

BILL

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No.



Sierra Leone

2025

A BILL ENTITLED

THE CONSTITUTION OF SIERRA LEONE
(AMENDMENT) ACT, 2025

Short title.

**Being an Act to amend the Constitution of Sierra Leone,
1991 (Act No. 6 of 1991) and to provide for other related matters.**

[]

Date of com-
mencement.

ENACTED by the President and Members of Parliament in this
present Parliament assembled.

CONSTITUTIONAL AMENDMENTS.

Amendment of section 32 of Act No. 6 of 1991.

1. Section 32 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended -

- (a) by substituting the words "Electoral Commission" with the words "National Electoral Commission" wherever they occur;
- (b) in subsection (3), by repealing and replacing that subsection with the following new subsection -

"(3) The President shall, where there is a vacancy in the office of the Chief Electoral Commissioner or member of the Electoral Commission, appoint a Search and Nomination Committee for purposes of nominating the Chief Electoral Commissioner or member of the Electoral Commission, comprising -

- (a) one person from the Inter-Religious Community;
- (b) one legal practitioner who shall be a person qualified to hold office as Judge of the High Court of Sierra Leone;
- (c) one person representing civil society;
- (d) one person from the private sector, Labour Congress or Employers Federation;
- (e) one media practitioner in Sierra Leone;
- (f) one person representing youth groups; and
- (g) 3 persons representing women's organisations."
- (c) in subsection (4), by repealing and replacing that subsection with the following new subsection -

"(4) A person shall not be qualified for appointment as -

(a) Chief Electoral Commissioner unless he -

- (i) holds a post-graduate degree from a recognised university;
- (ii) has professional qualifications and experience in governance and public management;
- (iii) is a citizen of Sierra Leone of sound mind and unquestionable integrity; and
- (iv) is not a Minister, a Deputy Minister, a Member of Parliament, and
- (v) he has not attained the age of 65 years.

(b) member of the Electoral Commission unless he -

- (i) holds a Bachelor's degree or its equivalent from a recognised university;
- (ii) has professional qualifications and experience in governance and public management;
- (iii) is a citizen of Sierra Leone of sound mind and unquestionable integrity; and
- (iv) is not a Minister, a Deputy Minister, a Member of Parliament;
- (v) if he has not attained the age of 65 years."

(d) in subsection (7), by repealing and replacing that subsection with the following new subsection -

"(7) The term of office of a member of the Electoral Commission shall be staggered-

- (a) a Commissioner shall serve a full term of 5 years from the date of appointment, irrespective of the remaining terms of other Commissioners;
- (b) where a person is appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous member and shall, subject to this Act, be eligible for re-appointment, and
- (c) a member of the Electoral Commission shall vacate his office -
 - (i) at the expiration of 5 years from the date of his appointment; or
 - (ii) on attaining the age of 65 years."

Amendment of section 34 of Act No. 6 of 1991.

2. Section 34 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended -

- (a) in subsection (1), by repealing and replacing that subsection with the following new subsection -

"Political Parties Registration and Regulation Commission.

34. (1) There shall be a Political Parties Registration and Regulation Commission which shall consist of a Chairman and the following other members appointed by the President-

- (a) the Chief Electoral Commissioner;
- (b) a legal practitioner nominated by the Sierra Leone Bar Association; and
- (c) a member nominated by the Sierra Leone Labour Congress.

- (b) in subsection (2), by repealing and replacing that subsection with the following new subsection -

(2) The President shall, for purposes of nominating the Chairman of the Commission, appoint a Search and Nomination Committee comprising -

- (a) one person representing the Inter- Religious Community;
- (b) one legal practitioner qualified to hold office as judge of the High Court of Sierra Leone;
- (c) one person representing civil society;
- (d) one person from the private sector, Labour Congress or Chambers of Commerce;
- (e) One person practicing as a qualified journalist in Sierra Leone;
- (f) one person representing youth groups;
- (g) 3 persons representing women's organisations."

3. Section 35 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended in subsection (2) by the insertion of the following proviso immediately after that subsection -

Amendment of section 35 of Act No. 6 of 1991

"Provided that at least 30% of the party's nominees for national and local government elections shall be women."

4. Section 38 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended -

Amendment of section 38 of Act No. 6 of 1991.

- (a) in subsection (1), by the repeal and replacement of that subsection with the following new subsection -

"(1) The Electoral Commission shall, acting with the approval of Parliament signified by resolution, determine the number of Members of Parliament to be elected in each district for the purpose of electing Members of Parliament under paragraph (b) of subsection (1) of section 74."

