

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS MARCH TERM, A.D. 2017

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE  
BEFORE HIS HONOR: KABINEH M. JA'NEH.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: PHILIP A.Z. BANKS, III.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....ASSOCIATE JUSTICE

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Hon. Sando D. Johnson, Senator, Bomi County	)	
Republic of Liberia.....Appellant	)	
Versus	)	
The Unity Party, represented by its National Chairman	)	
and all Officers and Hon. Edwin M. Snowe, Representative,	)	
District #6, Montserrado County, Republic of Liberia	)	
.....Appellees	)	APPEAL
AND	)	(OBJECTION)
The National Elections Commission, by & thru its	)	
Chairman, Counsellor Jerome Kokoryah & Members of	)	
The Board of Commissioners, including all	)	
Magistrates of Elections, Directors and Supervisors	)	
under their control of the City of Monrovia, Liberia....Appellee	)	
AND	)	
Hon. S. Gayah Karmo, of Government Farm,	)	
CODE 03007, Senjeh District, Bomi County	)	
Liberia.....Appellant	)	
Versus	)	APPEAL
The Unity Party, represented by its National Chairman	)	
and all Officers and Hon. Edwin M. Snowe, Representative,	)	
District #6, Montserrado County, Republic of Liberia	)	
.....Appellees	)	
 <u>GROWING OUT OF THE CASE:</u>	)	
	)	
The Unity Party, represented by its National Chairman	)	
and all Officers and Hon. Edwin M. Snowe, Representative,	)	
District #6, Montserrado County, Republic of Liberia	)	
.....Appellants	)	
Versus	)	APPEAL
Hon. Sando D. Johnson, Senator, Bomi County	)	(OBJECTION)
Republic of Liberia.....Appellee	)	
	)	
 <u>GROWING OUT OF THE CASE:</u>	)	
	)	
Hon. Sando D. Johnson, Senator, Bomi County	)	
Republic of Liberia.....Objector	)	
Versus	)	<u>ACTION:</u>
The Unity Party, represented by its National Chairman	)	Objection to Nomination
and all officers and Hon. Edwin M. Snowe, Representative,	)	Qualification, Registration
District #6, Montserrado County, Republic of Liberia	)	& Certification
.....Respondents	)	

HEARD: August 23, 2017

DECIDED: September 5, 2017

## MR. CHIEF JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

This is a consolidated opinion in two election cases heard by this Court on August 23, 2017. The cases emanated from District #1 in Senjeh, Bomi County, Liberia. Even though the two cases were separately heard, this Court *sua sponte*, decided that they should be consolidated and one opinion be delivered in them instead of two separate opinions. *Chapter 6, Section 6.3 of the Civil Procedure Law* which vests in the courts the power to consolidate provides:

“When actions involving a common question of law or fact are pending before a court of records, the court, upon motion of any party or *sua sponte*, may order a joint trial of any or all the matters in issue or the consolidation of the actions; and it may make such other orders concerning proceedings therein as may tend to avoid unnecessary cost or delay.”

Because the two cases under review present common issues of law and facts, we ordered that they be consolidated for the purpose of this opinion. Here is the summary of facts in the two cases:

On June 14, 2017, Hon. S. Gayah Karmo of Senjeh District, Bomi County, (appellant), in his capacity as a voter with Code 03007, filed a complaint against Honorable Edwin Melvin Snowe, with Code 03067 (appellee). The cause of action was entitled, “COMPLAINANT’S OBJECTION TO THE REGISTRATION OF HON. SNOWE with CODE 03067”. In the complaint, the appellant objected to the registration of the appellee to vote in electoral District #1, Bomi County, on grounds that, the appellee is the current Representative of Montserrado County, representing District #6. The appellant contended that the law restricts registration to vote in an electoral district to only people who are domiciled therein, and that the appellant, being a sitting Representative of District #6, Montserrado County, is prohibited, barred, estopped and precluded from changing his domicile from District #6, Montserrado County, to District #1, Bomi County, while still serving as a Representative for District #6, Montserrado County. The appellant further contended that the act of the appellee in leaving District #6, Montserrado County, to register in District #1, Bomi County, amounts to a creation of an additional electoral district which, according to the appellant, increases the total electoral districts prescribed by the National Elections Commission (NEC) from 73 to 74 in the Republic of Liberia, and thus a violation of the NEC’s Districting Regulations on cross county boundary. He equated the appellee’s action to expanding Electoral District #6, Montserrado County, beyond its legally prescribed territorial boundary into District #1, Bomi County, thereby creating another district. He maintained that it was

illegal for the appellee as a sitting representative serving a certain term up to 2018, in District #6, Montserrado County, to contest in another district.

