

For Immediate Release

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Press Release

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“The ECC is opposed to any joint resolution for the conduct of the By-Elections in Bong and Montserrado Counties”

The Elections Coordinating Committee (ECC) is opposed to the passage of a Joint Resolution to be used as a legal framework for the conduct of the By-Elections in Bong and Montserrado Counties and calls on the National Legislature not to pass any such Resolution because it will not be Constitutional. However, if the Legislature goes ahead and enacts it into law, the ECC will challenge the legality of it at the Supreme Court.

The ECC is of the conviction that the use of a Joint Resolution to conduct the By-elections will be in breach of the Liberian Constitution for the following reasons:

Article 2 of the Liberian Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic.

Any laws, treaties, statues, decrees, customs, and regulations found to be inconsistent with it shall, to the extent of this inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.

Similarly, Article 37 of the Constitution instructs and mandates the National Elections Commission (NEC) to fill any vacancy in the Legislature not later than 90 days after the Presiding Office shall have notified the NEC of said vacancy.

The date for the conduct of the By-Election is not set in the statute (New Elections Law) but is grounded in the Constitutional provision cited above. Article 34(i) of the Liberian Constitution states that the legislature shall enact the elections law, however, this provision is not applicable here and therefore cannot be used to undo another Constitutional provision.

To use a Joint Resolution to conduct the By-election will mean an amendment to Article 37 and therefore a breach of the law because an amendment to the Constitution can only be done through a national referendum (Article 91). Joint Resolutions are subordinate to the Constitution and if passed into law will contravene Article 2 of the very Constitution that is to be the foundation of the rule of law.



The ECC recalls that on October 4, 2014, the President issued a proclamation declaring the suspension of the Special Senatorial Elections which was sanctioned and authorized by Article 86 (a) and (b) of the Constitution of Liberia (1986).

The State of Emergency declared at the time, grew out of the attack by the deadly Ebola virus which engulfed Liberia thereby undermining the security of the State, threatening the economy and other social fabrics of the nation. The nature of the virus did not create the environment for the holding of free, fair and transparent election.

As a result, the National Legislature approved a Joint Resolution 002 to suspend the October 14, 2014 Special Senatorial Elections. The ECC wishes to inform the Liberian people that the facts and circumstances that prevailed in 2014 do not exist in 2018 that would require a Joint Resolution to conduct this year's By-Elections outside of the Constitutional period.

The ECC is also disappointed that some political parties under the banner of the Inter-Party Consultative Committee (IPCC) will be seeking unconstitutional means to address Constitutional matters.

The ECC wishes to remind all Liberians that the consolidation of peace and security is depended upon adherence to the rule of law. To conduct this By-Election using a Joint Resolution is a dangerous precedent for our democracy that all well-meaning Liberians must not encourage. We wish to admonish members of the National Legislature to respect and protect the Constitution by not approving any Joint Resolution.

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