- (b) in subsection (2), by the repeal and replacement of that subsection with the following new subsection -

"(2) A district established under subsection (1) shall return a Member of Parliament from a list of candidates submitted by a political party for election as a Member of Parliament under paragraph (b) of subsection (1) of section 74."

- (c) in subsection (4) by the repeal and replacement of the proviso to that subsection with the following new proviso--

"Provided that for the purposes of determining the number of Members of Parliament to be allocated to each district, and for any subsequent re apportionment thereof, only data from the most recent decennial census shall be used."

- (d) in subsection (5) by the insertion of the following proviso -

"Provided that where the final report of a decennial census is published at or less than 24 months before a general election, the data

collected from that census shall not be used for determining the number of parliamentary representatives for that general election."

- (e) in subsection (8) by the insertion immediately after that subsection, the following new subsection -

"(9) At least 30% of the party's nominees for national and local government elections shall be women."

5. Section 38A of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the deletion of that section.

Amendment of section 38A of Act No. 6 of 1991.

6. Paragraph (b) of section 41 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the addition of the following words after "political party" -

Amendment of section 41 (b) of Act No. 6 of 1991.

"or is an independent candidate"

7. Section 42 of the Constitution of Sierra Leone, (Act No. 6 of 1991) 1991 is amended -

Amendment section 42 of Act No. 6 of 1991.

- (a) in subsection (1), by the repeal and replacement of that subsection with the following new subsection -

"(1) A Presidential candidate shall either -

- (a) be nominated by a political party; or
(b) be an independent candidate:

Provided that a person shall contest as an independent candidate if-

- (i) he is not a member of a political party; and
 - (ii) has demonstrated sufficient financial capacity and community support, as prescribed by law."
- (b) in subsection (2), by -
- (i) the repeal and replacement of paragraph (e) of that subsection with the following new paragraph -
- "(e) A person shall not be declared elected as President of Sierra Leone unless at the Presidential election he obtains -
- (i) a simple majority of the total valid votes cast throughout Sierra Leone; and
 - (ii) a minimum 20 % of the total valid votes cast in, at least, two-third of the districts of Sierra Leone."
- (ii) the repeal and replacement of paragraph (f) of that subsection with the following new paragraph -
- "(f) the Chief Electoral Commissioner shall, in default of a candidate being duly elected under paragraph (e), declare the need for a run-off election and send the result to the Chief Justice immediately.
- (iii) the insertion immediately after that paragraph, the following new paragraphs -

- (g) a person dissatisfied with the declaration of the Chief Electoral Commissioner that a candidate has not been duly elected under paragraph (f) may file a petition at the Supreme Court within 3 days of the declaration.
- (h) the Chief Justice shall, where a petition under paragraph (g) is not filed within 3 days, notify the Chief Electoral Commissioner.
- (i) a run-off election shall be held within 14 days of the notification of the Chief Justice that a petition has not been filed challenging the declaration of the Chief Electoral Commissioner under paragraph (h).
- (j) the Supreme Court shall, where a petition is filed under paragraph (g) challenging the declaration of the Chief Electoral Commissioner that a candidate is not elected under paragraph (f), hear and determine the petition within 14 days of filing.
- (k) where the Supreme Court upholds the declaration of the Chief Electoral Commissioner that a candidate was not elected under paragraph (f), a run-off election will be held within 14 days of the date on which the Supreme Court renders its decision.
- (l) in a run-off election, the only candidates shall be the candidate, or the candidates, who received -
 - (i) the highest number of votes; and
 - (ii) the second highest number of votes.

- (m) where more than one candidate receives the highest number of votes, sub- paragraph (ii) of paragraph (l) shall not apply, and the only candidates in the run- off election shall be those listed in sub- paragraph (i) of paragraph (l).
 - (n) the candidate who obtains the highest number of votes cast in the run-off election shall be declared President.
 - (o) where the Supreme Court finds that the run-off election under paragraph (k) was invalid, a fresh election shall be held within 60 days after the determination by the Supreme Court.
 - (p) where a fresh election is held under paragraph (o), the candidates who took part in the first election under paragraph (f) shall be eligible to contest in the fresh election."
- (c) in subsection (3), by -
- (i) the repeal and replacement of that subsection with the following new subsection -
- "(3) A person elected to the office of President under this section shall assume office, where -
- (a) a petition is not filed challenging the election in the Supreme Court, on the 7th day after the date of the declaration of the result of the presidential election, if; or
 - (b) a petition has been filed and the Supreme Court renders a decision declaring the election to be valid, on the 7th day following the date on which the decision was rendered:

Provided that a person elected to the office of President under this section shall hold office for a term commencing on the date he is sworn in and shall continue to hold office until the next duly elected President is sworn in.

