

Signature of Candidate .....

Date.....

FOR OFFICIAL USE ONLY

Received at the .....Administrative Area on the ..... day  
of ..... 19 ..... at .....a.m./p.m

Nomination Paper is in order and accepted .....

Nomination Paper is not in order and rejected .....

Reason(s) for rejection .....

Signature of Returning Officer .....

Name	Address	Voting Card No.	Constituency	Occupation	Date	Signature or thumb impression

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF MEMBER OF  
the National Assembly.

I, ....., Returning Officer, .....  
Administrative Area for the ..... National Assembly  
Elections, hereby certify that Mr/Mrs/Miss/Ms .....  
.....'s nomination paper is in order and that he/she is  
eligible to contest in the ..... National Assembly  
Elections.

.....  
Date Signature of Officer, .....  
.....  
Administrative Area

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF MEMBER OF  
PARLIAMENTARY

I, ....., Returning Officer .....  
Administrative Area for the ..... National Assembly  
Elections, hereby certify that Mr/Mrs/Miss/Ms .....  
has not fulfilled all the requirements prescribed in the  
Constitution and Elections Decree, 1996 to contest in the .....  
..... National Assembly

Reason(s) for rejection: .....  
.....  
.....

.....  
Date Signature of Returning Officer, .....  
.....  
Administrative Area

FORM 4 - ACCEPTANCE OF WITHDRAWAL OF CANDIDATURE

I, ....., Returning Officer, .....  
Administrative Area for the ..... National Assembly  
Elections, hereby accept the letter of withdrawal of  
Mr/Mrs/Miss/Ms ..... from contesting in the  
..... National Assembly.

.....  
Date Signature of Returning Officer, .....  
.....  
Administrative Area

PART C

Mayoral/Chairmanship Elections

FORM 1 - NOMINATION PAPER FOR ELECTION OF MAYOR/CHAIRMAN

To: The Returning Officer for ..... Administrative Area.  
Electoral Division to which nomination relates .....

We, the undersigned (see attachment), being registered voters in the .....  
electoral division in the ..... Administrative Area hereby nominate the  
undermentioned person as a candidate for election to the office of Mayor/Chairman.

Candidate's Particular

Surname	Other Names	Date of Birth	Place of Residence	Occupation	No of Voting Card

FOR OFFICIAL USE ONLY

Received at the ..... Administrative Area on the .....  
day of ..... 19 ..... at ..... a.m./p.m.

Nomination Paper is in order and accepted .....

Nomination Paper is not in order and rejected .....

Reason(s) for rejection .....

Signature of Returning Officer .....

Administrative Area

Name	Address	Voting Card No.	Constituency	Occupation	Date	Signature or thumb impression

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF MAYOR/CHAIRMAN

1. ...., Returning Officer, Administrative Area for the Mayral/Chairman-ship elections, hereby certify that Mr/Miss/Ms ..... nomination paper is in order and that he/she is eligible to contest in the ..... Mayoral/Chairman Elections.

.....  
Date  
.....  
Signature of Returning Officer,  
.....  
Administrative Area

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF MAYOR/CHAIRMAN  
I, ....., Returning Officer, .....  
..... Administrative Area for the .....  
..... Mayoral/Chairmanship Elections,  
hereby certify that Mr/Mrs/Miss/Ms .....  
has not fulfilled all the requirements prescribed in the  
Constitution and Election Decree, 1996 to contest in the .....  
..... Mayoral/Chairmanship Elections.

Reason(s) for rejection: .....  
.....  
.....

.....  
Date  
.....  
Signature of Returning Officer,  
.....  
Administrative Area

FORM 4 - ACCEPTANCE OF WITHDRAWAL OF CANDIDATURE  
I, ....., Returning Officer, .....  
Administrative Area for the ..... Mayoral/  
Chairmanship Elections, hereby accept the letter of withdrawal  
of Mr/Mrs/Miss/Ms ..... from contesting in  
the ..... Mayoral/Chairmanship  
Elections.

.....  
Date  
.....  
Signature of Returning Officer,  
.....  
Administrative Area

PART D

Municipal and Area Council Elections

FORM 1 - NOMINATION PAPER FOR ELECTION OF COUNCILLOR

To: The Returning Officer for ..... Administrative Area.  
Ward to which nomination relates .....

We, the undersigned (see attachment), being registered voters in the ..... Ward  
in .....Administrative Area hereby nominate the undermentioned person as a  
candidate for election to the office of Councillor.

Candidate's Particulars

Surname	Other Names	Date of Birth	Place of Residence	Occupation	No of Voting Card

I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the office of Councillor.

I hereby declare that I am qualified to contest as a candidate in the elections for Councillor and that I am not disqualified to be elected as a Councillor for ..... ward for any of the reasons mentioned in the Constitution or other law relating thereto.

Signature of Candidate .....

Date .....

FOR OFFICIAL USE ONLY

Received at the ..... Administrative Area on the.....day  
of ..... 19 ..... at .....

Nomination Paper in order and accepted .....

Nomination Paper is not in order and rejected .....

Reason(s) for rejection

.....  
.....  
.....

Signature of Returning Officer .....