In response to the objection, the appellee said that the appellant's objection was not filed in accordance with the guidelines prescribed by the NEC for *Objection to Inclusion on the Provisional Registration Roll*; that the NEC's complaint Form EX-003, which prescribes the grounds for objecting to the registration of voters on the voter roll did not list "domicile" as one of the grounds upon which one may object; that he was qualified, having complied with all of the applicable laws governing the electoral process; that in keeping with Article 77(b) of the Constitution he was of the required age and consistent with Article 13 of the Constitution, he had the right, as a Liberian Citizen, to move freely and reside anywhere within the Republic which right could not be denied him simply because he was a sitting Representative of another district. The appellee contended that he chose to change his domicile from District #6, Montserrado County, to District #1, Bomi County, and notified NEC of said change since he is a sitting Representative who had initially filed with the NEC a declaration of domicile; that the appellant had failed to cite any law whatsoever which requires a person to be domiciled within an electoral district in order to be eligible to register to vote therein or that prohibits him from changing his domicile because he is a sitting Representative. He therefore filed a motion to dismiss the objection filed by the appellant.

The Elections Magistrate, Bomi County denied the motion to dismiss. The Magistrate held that the petitioner must be provided the opportunity to prove what he has alleged as a violation. After hearing the matter, the Magistrate ruled that the threshold regulation relied upon by the appellant was not applicable to the case at bar and that the appellee cannot be barred from registering to vote outside his district and at a location where he has established a residence.

The appellant appealed the decision of the Magistrate to the Board of Commissioners of the NEC, who, after hearing the matter, ruled that the appellee has attained age 18 as required by the Constitution to vote; that he was free to change his voting constituency as provided for under Article 80(c) of the Constitution, and that the appellant did not cite any of the grounds upon which one may challenge a provisional voter roll as outlined in the NEC's Form EX-003 which lists the grounds for objection to "Inclusion on the Provisional Registration Roll". The Board also held that the appellant failed to cite the law he claims the appellee had violated. The Board concurred with the Magistrate that the threshold regulations of the NEC was inapplicable to this case at bar. The Board therefore denied and dismissed the appellant's appeal.

The appellant noted exceptions to the ruling of the Board of Commissioners of the NEC, announced an appeal to the Supreme Court, and filed his bill of exceptions. We quote the 12-count bill of exceptions which basically restated the points raised in the appellant's objection as follows:

"Appellant's Bill of Exceptions"

AND NOW COMES Appellant in the above captioned action most respectfully submitting the following as his Bill of Exceptions for Your Honors' approval so as to enable objector/appellant perfect his appeal to allow the Supreme Court of Liberia review Your Honors' Final ruling in the above captioned case for the following legal and factual reasons, to wit:

1. That appellant says that Your Honors committed a grave reversible error when Your Honors sustained the denial and dismissal of the objection of the Appellant to the voter's registration of the Appellee in Senjeh District #1, Bomi County.
2. Appellant says further that Your Honors committed reversible errors in sustaining the Magistrate's Ruling which (1) was not in keeping with the evidence and facts raised in the case; (2) failed to rule on the issue of the Respondent's violation of Section 3.3 and 4.2 of the NEC Threshold Regulation and the 73 fixed electoral District Threshold set for the General Elections; and (3) ignored Appellant's contention that the Respondent/Appellant failed to establish any legislative domicile in Senjeh District #1, Bomi County.
3. Furthermore, Appellant says the Magistrate further committed reversible error when he accepted and sustained Appellee's allegation that (1) the lawyers for the parties having agreed at a pretrial conference that the Respondent had met the domiciliary requirement and that the agreement shall become part of the records superseding the pleadings and the course of the action; (2) the right to move freely, to reside anywhere as an adult citizen of the Republic of Liberia are constitutional rights to which respondent as an adult citizen of Liberia is entitled.
4. Furthermore, Appellant says that the Board of Commissioners made a further error when they ruled that the issue of domiciliary qualification is neither relevant nor required for a Liberian citizen to register to vote despite the clear and unambiguous language of Article 30(b) of the 1986 Constitution of the Republic of Liberia which provides that "citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature be domicile in the county or constituency to be represented not less than one year prior to the time of the election and be a tax payer."
5. Moreover, Appellant says that the Honorable Supreme Court of Liberia has already passed on this issue and it needs no further interpretation. In the case, NPP versus NEC decided 2006, the Honorable Supreme Court held that it has expressed authority from the Constitution to be the "final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of records, courts not of record, administrative agencies or any other authority both as to law and fact...." The Court went on

further to rule that, "it is our opinion that not only must those running for the House of Representatives be registered within the constituencies they wish to represent, but they must also be domiciled within those constituencies. The obvious rationale is that those who represent the people must be one of their kind, domiciled in the same constituencies with them, who fully know and appreciate their aspirations. For the avoidance of doubt, therefore, we hold that Article 30(b) of the Constitution requires a person running for the House of Representatives to be domicile in the constituency, which he/she intends to represent in the National Legislature."