- (ii) the insertion immediately after that subsection, the following new subsection -

"(4) Where the Supreme Court determines the election of the President- elect to be invalid, a fresh election shall be held within 60 days after the determination."

8. Section 43 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the repeal and replacement of that section with the following new section -

Amendment of section 43 of Act No. 6 of 1991.

"Period during which Presidential elections shall take place

43. (1) A Presidential election shall be held on the second Saturday in November in every fifth year.

(2) The President elected at such election shall assume office in accordance with this Constitution.

(3) In the event that a presidential candidate is standing trial on a criminal charge to which the state is a party one year prior to the election, such trial shall be suspended until after the election."

9. Section 49 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended -

Amendment of section 49 of Act No. 6 of 1991.

- (a) in subsection (1), by the insertion of the following new paragraph immediately after paragraph (c) -

"(d) where Parliament, by a resolution supported by two-thirds majority of all the Members of Parliament, votes to remove the President following his resignation or expulsion from the party under which he was elected;

- (b) in subsection (2), by the insertion of the following proviso immediately after that subsection -

"Provided that the term of Parliament may not be extended for a total of more than 12 months."

Amendment of section 53 of Act No. 6 of 1991. 10. Subsection (5) of section 53 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the insertion immediately after that subsection, the following new subsections -

"(6) Notwithstanding the general powers vested in the President under this section or any other provision of this Constitution, during the period commencing on the date of the presidential election and ending with the swearing-in of the President-elect, the incumbent President shall exercise only such powers as are necessary to ensure a peaceful and orderly transfer of power, and shall not-

- (a) make or initiate major appointments, including appointments to constitutional offices, public enterprises or the judiciary;
- (b) dismiss or remove holders of public office except in accordance with established disciplinary procedures already in progress;
- (c) undertake or authorise any action that would bind the incoming administration, including entering into major contracts, international agreements or financial commitments;
- (d) take an action that alters the status or structure of public institutions, unless required by law or necessary to preserve national security;

- (e) confer national honours and awards; or
- (f) declare a state of war or emergency.

(7) An act or decision taken in contravention of subsection (6) shall be null and void to the extent of its inconsistency."

11. Subsection (8) of section 54 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the repeal and replacement of that subsection with the following new subsection - Amendment of section 54 of Act No. 6 of 1991.

"(8) The loss of party membership alone shall not remove a sitting President or Vice-President from office:

Provided that where there is an incident of misconduct by the President or Vice-President section 51 shall apply"

12. Section 55 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the insertion of the following new paragraph immediately after paragraph (d) - Amendment of section 55 of Act No. 6 of 1991.

"(e) Where Parliament, by a resolution supported by two-thirds majority of all the Members of Parliament, votes to remove the Vice President following his resignation or expulsion from the party under which he was nominated."

13. Subsection (1) of section 74 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended in paragraph (b) by the repeal and replacement of that paragraph with the following new paragraph - Amendment of section 74 of Act No. 6 of 1991.

"(b) Such number of Members of Parliament, as Parliament may prescribe, who subject to this Constitution, shall be elected through a system of

proportional representation, with the detailed mode, method of nomination, and conduct of such elections prescribed by or under an Act of Parliament."

Amendment of section 76 of Act No. 6 of 1991. 14. Section 76 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended -

(a) in subsection (1) by -

- (i) the repeal and replacement of paragraph (a) with the following new paragraph-

"(a) if he is -

- (i) a naturalised citizen of Sierra Leone; or
- (ii) a citizen of a country other than Sierra Leone, having become such a citizen voluntarily or is under a declaration of allegiance to such country:

Provided that a person who is a citizen of Sierra Leone other than by naturalisation and a citizen of a country other than Sierra Leone, having become such a citizen voluntarily or is under a declaration of allegiance to such country, may be appointed a Minister of Government.

