

What Your Vote Means

YES

A YES Vote on this Measure means: You have agreed for General Elections to be conducted on the Second Tuesday in November instead of Second Tuesday in October. You have also agreed to reduce the time allotted for the hearing of complaints coming from General Elections from thirty (30) days to fifteen (15) days.

NO

A NO Vote on this Measure means: The Constitutional provision shall not change but will remain in its current form

Upon the announcement of the result of the Proposed Referendum Amendments, the result thereof shall be immediately implemented by the National Elections Commission.

The conduct of the Proposed Amendment shall be applicable to all elections conducted under the 1986 Elections Law, the Electoral Reform Law of 2004 and all other electoral laws, regulations and guidelines.

BY ORDER OF THE PRESIDENT

**GBEHZOHNGAR M. FINDLEY
MINISTER OF FOREIGN AFFAIRS**

**MINISTRY OF FOREIGN AFFAIRS
CAPITOL HIL, MONROVIA, LIBERIA
OCTOBER 8, 2019**

THE

**LIBERIA OFFICIAL
GAZETTE**

**ON THE NATIONAL REFERENDUM - 2020
PUBLISHED BY AUTHORITY**

VOL. XIX TUESDAY, OCTOBER 8, 2019, NO. 52

EXTRAORDINARY

THE GOVERNMENT OF THE REPUBLIC OF LIBERIA ANNOUNCES:

That PURSUANT to Joint Resolution Leg-002/2019 adopted September 30, 2019 by the Senate and House of Representatives of the 54th Legislature of the Republic of Liberia, proposing a Constitutional Referendum to Amend Articles 28, 45, 47, 48, 49, 50, & 83 (a) and (c) of the 1986 Constitution of the Republic of Liberia, which was approved by the President of Liberia on October 4, 2019, and further published and printed into handbills on October 4, 2019; and,

In CONSONANCE, with Chapter XII, Article 91 of the 1986 Constitution of Liberia, which provides for the holding of a Referendum to be conducted by the Elections Commission not sooner than one year after the action of the Legislature; and,

CONSISTENT with Article 92 of the 1986 Constitution of the Republic of Liberia which states: “Proposed Constitutional amendment 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”

NOW THEREFORE, THIS OFFICIAL GAZETTE IS HEREBY ORDERED TO BE RELEASED, AND IS RELEASED, IN ACCORDANCE WITH THE LAW, FOR THE PURPOSES OF PROVIDING CLEAR, CORRECT AND ADEQUATE INFORMATION TO THE VOTING PUBLIC, ABOUT THE PROPOSED CONSTITUTIONAL AMENDMENTS TO BE PRESENTED TO THE SAID PUBLIC FOR A REFERENDUM VOTE, SCHEDULE TO BE HELD THROUGHOUT THE REPUBLIC ON TUESDAY, FOLLOWING SEPTEMBER 30, 2020, AHEAD OF THE GENERAL LEGISLATIVE AND PRESIDENTIAL ELECTIONS; AND, THE FOLLOWING SPECIMEN SET OUT THE THREE (3) BALLOT MEASURES TO BE SUBMITTED TO THE ELECTORS ON THE DAY OF THE REFERENDUM, AND WHICH PROVIDE FULL EXPLANATION ON THE PURPOSE OF EACH BALLOT MEASURE, AS WELL AS, THE IMPLICATION AND EFFECT FOR A “YES” OR “NO” VOTE, FOR EACH MEASURE

BALLOT MEASURES – 1

PROPOSITION 1: To amend Article 28 of the Constitution to provide for the inalienability of the citizenship of natural born citizens of Liberia (Dual Citizenship)

(proposed to be placed on the ballot paper by the Legislature)

Summary

To amend Article 28 so that any person, one of whose parent is a citizen of Liberia at the time of the person birth, shall be a citizen of Liberia without having to decide at age 18; and also to provide for dual citizenship.

Analysis - To afford the Liberian voters the opportunity to decide whether any person can be a natural born citizen of Liberia when either one of his or her parent is a Liberian citizen; and whether a Liberian can hold different citizenship.

As a consequence of the civil war, hundreds of Liberian fled Liberia as refugees, assumed residency in other countries and obtained citizenship of other countries. Many obtained citizenship because that was the only way for them to get certain jobs or to enjoy certain opportunities, such as education. Most of these Liberians also had children and continue to have children, who are automatically citizens of the countries of their birth.

Whatever the circumstance of these Liberians may be, one thing that is certain is that their loyalty to their motherland remains unquestionable; they continue to provide support to relatives and friends and to remain connected to their motherland through financial remittances. They continue to cling to the belief that they will be able to enjoy all the rights and privileges of Liberian citizenship, such as inheriting real property from their parents and being able to return to their motherland and be accepted and regarded as natural born citizens, not as foreigners. This amendment of the Constitution will enthruse all natural born Liberians to invest in Liberia and will give them hope of a permanent home in their motherland. To ensure that the loyalty of these Liberians will not be questioned, they are prohibited from holding certain positions in the Government of Liberia.

