

Article 81

Any citizen, political party, organization or association, being resident in Liberia, of Liberian nationality or origin, and not otherwise disqualified under the provisions of this Constitution and laws of the land, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing directly or indirectly in whatsoever form.

Article 82

- a) Any citizen or citizens, political party association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making any contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.
- b) No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Elections Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Elections Commission.
- c) The Elections Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be kept. The certified audits shall be conducted by a certified chartered public accountant, not a member of any political party.

Article 83

- a) Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Tuesday in October of each election year.
- b) All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election.
- c) The returns of the elections shall be declared by the Elections Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Elections Commission. Such complaint must be filed not later than seven days after the announcement of the results of the elections.

The Elections Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such decision shall not later than seven days appeal against it to the Supreme Court.

The Elections Commission shall within seven days of receipt of the notice of appeal, forward all the records in the case to the Supreme Court, which not later than seven days thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Elections Commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy. If the court sustains the

election of a candidate, the Elections Commission shall act to effectuate the mandate of the Court.

- d) Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Elections Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Elections Commission additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Elections Commission.

Article 84

The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provisions of this Constitution.

CHAPTER IX

EMERGENCY POWERS

Article 85

The President, as Commander-in-Chief of the Armed Forces, may order any portion of the Armed Forces into a state of combat

readiness in defence of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

Article 86

- a) The President may, in consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, proclaim and declare the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter.
- b) A state of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

Article 87

- a) Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency.
- b) The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

Article 88

The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken thereunder, the President shall act accordingly and immediately carry out the decisions of the Legislature.

CHAPTER X

AUTONOMOUS PUBLIC COMMISSIONS

Article 89

The following Autonomous Public Commissions are hereby established:

- A. CIVIL SERVICE COMMISSION;
- B. ELECTIONS COMMISSION; and
- C. GENERAL AUDITING COMMISSION

The Legislature shall enact laws for the governance of these Commissions and create other agencies as may be necessary for the effective operation of Government.

CHAPTER XI

MISCELLANEOUS

Article 90

- a) No person, whether elected or appointed to any public office, shall engage in any other activity which shall be against public policy, or constitute conflict of interest.
- b) No person holding public office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by Government.
- c) The Legislature shall, in pursuance of the above provision, prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof.

CHAPTER XII

AMENDMENTS

Article 91

This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both Houses of the Legislature or (2) a petition submitted to the Legislature, by not fewer than 10,000 citizens which receives the concurrence of two-thirds of the membership of both Houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Elections Commission not sooner than one year after the action of the Legislature.

Article 92

Proposed constitutional amendments shall be accompanied by statements setting forth the reasons therefor and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum they shall be submitted in such manner that the people may vote for or against them separately.

Article 93

The limitation of the Presidential term of office to two terms, each of six years duration, may be subject to amendment; provided that the amendment shall not become effective during the term of office of the incumbent President.

CHAPTER XIII

TRANSITIONAL PROVISIONS

Article 94

- a) Notwithstanding anything to the contrary in this Constitution, any person duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution.
- b) Notwithstanding anything to the contrary in this Constitution, elections for the President, Vice-President and members of the Legislature, prior to the coming into force of this Constitution, shall be held on the 3rd Tuesday in January 1985. The

person so elected President of Liberia shall be inaugurated on the 12th day of April 1985. The President, Vice-President and members of the Legislature who are elected for the first term prior to the coming into force of this Constitution, shall serve their respective terms less approximately three months. This Constitution shall come into force simultaneously with that inauguration.

- c) Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before the 12th day of April 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid down by the Legislature under the suspended Constitution until changed by the new Legislature.
- d) Any person who, under the laws extant immediately before the coming into force of this Constitution, held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

Article 95

- a) The Constitution of the Republic of Liberia which came into force on the 26th day of July 1847, and which was suspended on the 12th day of April 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution.

- b) All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.
- c) All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or prior governments or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on and enforceable by the Republic of Liberia.

Article 96

Notwithstanding anything to the contrary in this Constitution:

- a) The People's Supreme Court of Liberia and all subordinate courts operating prior to the effective date of this Constitution shall continue to so operate, and the Chief Justice, Associate Justices of the People's Supreme Court and judges of subordinate courts holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all judges of subordinate courts shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President, with the consent of the Senate, of the Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts, shall be made as soon as possible after the coming into force of this Constitution. The Chief Justice and Associate Justices of the People's Supreme Court and judges of subordinate courts holding office prior thereto, unless reappointed, shall cease to hold office and their function shall automatically devolve upon the newly appointed Chief Justice, Associate Justices of the Supreme Court and judges of subordinate courts, respectively.

- b) Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de novo. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

Article 97

- a) No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect of any such act.
- b) No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon:
 - (i) the overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;
 - (ii) the suspension of the Constitution of Liberia of July 26, 1847;
 - (iii) the establishment, functioning and other organs established by the People's Redemption Council;

- (iv) the imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by that Council in pursuance of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and
- (v) the establishment of this Constitution.

SCHEDULE

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.
2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

"I, _____, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of _____ to the best of my ability. SO HELP ME GOD. "

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3. Robert G. W. Azango
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5. J. Emmanuel Berry
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7. Augustus F. Caine
8. H. Boima Fahnbulleh, Sr.
9. Bangaly Fofana
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11. Alfred V. W. Gayflor
12. Isaac L. George
13. J. Rudolph Grimes
14. Abraham L. James
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16. David Kpomakpor
17. Henry G. Kwekwe
18. Albert Porte
19. Patrick L. N. Seyon
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21. S. Byron Tarr
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24. Rebecca Ware-Wilson
25. Tuan Wreh

Chairman

Co-Chairman

Member

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| 2. Charles H. Williams
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(Montserrado County) | Secretary General |
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(Bong County) | Assistant Secretary General |

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| 11. Zoe Ethel Norman | " |
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| 13. R. Francis Okai, Jr. | " |
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| 14. Samuel Dwelu Hill | " |
| 15. K. Ballah M. Davis, Sr. | " |

GIBI TERRITORY

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| 17. Flomo Shadrach Daniel, II | " |

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- 34. Christopher K. Kandakai, I
- 35. Ernest K. Metzgar
- 36. Victor Lamina Yates

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- 38. Philip Karyeyon Deah
- 39. Robert Bloh Toe, Sr.
- 40. Emmanuel B. Neewray
- 41. Doquinee Jarpee Andrews, Jr.

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- 45. J. Gbarmie Sahn
- 46. Jenkins G. W. Wongbe
- 47. Peter A. Gbelia, Sr.

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- 52. Walter T. Gwenigale
- 53. Salome Giddings-Hall
- 54. Manyu M. Kamara

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- 56. J. Edward Koenig
- 57. Frederick K. Gobewole
- 58. James M. Hargrave
- 59. Keikura Bayoh Kpoto

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