- (ii) the repeal and replacement of paragraph (b) with the following new paragraph -

"(b) a public officer who is -

- (i) employed or paid from the Consolidated Revenue Fund; and

- (ii) at a level, that requires him to declare his assets under the Anti-Corruption Act, 2008, shall not be eligible to contest an election under the Constitution unless he resigns from public office at least 6 months before the date of election.

(c) in paragraph (h) by the deletion of that paragraph."

(d) in subsection (2) by the repeal and replacement of that subsection with the following new subsection -

"(2) A person shall not be qualified for election as a Member of Parliament if he has been convicted of any of the following offences and sentenced to imprisonment for a term exceeding 12 months without the option of a fine, whether the conviction occurs in Sierra Leone or elsewhere if the conduct would constitute an offence in Sierra Leone -

- (a) treason;
- (b) murder or manslaughter;
- (c) rape or sexual penetration;
- (d) fraud, dishonesty, or corruption;
- (e) election-related offences;
- (f) any other offence punishable by imprisonment for a term exceeding 12 or more: Provided that a person shall not be regarded as disqualified until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired.

(e) in subsection (3) by the repeal and replacement of that subsection with the following new subsection -

“(3) A disqualification under subsection (2) shall end -

- (a) 5 years after the sentence has been completed; or
- (b) the person is pardoned."

(f) in subsection (4) by the repeal and replacement of that subsection with the following new subsection -

"(4) A person who holds an office, the functions of which involves responsibility for, or in connection with, the conduct of an election to Parliament or the compilation of a register of voters for such election shall not be qualified for election as a Member of Parliament."

(g) in subsection (5) by the repeal and replacement of that subsection with the following new subsection -

"(5) A person shall not be disqualified for election under paragraph (b) of subsection (1) by reason only that he holds the office of member of -

- (a) a Chiefdom Council;
- (b) a Local Court;
- (c) a body corporate established under the Local Government Act 2004 (Act No. 1 of 2004)

Amendment of section 85 of Act No. 6 of 1991.

15. Section 85 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the repeal and replacement of that section with the following new section -

"Life of Parliament. 85. (1) The term of the House of Parliament expires on the date of the next general election.

(2) Where there is in existence a state of public emergency in accordance with section 29 of this Constitution and the President considers it not practicable to

hold elections, Parliament may, by resolution, extend the period of 5 years mentioned in subsection (1) from time to time but not beyond a period of six months at any one time:

Provided that the term of Parliament may not be extended for a total of more than 12 months."

16. Subsection (1) of section 87 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) is amended by the repeal and replacement of that subsection with the following new subsection -

Amendment of section 87 of Act No. 6 of 1991.

"(1) A general election for Members of Parliament shall be held on the second Saturday in November in every fifth year."

17. Section 155 of the Constitution of Sierra Leone, 1991 (Act No. 6 1991) is amended by the insertion immediately after subsection (3), the following new subsection -

Amendment of section 155 of Act No. 6 of 1991.

"(4) In performing their functions and exercising their powers, the Police Force shall not -

- (a) act in a partisan manner;
- (b) further any interest of a political party or cause; or
- (c) prejudice a political interest or political cause that is legitimate under this Constitution."

18. Section 165 of the Constitution of Sierra Leone, 1991 (Act No. 6 1991) is amended by the insertion immediately after subsection (3), the following new subsection -

Amendment of section 165 of Act No. 6 of 1991.

"(4) In performing their functions and exercising their powers, the Armed Forces shall not -

- (a) act in a partisan manner;
- (b) further any interest of a political party or cause; or
- (c) prejudice a political interest or political cause that is legitimate under this Constitution."

PART II - CONSEQUENTIAL AMENDMENTS

Amendment of section 2 of Act No. 17 of 2022.

19. Section 2 of the Public Elections Act, 2022 (Act No. 17 of 2022) is amended-

- (a) in subsection (3) by the repeal and replacement of that subsection with the following new subsection -

"(3) A person shall be qualified for appointment as -

- (a) the Chief Electoral Commissioner, if the person -

(i) holds an advanced degree from a recognised university;

(ii) has at least 15 years' proven experience and expertise in the field of electoral processes, election management, public administration or governance, law or institutional leadership;

(iii) is of proven integrity and impartiality;

(iv) qualified to be elected as a member of Parliament is a citizen of Sierra Leone of sound mind and unquestionable integrity; and

(v) is not a minister or deputy minister, a member of Parliament, a public officer or over the age of 65 years;

- (b) a member of the Electoral Commission, if the person -

(i) holds a degree from a recognised university;

(ii) has demonstrated knowledge and at least 10 years' experience in the field of electoral processes or election administration, public administration or governance, law, finance or accounting, management or organisational leadership or information and communication technology;

(iii) is of proven integrity and impartiality;

(iv) is a citizen of Sierra Leone of sound mind and unquestionable integrity; and

(v) is not a minister or deputy minister, a member of Parliament, a public officer or over the age of 65 years."