Text of the Proposed Amendment

Article 28 which currently reads, *“Any person, at least one of whose parents was a citizen of Liberia at the time of the person’s birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality”.*

Analysis – Election Day in October means that propositions for elections, campaigns and voting shall take place during the raining season; which is very, very challenging for the National Elections Commission, voters and candidates because of their road-connectivity problems and the weather. By placing election day in November, a substantial amount of these activities can take place during the dry season.

Text of the Proposed Amendment

Article 83(a) which currently reads, “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 of October of each election year”.

Will be amended to read: *“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 November of each election year”.*

To amend Article 83(c) of the Constitution

Summary

To amend Article 83(c) of the Constitution to reduce the time frame for resolution of complaints emanating from General Election from thirty days to fifteen days.

Analysis – Holding of general elections in November instead of October will reduce the time frame for resolution of complaints emanating from general elections. Proportionately reducing the time allotted for the hearing of complaints will ensure that Inauguration activities will be held on the date enshrined in the 1986 Constitution.

Text of the Proposed Amendment

Article 83(c) which reads, “...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...”

Will be amended to read: ““...*The Elections Commission shall, within fifteen (15) 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...*”

To amend Article 50 of the Constitution to provide for the reduction in the tenure of the President

Summary - To amend Article 50 of the Constitution so that the term of the President is reduce from six (6) years to five (5) years.

Analysis - To afford the Liberian voters the opportunity to decide whether the President should serve for five years instead of six years.

This proposed amendment reduces the term of office of the President from six (6) years to Five (5) years. It should be recalled that for many decades the term of office was as many four (4) years as the people elected the person to be President. President Tolbert had the 1847 Constitution amended to provide for one eight-year term. The 1986 Constitution provides for two six-year terms but in most parts of the world, especially Africa, it is two five-year terms. This amendment proposes to comply with this generally accepted term limit of five (5) years for a President for a maximum of two (2) terms.

Text of the Proposed Amendment

Article 50 which currently reads, “The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander in Chief of the Armed Forces of Liberia. The President shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of six years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall serve as President for more than two terms.

Will be amended to read: “The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander in Chief of the Armed Forces of Liberia. The President shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of five (5) years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall serve as President for more than two terms”.

What Your Vote Means

YES

A YES Vote on this Measure means: You are in agreement of amending Articles 45, 47, 48, 49 and 50 of the Constitution to reduce the tenures of the Senators from nine (9) years to seven (7) years; the President Pro Tempore from six (6) years to five (5) years; Members of the House of Representatives from six (6) years to five (5) years; the Speaker, Deputy Speaker and other officers of the House of Representatives from six (6) years to five (5) years; and the President from six (6) years to five (5) years.

NO

A NO Vote on this Measure means: The Constitutional provision shall not change but remain in its current form

BALLOT MEASURES – 3

PROPOSITION 3: Change in the Date of General Election

(proposed to be placed on the ballot paper by the Legislature)

To amend Article 83(a) of the Constitution to change the date for General Elections from October (the rainy season) to November (the dry season)

Summary

To amend Article 83(a) of the Constitution to change the date for General Election so that voting will be done during the dry season in November instead of the rainy season in October.

Will be amended to read: “*Any person, at least one of whose parents was a citizen of Liberia at the time of the person’s birth, shall be a natural born citizen of Liberia; a natural born citizen’s right to citizenship of Liberia is inherent and inalienable; no law shall be enacted or regulation promulgated which deprived a natural born citizen of the Republic of his/her citizenship right; and any law or regulation which alienates or deprived a natural born citizen of his/her Liberian citizenship right is null and void ab initio.*

A natural born citizen of Liberia may hold another/additional citizenship but shall not qualify for elected national or public service positions and the following appointive positions:

- 1. Chief Justice and Associate Justices of the Supreme Court of Liberia;*
- 2. Cabinet Ministers and Deputy Ministers;*
- 3. All Heads of Autonomous Commissions, Agencies and Non-academic/Research/Scientific Institutions;*
- 4. Ambassadors Extraordinary and Plenipotentiaries; and*
- 5. Chief of Staff and Deputy Chief of Staff of the Armed Forces of Liberia*

A Liberian with dual citizenship shall have certain rights, including the right to hold elected national or public service positions and all appointive positions if he relinquishes the other citizenship.

The Legislature shall enact laws on the process by which natural born citizens of Liberia who have obtained additional citizenship, will maintain all of the rights pertaining to their Liberian citizenship.

