

STATUTORY INSTRUMENT

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

THE PUBLIC ELECTIONS (DISTRICT BLOCK PROPORTIONAL REPRESENTATION SYSTEM) REGULATIONS, 2022

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STATUTORY INSTRUMENT No. 14 OF 2022

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

The Public Elections (District Block Proportional Representation Short title System) Regulations, 2022

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

PART I—PRELIMINARY

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

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

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

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

"District Block Representation System" means a voting system for electing representatives in electoral districts;

"electoral area" means a district, ward or other electoral area into which Sierra Leone is divided;

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

PART II—ALLOCATION OF PARLIAMENTARY SEATS TO DISTRICTS.

Calculation of population quota.

2. The population quota shall be calculated, by dividing the total population of Sierra Leone, in the case of parliamentary seats, by the number of seats prescribed by Parliament for Members of Parliament, other than Paramount Chief Members of Parliament.

Calculation of representational quotient for allocation of seats.

3. The representational quotient for parliamentary seats shall be calculated by dividing the total population of each district by the population quota resulting in a whole number and a fractional remainder and thereafter-

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

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

4. The allocation of seats shall be calculated, -

- (a) using -
 - (i) current parliamentary seat allocation as specified in Table A; and
 - (ii) the population quota of the 2021 population and housing census based on the Highest Remainder Method as specified in Table B; and
- (b) the addition of, as specified in Table C. -
 - (i) the existing parliamentary seat allocation to districts; and
 - (ii) the total seats allocated to each district based on the 2021 population and housing census figures; and
- (c) dividing the sum total in paragraph (b) by 2, to obtain the number of seats to be allocated to a district; and where the answer is a decimal point of 0.5 or above, the number shall be rounded up to the nearest whole number as specified in Table C.

PART III—CALCULATION OF MINIMUM THRESHOLD FOR APPORTIONING SEATS TO POLITICAL PARTIES AND INDEPENDENT CANDIDATES.

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

Calculation of minimum threshold.

- (a) the total number of valid votes cast in a district; and
- (b) the attainment of the minimum threshold of 11.9%.

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

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

- (a) dividing -
 - (i) the total number of districts in Sierra Leone; by
 - (ii) the total number of seats prescribed by Parliament; and
- (b) multiplying the quotient under paragraph (a) by 100 as illustrated in Schedule 2.

(4) A political party or independent candidate shall obtain at least the minimum threshold of 11.9% to qualify to have a seat in Parliament.

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

- (a) divide the total number of valid votes that a political party or independent candidate obtains by the total number of district valid votes; and
- (b) multiply the quotient of paragraph (a) by 100; and
- (c) add the product under paragraph (b) of each political party or independent candidate that meet the minimum threshold of 11.9%, thereby eliminating the political party or independent candidate that does not meet the minimum threshold of 11.9%.

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

Calculation of representational quotient for apportioning seats

- (a) dividing the product under paragraph (b) of sub-regulation (3) of Regulation 5, of each political party or independent candidate that meet the threshold of 11.9% by the aggregate under paragraph (c) of Regulation 3; and
- (b) multiplying the quotient under paragraph (a) by the number of seats allocated to the district.

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

Apportioning seats.

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

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

PART IV—PROCEDURES FOR NOMINATION OF CANDIDATES.

- Submission of party list of endorsed candidates to Commission. 8. The number of candidates on a party list of endorsed candidates shall be not less than double the block or number of seats allocated to a district so as to enable vacancies in Parliament to be filled by the Electoral Commission from that list as and when such vacancies occur.
- Nomination of candidates for Parliament 9. Nomination of a candidate shall be, in the case of -
- (a) a candidate nominated by a political party, in accordance with section 60 of the Act and
 - (b) an independent candidate in accordance with section 58 of the Act.
- Numbering of party list. 10. (1) A political party shall submit an endorsed list of candidates to the Commission showing the order of preference for assigning seats for parliamentary elections.
- (2) The Commission shall, from the endorsed list of candidates submitted under sub-regulation (1), assign the seats won to the political party in the district.
- Payment of nomination fee 11. A nomination fee required to be paid under subsection (6) of section 58 of the Act, shall be paid by political parties or candidate into such account or accounts as may be designated by the Commission.
- Nomination of female candidates. 12. Nomination of female candidates shall be in accordance with of Section 58 of the Act.
- Objection procedures. 13. Objection to the nomination of candidates shall be in accordance with Section 60 of the Act.
- Manner of voting. 14. Voting at an election under the district block proportional representation system shall be in favour of a political party or an independent candidate.

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

Death of candidate before polls.

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

16. Where a seat of a Member of Parliament becomes vacant, the vacancy shall be filled, in the case of, a Member of Parliament -

Filling of vacancy.

- (a) belonging to a political party, by the next-in-line in the endorsed list of candidates for that political party;
- (b) an independent candidate, by the next-in-line in accordance with the highest remainder formula for apportioning seats as illustrated in Table D.