- (b) in subsection (3) by the insertion immediately after that subsection, the following new subsection -

"(4) A person shall not be appointed as Chief Electoral Commissioner or as a member of the Electoral Commission unless on the recommendation of the Search and Nomination Committee appointed under subsection (3) of section 32 of the Constitution after an open and transparent process."

- (c) in subsection (4), by renumbering that subsection "(5)"

20. Section 52 of the Public Elections Act, 2022 (Act No. 17 of 2022) is amended by the repeal and replacement of that section with the following new - section -

Amendment of section 52 of Act No. 17 of 2022.

"Declaration and publication of presidential election results.

52. (1) The National Returning Officer shall, where a candidate is duly elected President in the first round of voting under paragraph (e) of subsection (2) of section 42 of the Constitution of Sierra Leone, 1991, -

- (a) issue to the successful candidate, a certificate of election in Form D set out in the Fifth Schedule; and
- (b) within 7 days of the declaration of the result, cause the result of the election to be published by notice in the Gazette, on the official website of the Electoral Commission, and distributed to all registered political parties.

(2) The National Returning Officer shall, where -

- (a) the Chief Justice notifies the Electoral Commission that a petition has not been filed, within 3 days; or
- (b) the Supreme Court upholds the declaration by the Electoral Commission that a candidate was not elected, within days of such notification or decision, publish a notice of a run-off election in Form C set out in the Fifth Schedule and the run-off election shall be held within 14 days of the date of such notification or decision, in accordance with

paragraph (iii) or (iv) of subsection (2) of section 42 of the Constitution of Sierra Leone, 1991.

(3) The National Returning Officer shall, where a candidate is duly elected President in the first round of voting under paragraph (e) of subsection (2) of section 42 of the Constitution of Sierra Leone, 1991 -.

- (a) issue to the successful candidate a certificate of election in Form D set out in the Fifth Schedule; and
- (b) within 7 days of the election, cause the result to be published in the Gazette and in any other manner the Electoral Commission considers appropriate.

(4) The National Returning Officer shall, where the Supreme Court determines, under paragraph (vii) of subsection (2) of section 42 of the Constitution of Sierra Leone, 1991 that the presidential election is invalid -

- (a) publish a notice of fresh election in Form E of the Fifth Schedule; and
- (b) conduct a fresh presidential election within 60 days of the determination by the court.

(5) Subject to subsection (4), a candidate who participated in the original presidential election shall be eligible to contest the fresh election.

Amendment of section 21 of Act No. 25 of 2022. 21. Section 21 of the Political Parties Act, 2022 (Act No.25 of 2022) is amended by the insertion immediately after that section, the following new section -

"Deregistration of political Party. 21A. (1) The Commission may, subject to subsection (9) of section 35 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991), deregister a political party that fails to win national or local election in 2 successive general elections.

(2) The Commission shall, before making a decision under subsection (1), -

- (a) conduct an inquiry into the continued viability and relevance of the political party; and
- (b) provide the political party with written notice of the grounds for proposed deregistration and an opportunity to be heard.

(3) The Commission shall, in determining whether to deregister a political party under subsection (1), consider -

- (a) the party's continued fulfilment of its constitutional role in shaping public opinion and providing political education;
- (b) the extent of the party's organisational presence and its compliance with the requirements of this Act; and
- (c) whether the party contributes to democratic pluralism, notwithstanding the absence of electoral success.

(4) A decision to deregister a political party shall be -

- (a) made in writing and supported by reasons;
- (b) communicated to the party within 7 days of the decision; and
- (c) published in the Gazette and on the Commission's official website.

(5) A political party aggrieved by a decision under this section may appeal to the High Court within 14 days of the decision and an appeal to the Court of Appeal shall lie only on a point of law.

(6) Nothing in this section shall be construed as limiting the right of a citizen to form or join a political party, or the Commission's broader mandate to regulate political parties under the Constitution and this Act.

MADE this *1st day of December, 2025.*

ALPHA SESAY
Attorney-General and Minister of Justice

Freetown,
Sierra Leone.