6. Furthermore, Appellant says that the Board of Commissioners made a further error in restricting [this case] to the sole issue which it believes to be the determinative issue of this appeal by limiting it to a violation of the elections law.

7. Furthermore, Appellant says and strongly contends that the Board of Commissioners made a grave and reversible error that is prejudicial to Appellant when they relied on Article 77 of the Constitution and Section 3 of the New Elections Law instead of Article 30 (b) of the Constitution which specifically concerns itself with qualifications of persons who are eligible to become members of the legislature. Appellant says that Hon. Edwin Melvin Snowe is not an ordinary Liberian citizen but an incumbent representative of District # 6 who before entering the duties of his office took and subscribed to a solemn oath before the Presiding Officer of the House, consistent with Article 31 of the Constitution, to uphold and defend the Constitution and laws of the Republic and to discharge faithfully the duties of such office. Appellant says that the question is whether Hon. Snowe discharges faithfully his duties of Representative of District #6, Montserrado County, which he answers to every day at sessions of the Legislature and enjoys benefits and emoluments therefrom as the incumbent representative of District #6 of Montserrado County? We think not and for this reason amongst others, we believe that the Board of Commissioners committed reversible error.

8. Furthermore, Appellant says that the Board of Commissioners made another reversible error in relying on the provision of the New Elections Law of Liberia which says that, the NEC is empowered to formulate and enforce elections guidelines in that the Constitution of Liberia expressly provides in Article 2 of the Constitution that "this 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 law, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistencies, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent law unconstitutional. Still expanding on Count 8 hereof, Appellant says that he has assigned this error to the Board of Commissioners for the fact that Hon. Edwin M. Snowe, being an incumbent Representative representing District #6, Montserrado County, desires to contest the upcoming Presidential and Representative election without first resigning, cannot migrate to District #1, Bomi County, whilst maintaining his seat in the House and concomitantly contesting said election in a different county relying on Articles 77 and 80 of the Constitution which deal with ordinary Liberian citizens instead of Article 30 which is specific as to representatives since representatives are elected for a term of six years by the registered voters in each of the legislative constituencies of the counties. See Article 48 of the Constitution. Appellant says and strongly contends that the failure and neglect of the Board of Commissioners to rely on

and cite the proper laws constitutes a reversible error which must be overturned. And so prays.

10. That Appellant further says that the Board of Commissioners committed another grave and reversible error when they quoted Article 48 in part thereby omitting a crucial portion of that article and the intent of the framers of the Constitution, in that, the Board should have quoted verbatim Article 48 which reads in full, "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."

11. The Board of Commissioners committed yet another reversible error when they held that Hon. Edwin Melvin Snowe showed sufficient evidence that he is domiciled in District # 1 because of ownership of properties in Bomi County. To this end, the Honorable Supreme Court of Liberia also held in the NPP case supra that, "one may own properties in one or several parts of this country and pay taxes thereon without necessarily being domiciled in those areas." Moreover, the records in this case show that the tax payment receipt for Appellee is in the name of his corporation and not his own name, likewise the correspondents offered by the said Appellee which corroborates the fact that Appellee is merely doing business in Bomi but is not domiciled in that areas. For this serious error, the ruling of the Board of Commissioners must be reversed and set aside.

12. Lastly, Appellant says that Your Honors violated its due process rights when Your Honors dismissed the Objection of the Appellant to the Voter's registration of the Appellee in Senjeh District #1, Bomi County, erroneously holding that the laws relied upon by the Objector/ Appellant are not applicable to the Respondent/Appellee thereby depriving Appellant of the opportunity to face Honorable Edwin M. Snowe and to present evidence in substantiation of its claim.

WHEREFORE AND IN VIEW OF THE FOREGOING facts, laws and circumstances, objector/appellant, submits these exceptions for Your Honors' approval to allow appellant to perfect its appeal to have the Supreme Court review Your Honors' Ruling on the appeal growing out of the objection to registration on July 1, 2017 by the Magistrate which terminated this matter."

The certified records in the second case reveal that when the NEC commenced the process of candidate registration for the ensuing 2017 Presidential and Representative Elections on July 19, 2017, the Unity Party filed a nomination naming Honorable Edwin Melvin Snowe (appellee) as the Party's nominee to contest as a representative candidate in District #1 (Senjeh District), Bomi County, Republic of Liberia. On July 7, 2017, Honorable Sando Johnson, Senator for Bomi County (appellant), filed with the NEC an objection to the nomination, qualification, registration and certification of Honorable Snowe.