SCHEDULE 1

TABLE A

CURRENT

No	District	Total Parliamentary Seat
1	Kailahun	10
2	Kenema	11
3	Kono	9
	<i>Eastern Regional Total</i>	30
4	Bombali	8
5	Falaba	4
6	Koinadugu	4
7	Tonkolili	10
	<i>Northern Regional Total</i>	26
8	Kambia	6
9	Karene	5
10	Port Loko	10
	<i>North/West Regional Total</i>	21
11	Bo	11
12	Bonthe	4
13	Moyamba	6
14	Pujehun	6
	<i>Southern Regional Total</i>	27
15	Western Rural	8
16	Western Urban	20
	<i>Western Area Regional</i>	28
		132

TABLE B

Total seats allocated to district based on the 2021 population and housing census figures

	District Population	Representational Quotient	First Distribution (whole numbers only)	Highest Remainder distribution	Total Seat Allocation 2022
KAILAHUN	550,435	9.625154099	9	1	10
KENEMA	772,472	13.507793	13		13
KONO	620,703	10.85389197	10	1	11
	1,943,610				34
BOMBALI	387,236	6.771382948	6	1	7
FALABA	166,205	2.90633542	2	1	3
KOINADUGU	206,133	3.604534395	3	1	4
TONKOLILI	557,257	9.744446661	9	1	10
	1,316,831				24
KAMBIA	367,699	6.429750174	6		6
KARENE	290,313	5.076543755	5		5
PORT LOKO	528,038	9.233510079	9		9
	1,186,050				20
BO	756,975	13.23680548	13		13
BONTHE	297,561	5.203285545	5		5
MOYAMBA	346,771	6.063793749	6		6
PUJEHUN	429,574	7.511724267	7		7
	1,830,881				31
WESTERN RURAL	662,156	11.57875778	11	1	12
WESTERN URBAN	609,174	10.65229069	10	1	11
	1,271,330				23
TOTAL	7,548,702		124	8	132
Number of seats	132				
Population Quota	57,187				
Deviation Range 25%	14,297				
Lower Limit	42,890				
Upper Limit	71,484				

TABLE C

Parliamentary Seat Allocation Using Average of Current Seat Allocation and 2021 Census Seat Allocation

	Current Number of Parliamentary Seats	Seat Allocated base on 2021 Census figure	Total	Average
KAILAHUN	10	10	20	10
KENEMA	11	13	24	12
KONO	9	11	20	10
	30	34		32
BOMBALI	8	7	15	8
FALABA	4	3	7	4
KOINADUGU	4	4	8	4
TONKOLILI	10	10	20	10
	26	24		26
KAMBIA	6	6	12	6
KARENE	5	5	10	5
PORT LOKO	10	9	19	10
	21	20		21
BO	11	13	24	12
BONTHE	4	5	9	5
MOYAMBA	6	6	12	6
PUJEHUN	6	7	13	7
	27	31		30
WESTERN RURAL	8	12	20	10
WESTERN URBAN	20	11	31	16
	28	23		26
TOTAL	132	132		135

TABLE D

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

	Party A	Party B	Independent candidate	Party D	Party E	Party F	Total
Threshold	11.9%						
Votes Obtained	15,700	4600	8,900	1350	10,200	800	41,550
Product/Percentage	37.7858	11.071	21.41997593	3.249097	24.54874	1.925391	84
11.9% Threshold and above	37.7858		21.41997593		24.54874		83.754516
Representational Quotient	1.799324		1.019998854		1.168987		4
First apportioning of seat	1		1		1		3
Final apportioning of seat using highest remainder	2		1		1		4
Next highest-ranking Party					1		

NOTE: These figures are only hypothetical figures

1. Add valid votes obtained by all contestants which total **41,550**
2. Divide valid votes obtained by each candidate by the total valid votes cast and multiply by 100 to get the product E.g. For Party A: $15,700 \div 41,550 \times 100 = 37.7858$
3. Add the product of all political parties and independent candidates that obtain the minimum threshold of 11.9% and above.
E.g. $37.7858 + 21.41997593 + 24.54874 = 84$
4. Divide the product of each political party and independent candidate by the total sum of those that meet the threshold and multiply the quotient by the total number of seats allocated to the district to get a E.g. Party A: $37.7858 \div 84 \times 4 = 1.799324$
5. Assign to each political party and independent candidate, number of seats equal to the whole number in the representational quotient. E.g. Party A = 1; Independent = 1 and Party E = 1
6. Apportion the remainder of seats using the highest remainder method. Party A with 0.7 shall be assigned one more seat.

SCHEDULE 2

Calculation of threshold: total number of districts divided by total seats prescribed by Parliament multiplied by 100. i.e., $16 \div 135 \times 100 = 11.9\%$

FORM

(Regulation 7 (2))

ELECTION OF MEMBER OF PARLIAMENT

PUBLIC ELECTIONS ACT, 2022

NOMINATION PAPER

District for which candidate seeks election.....

Date of election.....

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to Parliament as a Member for the District.

2. I also hereby state that I am qualified, and not disqualified, for election to Parliament in accordance with the requirements of sections 75 and 76 of the Constitution.

Full Name.....

Occupation.....

Address.....

Date.....

Signature:.....

We, the undersigned, are the three nominators of the above candidate, and are voters of the District for which this candidate seeks election.

MADE THIS *15th day of November, 2022.*

MOHAMED KENEWUI KONNEH
Chairman
Electoral Commission for Sierra Leone,

FREETOWN,
SIERRA LEONE,