.....

Administrative Area

Name	Address	Voting Card No.	Ward	Occupation	Date	Signature or thumb impression

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF COUNCILLOR

I, ....., Returning Officer, .....  
..... Administrative Area for the .....  
..... Council Elections, hereby certify that  
Mr/Mrs/Miss/Ms .....  
nomination paper is in order and that he/she is eligible to  
contest in the ..... Council  
Elections.

.....  
Date Signature of Returning Officer,  
.....  
Administrative Area

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF COUNCILLOR

I, ....., Returning Officer, .....  
..... Administrative Area for the .....  
..... Council Elections, hereby  
certify that Mr/Mrs/Miss/Ms .....  
has not fulfilled all the requirements prescribed in the  
Constitution and Elections Decree, 1996 to contest in the  
..... Council Elections.

Reason(s) for rejection: .....  
.....  
.....

.....  
Date Signature of Returning Officer,  
.....  
Administrative Area

FORM 4 - ACCEPTANCE OF WITHDRAWAL

I, ..... Returning Officer, ..... Administrative Area for the  
..... Council Elections, hereby accept the letter of withdrawal  
of Mr/Mrs/Ms ..... from contesting in the  
..... Council Elections.

.....  
Date Signature of Returning Officer,  
.....  
Administrative Area

PART E

CHIEFTAINCY ELECTIONS

FORM 1 NOMINATION FORM FOR ELECTION OF DISTRICT CHIEF

TO: The Returning Officer for ..... Administrative Area  
District to which nomination relates .....  
We, the undersigned (see attachment), being registered voters in .....  
District in the ..... Administrative Area hereby nominate the undermentioned  
person as a candidate for election to the office of District Chief.

We state further that we have not nominated any other person for this election.

Candidate's Particulars

Surname	Other Names	Date of Birth	Place of Residence	Where yard owned situated	Occupation	Level of Education	Voting Card No

I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the office of District Chief.

I hereby declare that I am qualified to contest as a candidate in the Chieftaincy elections and that I am not disqualified to be elected as Chief of the .....District for any of the reasons mentioned in the Constitution or other law relating thereto.

Signature of Candidate \_\_\_\_\_

Date \_\_\_\_\_

FOR OFFICIAL USE ONLY

Received at the..... Administrative Area on the..... day of .....

19

Nomination Paper is in order and accepted .....

Nomination Paper is not in order and rejected .....

Reason(s) for rejection .....

Signature of Returning Officer \_\_\_\_\_

Administrative Area

[illegible]

FORM 4 - ACCEPTANCE OF WITHDRAWAL OF CANDIDATURE

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF DISTRICT CHIEF

I, ..... Returning Officer, .....  
..... Administrative Area for the .....  
District Chief Elections, hereby certify that Mr/Mrs/Miss/Ms .....  
..... nomination paper is in order  
and that he/she is eligible to contest in the .....  
District Chief Elections.

.....  
Date

.....  
Signature of Returning Officer,

.....  
Administrative Area

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF DISTRICT CHIEF

I, ..... Returning Officer, .....  
..... Administrative Area for the .....  
..... District Chief Elections, hereby certify  
that Mr/Mrs/Miss/Ms ..... has not fulfilled  
all the requirements prescribed in the Constitution and Election  
Decree, 1996 to contest in the ..... District  
Chief Elections.

Reason(s) for rejection: .....  
.....  
.....

.....  
Date

.....  
Signature of Returning Officer,

.....  
Administrative Area

I, ..... Returning Officer, ..... Administrative Area for the  
..... District Chief Elections, hereby accept the letter of  
withdrawal of Mr/Mrs/Miss/Ms ..... from contesting in the  
..... District Chief Elections.

.....  
Date

.....  
Signature of Returning Officer,

.....  
Administrative Area

PART F

VILLAGE HEAD ELECTIONS

FORM 1 - NOMINATION FORM FOR ELECTION OF VILLAGE HEAD

To: Tthe Returning Officer for ..... Administrative Area

Village to which nomination relates .....

We, the undersigned (see attachment), being registered voters in ..... Village  
in the ..... Administrative Area hereby nominate the undermentioned person  
as a candidate for election to the office of District Chief.

We state further that we have not nominated any other person for this election.

Name	Address	Voting Card No.	Ward	Occupation	Date	Signature or thumb impression

I hereby declare that I am qualified to contest as a candidate in the Village Head elections and that I am not disqualified to be elected as Village Head of ..... Village for any of the reasons mentioned in the Constitution or other law relating thereto.

Date .....

Received at the ..... Administrative Area on the.....day  
of ..... 19 ..... at .....

Nomination Paper is not in order and rejected .....

.....

.....

.....

.....

145

[illegible]

FORM 2 - ACCEPTANCE OF NOMINATION FOR ELECTION OF VILLAGE HEAD

I, ..... Returning Officer, .....  
..... Administrative Area for the ..... Village Head Elections, hereby certify that  
..... Mr/Mrs/Miss/Ms ..... 's nomination paper is  
in order and that he/she is eligible to contest in the .....  
Village Head Elections.