What Your Vote Means

YES

A YES Vote on this Measure means: You have agreed that a person, at least one of whose parents was a citizen at the time of the person’s birth, shall be a natural born citizen of Liberia. Such person does not have to reach the age of maturity to decide his/her citizenship. Also, you have agreed that a natural born citizen of Liberia may hold another citizenship, but shall not qualify for elected national or public service positions and the above listed appointive positions.

NO

A NO Vote on this Measure means: The Constitutional provision shall not change but will remain in its current form.

BALLOT MEASURES – 2

PROPOSITION 2: Reduction of Tenure of the President, the Vice President & Members of the Legislature

(proposed to be placed on the ballot paper by the Legislature)

To amend Article 45 of the Constitution to provide for three to reduce the term of Senators from nine (9) years to seven (7) years

Summary - To amend Article 45 of the Constitution so that the term of Senators is reduce from nine (9) years to seven (7) years.

Analysis - To afford the Liberian voters the opportunity to decide whether Senators should serve for seven years instead of nine years. The current nine-year term for a Senator is too long. It is so long that a child born in the year in which a Senator is first inducted into office will be eligible to vote (18 years) when that Senator's second term expires. A long term does not incentivize a Senator to perform well, especially during his second term. Reducing the term to seven (7) years therefore seems appropriate to address those concerns.

Text of the Proposed Amendment

Article 45 which currently reads, “The Senate shall be composed of Senators elected for a term of nine years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election”.

Will be amended to read: “The Senate shall be composed of Senators elected for a term of seven (7) years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election. Immediately upon the passage of this amendment and its printing into handbills, all Senators shall be elected for the term of seven (7) years”.

To amend Article 47 of the Constitution to provide for election of a President Pro Tempore for a term of five years

Summary - To amend Article 47 of the Constitution so that the term of the President Pro Tempore is reduce from six (6) years to five (5) years.

Analysis - To afford the Liberian voters the opportunity to decide whether the President Pro Tempore should serve for five years instead of six years.

The term of office for the President Pro Tempore and other officers of the Senate should be the same as the term of office of the President and Members of the House of Representatives to be in harmony with the beginning of each Legislative Session.

Text of the Proposed Amendment

Article 47 which currently reads, “The Senate shall elect once every six years a President Pro Tempore who shall preside in the absence of the President of the Senate, and such other officers as shall ensure the proper functioning of the Senate. The President Pro Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate”.

Will be amended to read: “The Senate shall elect once every five (5) years a President Pro Tempore who shall preside in the absence of the President of the Senate, and such other officers as shall ensure the proper functioning of the Senate. The President Pro Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate”.

To amend Article 48 of the Constitution to provide for the reduction in the tenure of Members of the House of Representatives

Summary - To amend Article 48 of the Constitution so that the term of the Members of the House of Representatives is reduce from six (6) years to five (5) years.

Analysis - To afford the Liberian voters the opportunity to decide whether Members of the House of Representatives should serve for five years instead of six years.

Reduction of the term of office for the House of Representatives from six (6) years to five (5) years is necessary so that the term is the same as the term of office for the President of Liberia, which will be five (5) years instead of six (6) as provided for by Article 50 of the Constitution. In addition to this, the amendment takes into consideration that as the civil war caused migration of citizens from counties other than Montserrado to Montserrado, the resident population densities of other counties have decreased. Consequently, the number of legislative constituencies based on population densities of counties, as envisaged by the 1986 constitution, has decreased. To address this anomaly, legislative constituencies are now based on Joint Resolution of the Legislature, not the Constitution; and this Joint Resolution mandates a minimum three (3) legislative constituencies for each county. It is the wisdom of this Joint Resolution which is being proposed to a constitutional amendment to provide that notwithstanding the resident population density of a county, it shall not have less than three legislative constituencies.

Text of the Proposed Amendment

Article 48 which currently reads, “The House of Representatives shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

Will be amended to read: “The House of Representatives shall be composed of members elected for a term of five (5) years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election”.

To amend Article 49 of the Constitution to provide for the election of a Speaker, Deputy Speaker and other officers of the House or Representatives

Summary - To amend Article 49 of the Constitution so that the term of the Speaker, Deputy Speaker and other officers of the House of Representatives is reduce from six (6) years to five (5) years.

Analysis - To afford the Liberian voters the opportunity to decide whether the Speaker, Deputy Speaker and other officers of the House of Representatives should serve for five years instead of six years.

This proposed amendment merely makes the term of office of the Speaker and other officers of the House of Representatives to be the same as the term for the Members of the House or Representatives – five (5) years.

Text of the Proposed Amendment

Article 49 which currently reads, “The House of Representatives shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

Will be amended to read: “The House of Representatives shall elect once every five (5) years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House”.