..... Date ..... Signature of Returning Officer, .....  
..... Administrative Area

FORM 3 - REJECTION OF NOMINATION FOR ELECTION OF VILLAGE HEAD

I, ..... Returning Officer, .....  
..... Administrative Area for the ..... Village Head  
Elections, hereby certify that Mr/Mrs/Miss/Ms .....  
..... has not fulfilled all the requirements  
prescribed in the constitution and Elections Decree, 1996 to  
contest in the ..... Village Head Elections.

Reason(s) for rejection: .....  
.....  
.....

..... Date ..... Signature of Returning Officer, .....  
..... Administrative Area

FORM 4 - ACCEPTANCE OF WITHDRAWAL OF CANDIDATURE

I, ..... Returning Officer, .....  
..... Administrative Area for the ..... Village Head  
Elections, hereby accept the letter of .....  
withdrawal of Mr./Mrs/Miss/Ms ..... from  
contesting in the ..... Village Head Elections.

..... Date ..... Signature of Returning Officer, .....  
..... Administrative Area

SCHEDULE V

Citation

Election Petitions Rules  
1. These Rules may be cited as the  
Election Petition Rules, 1996.

Interpretation

2. In these Rules, unless the context  
otherwise requires,  
"election list" means the list of petitions  
against return or election of candidate to  
be kept by the Registrar; "Registrar"  
means the Registrar of the Supreme  
Court; and  
"Rules of the Supreme Court, means the  
rules governing the practice and  
procedure in the Supreme Court.

Presentation and  
contents of petition

3. (1) The presentation of an election  
petition shall be made by leaving it  
at the office of the Registrar.
- (2) The election petition shall state
- (a) the right of the petitioner to  
petition under the Decree;
- (b) the holding and result of the  
election; and
- (c) briefly the facts and grounds  
relied on to sustain the prayer

Format of petition

4. (1) The petition shall be  
divided into paragraphs, each of which,  
as nearly as may be, shall be confined to  
a distinct portion of the subject and  
every paragraph shall be numbered  
consecutively and no costs shall be  
allowed of drawing or copying any  
petition not substantially in compliance  
with this rule unless otherwise ordered  
by the Chief Justice.
- (2) The petition shall conclude with a  
prayer, as for instance that some  
specified person should be declared duly  
returned or elected or that the votes shall  
be re-counted or that the election should  
be declared void or that a return may be  
enforced (as the case may be) and shall  
be signed by all the petitioners.
- (3) The form of the petition shall be in  
Form 6 with such alterations, additions  
or omissions as the facts and grounds  
upon which the petitioner relies may  
require.

Particulars  
may be  
ordered

5. Evidence need not be stated in the petition, but the Chief Justice may order such particulars as may be necessary to prevent surprise and unnecessary expenses and to ensure a fair effectual trial in the same way as in ordinary proceedings in the court and upon such terms as to costs and otherwise as may be ordered.

Objections to  
votes to be  
specified

6. (1) When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Registrar and also at the address, if any, given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to and of the heads of objection to each such vote and the Registrar shall allow inspection and office copies of such lists to all parties concerned.

(2) No evidence shall be given against the validity of any vote or upon any head of objection not specified in the list except by leave of the Chief Justice, upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

Cross  
petition

7. (1) When the respondent in a petition, complaining of an undue return and claiming the seat for some person, intends to give evidence to prove that the election of such person was undue, such respondent shall, six days before the day appointed for trial, deliver to the Registrar and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely and the Registrar shall allow inspection and office copies of such lists to all parties concerned.

(2) No evidence shall be given by a respondent of any objection to the election not specified in the list except by leave of the Chief Justice, upon such terms as to amendments of the list, postponement of the inquiry and payment of costs as may be ordered.

Petitioner's  
address to be  
furnished

8. (1) With the petition, petitioners shall leave at the office of the Registrar, a writing, signed by them on their behalf, giving an address within fifteen kilometres from the court at which notices addressed to them may be left.

(2) If no such writing is left or address given, then notices of objection to the recognisance and all other notices and proceedings may be given and served respectively by posting up the same at the Registrar's office.

(3) The Registrar shall keep a book at his office in which he shall enter all addresses given under this rule and the book shall be open to inspection by any person during office hours.

Petitioner to  
give security  
for costs, etc.

9. The security required by the Decree to be given by the petitioner shall be by deposit or otherwise as ordered by the court.

Publication  
of petition

10. (1) The Registrar shall upon presentation of the petition and the furnishing of security, forthwith send a copy of the petition to the Commission which shall publish or cause to be published the petition in the Gazette and post it up in a conspicuous place outside its office and at such other place as it may direct.

(2) The cost of publication of the petition and any other matter required to be published shall be paid by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

Time for  
giving notice

11. Notice of the presentation of a petition and of the nature of the proposed security, accompanied by a copy of the petition shall be served by the petitioner on the respondent within five days after such presentation, exclusively of the day of presentation.

Service or  
substituted  
service of  
petition

12. (1) Every petition shall be served on the respondent.

(2) The service of a petition must be personal on the respondent unless the Chief Justice, on an application made to him, not later than eight days after the petition is presented on affidavit showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, in which case the Chief Justice may

- (a) order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable; or
- (b) make an order for substituted service in the manner authorized by the Rules of the Supreme Court.

Evasion of  
service

13. In case of evasion of service, the posting up in the office of the Registrar of a notice of the petition having been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered by the Chief Justice.

Furnishing Security by deposit of money	<p>14 (1) The deposit of money by way of security for payment of costs, charges and expenses, payable by the petitioner shall be made by payment to the Registrar, who shall pay any amount so deposited into the bank in which monies received by him are usually deposited and he shall obtain a separate receipt for every amount so deposited.</p>	Allowance and costs of objection	<p>17. (1) If by order made upon a summons an objection be allowed and the security be declared insufficient, the Registrar or Chief justice shall in such order state what amount he deems requisite to make the security sufficient and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including that day of the date, and such deposit shall be made in the manner already prescribed.</p>
	<p>(2) The Registrar shall file such receipt and keep a book open to inspection of all parties concerned in which shall be entered from time to time the amount and the petition to which it is applicable.</p>		<p>(2) The costs of hearing and deciding the objections made to the security given shall be paid as ordered by the Registrar or Chief Justice and in default of such order shall form part of the general costs of the petition.</p>
	<p>(3) The recognisance as security for costs may be acknowledged before the Chief Justice or Registrar or a Commissioner of Affidavits and there may be one recognisance acknowledged by all the sureties or separate recognisances by one or more as may be convenient.</p>	Affidavit of sufficiency sureties	<p>18. (1) The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties shall be paid by of the petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency, or insufficiency unless at the time of leaving the recognisance with the Registrar there be also left with the Registrar an affidavit of the sufficiency of the surety or sureties, sworn by each surety before the Registrar or a Commissioner of Affidavits, that he is seized or possessed of real or personal property, or both, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognisance.</p>
	<p>(4) The recognisance shall contain the name and usual place of abode of each surety with such sufficient description as shall enable him to be found or ascertained and may be in the form set out in Form 7.</p>		
	<p>(5) The recognisance or recognisances shall be left at the Registrars office by or on behalf of the petitioner.</p>		<p>(2) The affidavit may be in the form set out in Form 8</p>
Objections to recognisance within five days	<p>15. Objection to a recognisance may for any of the reasons set out in rule 16 and notice of objection shall be given within five days from the date of service of the notice of the petition and of the nature of the security, exclusive of the day of service.</p>	Enforcement of order for costs	<p>19. An order for payment of costs shall have the same force as an order made by the Chief Justice in a civil action and may be enforced in like manner as an order of costs is enforceable under the Rules of the Supreme Court.</p>
Grounds of objection to recognisance	<p>16. (1) An objection to the recognisance must state the ground or grounds thereof, as that the sureties, or any, and which of them, are insufficient or that a surety is dead or that he cannot be found or that a person named in the recognisance has not duly acknowledged the same.</p>	Election list	<p>20. (1) The Registrar shall make out the election list in which he shall insert the name of the petitioners and respondent and the addresses to which notices may be sent, if any.</p>
	<p>(2) Any objection made to the security shall be heard and decided by the registrar, subject to appeal within five days to the Chief Justice upon summons taken out by either party to declare the security sufficient or insufficient.</p>		<p>(2) This list may be inspected at the Registrar's office at any time during office hours and shall be put up for that purpose upon the notice board of the court.</p>
	<p>(3) Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Registrar or Chief Justice may think fit.</p>	Time and place of trial of petition	<p>21. (1) The time and place of the trial of each election petition shall be fixed by the Chief Justice and notice thereof shall be given in writing by the Registrar posting up a notice on the notice board of the court and by sending one copy by post to the address given by the petitioner and another to the address given by the respondent. If any, and another to the Commission or such other person as the Chief Justice may direct ten days before the day appointed for the trial.</p>
	<p>(4) If by order made upon such summon the security is declared sufficient, the petition shall be at issue.</p>		

Postponement of trial and amendment of petition	<p>(2) The notice of trial may be in the form set out in Form 1.</p> <p>22. (1) The Chief Justice may from time to time, by order made upon the application of a party to the petition, postpone the beginning of the trial to such day as he may name and may at anytime before or during the trial, upon the application of the petitioner, allow the petition to be amended upon such terms and conditions as may be just.</p> <p>(2) An application under sub-rule (1) shall be made by motion on notice to the other party to the petition.</p>
Registrar to attend trial	23. The Registrar, or a deputy appointed by him, shall attend at the trial of the election petition and shall perform such functions and duties as may be prescribed to him by the Chief Justice.
Expenses of witnesses	<p>24. (1) The amount to be paid to any witness whose expenses shall be allowed by the Chief Justice shall be ascertained and certified by the Registrar or, in the event of his becoming incapacitated from giving such certificate, by the Chief Justice.</p> <p>(2) The order of the Chief Justice to compel the attendance of a person as a witness may be in the form set out in form 2.</p>
Warrant of commitment for contempt	<p>25. (1) In the event of it being necessary to commit any person for contempt, the warrant may be in the form set out in Form 3.</p> <p>(2) Such warrant may be made out and directed to the Sheriff or other person having the execution of process of the superior courts, as the case may be, and to all constables and officers of the peace in any place where the person adjudged guilty of contempt may be found and such warrant shall be sufficient without further particularity and shall and may be executed by the persons to whom it is directed or any or either of them.</p>
Disposal of interlocutory matters	26. All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before the Chief Justice, who shall have the same control over the proceedings as the Chief Justice in the ordinary proceedings of the Supreme Court.
Application to withdraw petition	27. (1) Notice of an application for leave to withdraw a petition shall be in writing and signed by the petitioner and it shall state the ground on which the application is intended to be supported and may be in the form set out in Form 4.

#### Abatement of petition by death and Substitution of petitioner

#### Respondent's Notice of Non-opposition

#### Taxation and Recovery of Costs

- (2) The notice of application for leave to withdraw shall be left at the Registrar's office.
- (3) A copy of such notice of the intention of the petitioner to apply for leave to withdraw his petition shall be given by the petitioner to the respondent, and to the Commission or to such other person shall cause the same to be published by posting it up in a conspicuous place outside its or his office, and the notice may be in the form set out in Form 5.
- (4) The time and place for hearing the application shall be fixed by the Chief Justice but shall not be less than a week after the notice of the intention to apply has been given to the Registrar as provided in this rule.
28. Notice of abatement of a petition by death of the petitioner or surviving petitioner, may be given by any person who might have been a petitioner in respect of the election to which the petition relates in the same manner as notice of an application to withdraw a petition and such person may within fourteen days or such further time as upon consideration of any special circumstances the Chief Justice shall allow, apply to be substituted for the deceased petitioner.
- 29.(1) A respondent may give notice that he does not intend to oppose the petition presented against him.
- (2) The manner and time of the respondent's giving notice to the court that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Registrar signed by the respondent six days before the day appointed for trial, exclusive of the day of leaving such notice.
- (3) Upon such notice being left at the Registrar's office, the Registrar shall forthwith send a copy thereof by post to the petitioner and to the Commission or to such other persons as the Chief Justice may direct, who shall cause the same to be published by posting it up in a conspicuous place outside its or his office and the costs of publication shall be paid by the respondent.
- 30.(1) Cost shall be taxed by the Registrar in the same manner as costs in a civil action in the Supreme Court are taxed and costs. When taxed, may be recovered by execution in the same manner as in the case of costs in an action in the Supreme Court.

(2) The Office fees payable for inspection, office copies, enrolment and other proceedings under these Rules shall be the same as those payable, if any, for like proceedings according to the present practice of the Supreme Court.

Agents of  
petitioner or  
respondent

31. An agent employed for the petitioner or respondent shall forthwith leave written notice at the office of the Registrar of his appointment to act as such agent, and service of notices and proceedings upon such agents shall be sufficient for all purposes.

Informality  
proceedings  
not fatal

32. No proceedings under these Rules shall be defeated by any of formal objection.

Delivery to  
Registrar of  
election  
documents

33. (1) The notice of the time and place of trial of each election petition shall be transmitted to the Commission or other person having custody of the documents relating to the election in respect of which the petition has been presented.

(2) The Commission or such other person shall if so required by the court which is to try the petition, on or before the day fixed for the trial, deliver or cause to be delivered to the Registrar all documents in its or his custody relating to the election, for which the Registrar shall, if required, give a receipt.

(3) The Registrar shall keep the documents in safe custody until the trial is over and then return them to the Commission or other such person.

Claims to money  
deposited

34. (1) All claims at law or in equity to money deposited or to be deposited with the Registrar for payment of costs, charges and expenses payable by the petitioners pursuant to these Rules shall be disposed of by the Chief Justice.

(2) Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges and expenses, be returned or otherwise disposed of as justice may require, by order of the Chief Justice.

Requirements as to  
notice and proof

35. (1) Such order may direct payment either to the party in whose name the same is deposited or to any person entitled to receive the same.

Filing and  
production of  
orders

36. A copy of every order (other than an order giving further time for delivering particulars, or for costs only) shall be forthwith filed with the Registrar, and the same shall be produced at the trial by the Registrar, stamped with the official seal and the order shall be filed by the party obtaining the same.

Countermanding  
notice of trial

37. (1) After receiving notice of the petitioner's intention to apply notice for leave to withdraw or of respondent's intention not to oppose or of the abatement of the petition by death, if such notice be received after notice of trial shall have been given and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial.

(2) The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Use of forms

38. The various forms set out in these Rules or forms as near thereto as possible, shall be used in all proceedings relating to election petitions.

Practice and  
procedure

39. Except where otherwise provided in these Rules, the practice and procedure to be observed on election petitions shall be the same, as near as circumstances permit, as the practice and procedure on the trial of a civil action in the Supreme Court.

FORM 1  
Notice of Petition  
In the Supreme Court of The Gambia  
The Elections Decree, 1996

Election petition of ..... of .....

Take notice that the above petition (or petitions) will be tried

at ..... on the ..... day of .....

..... 19..... and on such other subsequent

days as may be directed.

Dated the ..... day of ..... 19.....

(Signed) .....  
Registrar

FORM 2

SUMMONS TO WITNESS

In the Supreme Court of The Gambia

The Elections Decree, 1996

To A.B. (describe the person).

You are hereby required to attend before the above Court at  
(place)

..... on the ..... day of .....  
19 ....., at the hour of ..... (or forthwith, as  
the case may be), to be examined as witness in the matter of the  
said petition, and to attend the said Court until your  
examination shall have been completed.

As witness my hand this ..... day of ..... 19.....

(Signed) .....  
Chief Justice of the  
Supreme Court

FORM 3

WARRANT OF COMMITMENT FOR CONTEMPT

In the Supreme Court of The Gambia

The Elections Decree, 1996

At a court held at ..... on .....  
for the trial of an election petition for the .....  
..... of ..... before  
..... pursuant to the Elections Decree, 1996 and  
rules made thereunder.

WHEREAS A.B., has this day been guilty, and is by the said Court  
adjudged to be could, of a contempt thereof, the said Court does  
therefore sentence the said A.B., for his said contempt to be  
imprisoned in the ..... prison for ..... calendar  
months (and to pay ..... a fine of D .....), and  
to be further imprisoned in the said prison until the said fine  
is paid, and the Court further orders that the Sheriff, all  
constables, and officers of the peace in any place where the said  
A.B. may be found shall take the said A.B. into custody and  
convey him to the said prison and there deliver him into custody  
of the gaoler thereof, to undergo his said sentence; and the  
court further orders the said gaoler to receive the said A.B.  
into his custody and that he shall be detained in the said prison  
in pursuance of the said sentence.

Signed this ..... day of ..... 19.....

(Signed) .....  
Chief Justice

FORM 4

NOTICE OF APPLICATION FOR WITHDRAWAL

In the Supreme Court of The Gambia

The Elections Decree, 1996

Electoral division of ..... petition of .....  
(state petitioners) presented on the ..... day of  
..... 19 ..... The petitioner proposes to  
apply to withdraw his petition upon the following ground(s)  
(here state the ground) and prays that a day may be  
appointed for hearing his application.

Date this..... day of ..... 19.....

(Signed) .....

FORM 5

NOTICE TO RESPONDENT OF APPLICATION FOR WITHDRAWAL

In the Supreme Court of The Gambia

The Elections Decree, 1996

In the election petition for ..... in which .....  
is petitioner and ....., respondent.

Notice is hereby given, that the above petitioner has on the  
..... day of ..... 19.....  
lodged at the Registrar's office notice of an application to  
withdraw the petition of which notice the following is a  
copy (set it out).

(Signed) .....

FORM 6  
PETITION

(claiming the seat and a scrutiny or recount)

In the Supreme Court of The Gambia

Election for (state the electoral division or electing body) held  
on the day of ..... 19 .....

The petition of A., of ..... (or of A., of  
..... and B, of ....., as the  
case may be) whose names are subscribed.

1. Your petitioner A. is a person who voted (or had a right to  
vote, as the case may be) at the above election (or claims to  
have had a right to be returned or elected as the above election,  
or alleges himself to have been a candidate at the above  
election); and your petitioner B. (here state in like manner the  
right of each petitioner).

2. And your petitioners state that the election was held on the  
..... day of ..... 19....., when A.B., C.D.  
and E.F. were candidates, and the Returning Officer has returned  
A.B. as being duly elected.

3. And your petitioners say (here state the facts and grounds  
on which the petitioners rely).

Wherefore your petitioners pray that it might be determined that  
the said A.B. was not duly elected or returned, and that the  
election was void (or that the said E.F. was duly elected and  
ought to have been returned, or as the case may be).

FORM 7  
RECOGNISANCE

In the Supreme Court of The Gambia

The Elections Decree, 1996

.....(Title).

Be it remembered that on the ..... day of .....  
19..... before me ....., Registrar .....  
and a Commissioner of Affidavits of the Supreme Court, came  
..... of ..... the ..... petitioner  
herein, ..... and ..... all of .....

the sureties and obligants herein for the said petitioner and  
acknowledge themselves severally and jointly therein and each of  
their executor, administrators and assigns to owe the Registrar of  
the Supreme Court the sum of ..... dalasis to be  
levied on their respective goods, chattels, lands and tenements to  
the use of the said Registrar and his successors in office.

The condition of this recognisance is that if the said petitioner  
..... shall well and truly pay all costs,  
charges and expenses in respect of the election petition signed by  
him relating to the election held at  
..... on the  
..... day of .....(here state  
office) which shall become payable by the said  
..... to any person or persons, then this  
recognisance to be void, otherwise to stand in full force.

Signed, sealed and delivered ..... (L.S.)

by ..... (L.S.)

in the presence of: ..... (L.S.)

Before me .....

FORM 8  
JUSTIFICATION OF SURETIES  
In the Supreme Court of The Gambia  
The Elections Decree, 1996

..... (Title)

We..... of ..... of  
.....  
severally make oath and say that we are the proposed sureties in t  
he penal sum of .....dalasis on behalf  
of..... and I, the said ..... for myself  
make oath and say that I am, after payment of all my just debts  
well and truly worth in money and effects the sum of  
..... dalasis, and I, the said  
..... for myself make oath and say that I  
am, after payment of all my just debts well and truly worth in  
money and effects the sum of ..... dalasis.

Sworn by the deponents ..... and  
..... at ..... this ..... day of  
..... 19.....

Before me.....

MADE THIS 19TH DAY OF APRIL, 1996



Capt. YAHYA A. J. J. JAMMEH  
Head of State and Chairman of the Armed  
Forces Provisional Ruling Council

Prescribed  
Constituencies

Schedule.

Questions  
to membership  
of elective  
office.

Decree No.33

Power to  
conduct  
Presidential  
election  
in a  
foreign  
country

139. For the first National Assembly elections conducted under this Decree, the Constituencies shall be those prescribed in Part II of Schedule I.

140. (1) The Court of Appeal shall have jurisdiction to determine any appeal arising from any petition questioning whether any person has been validly elected in the first elections to an elective office conducted under this Decree.

(2) If at the time of holding the first elections to an elective office under this Decree the Constitution of the Republic of The Gambia, 1970, as suspended and modified, remains in force, the qualifications, in addition to those prescribed under this Decree, for a person to be nominated for election to such office shall be such as the Provisional Electoral Commission may determine.

(3) For purposes of determining qualifications to an elective office under subsection (2), the Provisional Electoral Commission shall have regard to the recommendations, as may be adopted or modified by any lawful authority, of the Constitutional Review Commission established under the Constitutional Review Commission Decree, 1995.

**PART - XII - MISCELLANEOUS**

141.

The Independent Electoral Commission may make rules for Gambians in any foreign country to vote in a Presidential election.

**SCHEDULE 1**

**PART 1**

**ADMINISTRATIVE AREAS**

**1. BANJUL ADMINISTRATIVE AREA consisting of the Constituencies of:**

BANJUL NORTH

BANJUL CENTRAL

BANJUL SOUTH

**2. KANIFING ADMINISTRATIVE AREA consisting of the Constituencies of:**

BAKAU

SEREKUNDA EAST

SEREKUNDA WEST

**3. BRIKAMA ADMINISTRATIVE AREA consisting of the Constituencies of:**

KOMBO EAST

KOMBO CENTRAL

KOMBO NORTH

KOMBO SOUTH

FONI BREFET

FONI BINTANG

FONI KANSALA

FONI BONDALI

FONI JARROL

**4. KEREWAN ADMINISTRATIVE AREA consisting of the Constituencies of:**

LOWER NIUMI

UPPER NIUMI

JOKADU

THE CONSTITUENCIES BOUNDARIES

- LOWER BADDIBU
- UPPER BADDIBU
- CENTRAL BADDIBU
5. **MANSAKONKO ADMINISTRATIVE AREA consisting of the Constituencies of:**
- KIANG WEST
- KIANG EAST
- KIANG CENTRAL
- JARRA WEST
- JARRA EAST
- JARRA CENTRAL
6. **JANJANBUREH ADMINISTRATIVE AREA consisting of the Constituencies of:**
- LOWER SALOUM
- UPPER SALOUM
- NIANIJA
- NIANI
- SAMI
- JANJANBUREH
- FULLADU WEST
- NIAMINA EAST
- NIAMINA WEST
- NIAMINA DANKUNKU
7. **BASSE ADMINISTRATIVE AREA consisting of the Constituencies of:**
- FULLADU EAST
- KANTORA
- SANDU
- WULI

1. BANJUL NORTH

Comprising that part of the City of Banjul lying substantially to the South West and West of a line running along the centre line of the road from Oyster Creek Bridge to the roundabout at the North Western end of Independence Drive and thence in a South Easterly direction along the centre line of Independence Drive to its junction with Mosque Road and thence in a South Westerly direction along the centre line of Mosque Road up to the junction of Jones Street and Thomas Street and thence in a South Westerly direction along the centre line of Thomas Street to the junction with James Senegal Street and thence along the centre line of James Senegal Street in a South Easterly direction to the junction with Welesley Street and along the centre line of Welesley Street in a South Westerly direction across Imam Omar Sowe Avenue in a straight line to the Bund Road.

2. BANJUL CENTRAL

Comprising the part of the City of Banjul lying on the seaward side of a line running along the centre line of the road from Oyster Creek Bridge to the roundabout at the North Western end of Independence Drive and thence in a South Easterly direction along the centre line of Independence Drive to its junction with Mosque Road and thence in a South Westerly direction along the centre line of Mosque Road up to the junction of Jones Street and Thomas Street and thence in a South Westerly direction along the centre line of Thomas Street to the junction with James Senegal Street and thence along the centre line of James Senegal Street in a South Easterly direction to the junction with Wesley Street and along the centre line of Wesley Street in a South Westerly direction across Imam Omar Sowe Avenue in a straight line to the Bund Road and thence along the centre line of the Bund Road in a South Easterly direction to the junction of the Bund Road and the Lasso Wharf Canal and thence in a North Easterly direction along the Lasso Wharf Canal up to the Canal bend at the junction of Hopkinson Street and thence in a North Westerly direction a point on the Canal opposite the junction of Lasso Wharf with Allen Street and thence along the centre line of Allen Street in a North Easterly direction and across the junction of Allen Street, Independence Drive and MacCarthy Square and continues along the centre line of MacCarthy Square in a North Westerly direction to the sea running between the Six-Gun Batteries and the Battery Flats.

3. BANJUL SOUTH

Comprising that part of the City of Banjul lying substantially to the South and South East of the Southern most Boundary of the Banjul Central Constituency.

4. **BAKAU**

Comprising that part of Kombo St. Mary Division lying substantially to the North of a Straight line from a point on the left Bank of the Oyster Creek running along a North Westerly direction crossing the Banjul/Bakoteh Road at the Kanifing industrial Estate and adjacent to the ACE Company premises and continuing to a point at which it crosses the prolongation North Eastwards of the Coastal Highway and thence along the centre line of the Coastal Highway in a South Westerly direction to the point at which it crosses the Kuto Streams to the Coast and thence along the coast to Cape St. Mary and continuing along the coast to Oyster Creek Bridge and thence along the Left Bank of the Oyster Creek Bridge to the beginning of the aforementioned straight line.

5. **SEREKUNDA WEST**

Comprising that part of Kombo St. Division lying on the South of the Bakau Constituency boundary running from the mouth of the Kuto Stream thence along the Kotu Stream to a point at which it crosses the Coastal Highway at a North Easterly direction crossing the Banjul/Serekunda Road at Kanifing Industrial Estate adjacent to the promises of ACE Company to a point on the Left Bank to the Oyster Creek thence in a South Westerly direction crossing the Banjul/Brikama Road at a point opposite the Texaco Petrol Station thence along the central line of the Banjul/Brikama Road in a Northerly direction to the junction of Pipeline and Banjul/Serekunda Roads thence along the centerline of the Banjul/Serekunda Road to the Bakoteh Bridge thence along the stream in a Southerly direction the Kombo St. Mary Divisional Boundary thence along the Kombo St. Mary Divisional Boundary to the Atlantic Coast thence along the coast to the mouth of the Kotu Stream.

6. **SEREKUNDA EAST**

Comprising that part of Kombo St. Mary Division lying substantially between the Eastern Boundary of Serekunda West Constituency and the Kombo St. Mary Divisional Boundary running along the left bank of Lamin Bolong thence along the right bank of the Daranka Bolong thence along the South Bank of the stream connecting Oyster Creek and Daranka Bolong up to the Serekunda west Constituency Boundary.

**KOMBO NORTH**

Comprising the district of Kombo North.

**KOMBO SOUTH**

Comprising the district of Kombo South

**KOMBO CENTRAL**

Comprising the district of Kombo Central

**KOMBO EAST**

Comprising the district of Kombo East

**FONI BREFET**

Comprising the district of Foni Brefet

**FONI BINTANG KARANAI**

Comprising the district of Foni Bintang Karanai

**FONI KANSALA**

Comprising the district of Foni Kansala

**FONI BONDALI**

Comprising the district of Foni Bondali

**FONI JARROL**

Comprising the district of Foni Jarrol.

**LOWER NUIMI**

**UPPER NUIMI**

Comprising of the district of Lower Nuimi.

**JOKADU**

Comprising of the District of Jokadu.

**LOWER BADIBU**

Comprising the District of Lower Badibu.

**CENTRAL BADIDU**

Comprising the District of Central Badibu.

**UPPER BADIBU**

Comprising the District of Upper Badibu.

**KIANG WEST**

Comprising the District of Kiang West.

**KIANG CENTRAL**

Comprising the District of Kiang Central.

**KIANG EAST**

Comprising the District of Kiang East.

**JARRA WEST**

Comprising the District of Jarra West.

**JARRA CENTRAL**

Comprising the District of Jarra Central.

NIAMINA EAST

Comprising the district of Niamina East

FULLADU WEST

Comprising the district of Fulladu West

JANGJANBURAY

Comprising the district of Jangjanburay

SAMI

Comprising the district of Sami

NIANI

Comprising the district of Niani

NIANIJA

Comprising the district of Nianija

UPPER SALOUM

Comprising the district of Upper Saloum

LOWER SALOUM

Comprising the district of Lower Saloum

FULLADU EAST

Comprising the District of Fulladu East

KANTORA

Comprising the District of Kantora

WULI

Comprising of the district of Wuli

SANDU

Comprising the district of Sandu

**JARRA EAST**

Comprising the district of Jarra East.

**NIAMINA WEST**

Comprising the District of Niamina West.

**NIAMINA DANKUNKU**

Comprising the District of Niamina Dankunku.

SCHEDULE II

A. OATH FOR THE DUE EXECUTION OF OFFICE

I, A.B. do swear that I will execute the functions of the  
office of.....without fear or  
favour, affection or ill-will, according to the  
Constitution, Elections Decree and other Laws regulating  
elections in The Gambia. So help me God.

B. OATH OF SECRECY

I, A.B., having been appointed.....do  
swear that I will not directly or indirectly reveal such  
matters as may be committed to my secrecy or relate to the  
execution of my duties with respect to election processes  
which require confidentiality. So help me God.