The basic contention of the appellant, as contained in his objection, is that the appellee's domicile, as a sitting Representative of District #6, Montserrado County, Liberia, in the 53<sup>rd</sup> Legislature is fixed by law for the duration of his tenure as a Representative for that District up to and including the date of the conduct of the ensuing Presidential and Representative Elections and the sitting of the 54<sup>th</sup> Legislature in January 2018. The appellant argues that the appellee cannot change his domicile or acquire a new domicile in another constituency as long as he holds the office of Representative for District #6, Montserrado County. He maintains that the appellee's change of domicile to District #1, Senjeh, Bomi County, is illegal and of no legal effect as long as he remains the sitting Representative for District #6, Montserrado County; and that the appellee does not, therefore, meet the domiciliary requirement consistent with Article 30(b) of the Liberian Constitution (1986) to contest as a representative candidate in the 2017 Presidential and Representative Elections for District #1, Bomi County.

For the benefit of this opinion, we quote herein below, the full text of the appellant's objection.

#### "OBJECTOR'S OBJECTION

Objector in the above captioned action objects to the nomination of Edwin Melvin Snowe, current Representative of District #6, Montserrado County, Liberia, to contest as a candidate for the post of Representative for Senjeh District #1, Bomi County, Republic of Liberia, and requests the National Elections Commission (NEC) to reject the nomination of Co-Respondent Edwin Melvin Snowe, deny his qualification, registration and certification and for legal and factual reasons, showeth the following to wit:

1. That the Objector is a sitting Senator of Bomi County, Republic of Liberia, elected in October of 2011 and certificated by the National Elections Commission of the Republic of Liberia.
2. That Co-Respondent, Unity Party (UP), is a political party organized and existing under the laws of the Republic of Liberia, and has nominated Co-Respondent Edwin Melvin Snowe to contest as Representative of Senjeh District #1, Bomi County, Republic of Liberia.
3. Objector says and submits that Co-Respondent Edwin Melvin Snowe is a sitting Representative of District #6, Montserrado County, Republic of Liberia, and shall be, during and after the conduct of the ensuing Presidential and Legislative Elections to the sitting of the 54<sup>th</sup> Legislature and the inauguration of the 24<sup>th</sup> President of the Republic of Liberia.
4. That Article 30(b) of the 1986 Constitution of the Republic of Liberia provides that "citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature:
  - a. For the Senate, have attained the age of 30 years and for the House of Representative have attained the age of 25 years;

- b. Be domiciled in the county or constituency to be represented not less than one (1) year prior to the election and be a tax payer."
5. Objector says that Co-Respondent Edwin Melvin Snowe is currently sitting and is domiciled in District #6, Montserrado County, Republic of Liberia, from where he represents the people of that District at the National Legislature; which means that he has a defined place of domicile in keeping with law;
6. Further to count five (5) herein above, Objector says that Co-Respondent Edwin Melvin Snowe, Representative of District #6, Montserrado County, Republic of Liberia, cannot be domiciled in District #6, Montserrado County and at the same time be domiciled in District #1 (Senjeh District), Bomi County, or any other place in the Republic of Liberia, for the purpose of contesting in these elections in keeping with law.
7. That the Supreme Court of Liberia held in the case: the National Patriotic Party (NPP) versus the National Elections Commission (NEC), Supreme Court Opinion decided August 11, 2006, that the term 'domicile' as defined by NEC for the purpose of the ensuing Margibi County By-election in District #2, means "the residence in the constituency of an aspirant or candidate who seeks elective public office in which he lives and pays taxes; for purpose of these regulations such residence shall be a place where habitation is fixed, where an aspirant or candidate has the intention of remaining and to which, whenever he/she is absent, has the intention of returning." The Supreme Court also held that the term is also defined as the place "where one habitually eats, sleep and makes one's home..." 25 AM Jur 2d domicile, section 1.
8. That based upon the Constitutional provision quoted in count four (4) above and the Supreme Court's Opinions mentioned in count seven (7) above and the fact that Co-Respondent Edwin Melvin Snowe as averred in count three (3) above is still a sitting Representative of District #6, Montserrado County and shall remain as such up to and including the holding of the ensuing Presidential and Legislative Elections and the sitting of the 54<sup>th</sup> Legislature and the inauguration of the 24<sup>th</sup> President of the Republic of Liberia, the domicile of Co-Respondent Edwin Melvin Snowe for the past eleven (11) years up to and including the sitting of the 54<sup>th</sup> Legislature and the inauguration of the 24<sup>th</sup> President of the Republic of Liberia has been and will continue to be District #6, Montserrado county, Republic of Liberia, he being and continues to be the Representative of said District #6, Montserrado County, Republic of Liberia.
9. Objector submits that the domicile of Co-Respondent Edwin Melvin Snowe, a sitting Representative of District #6, Montserrado County, Liberia, is for all intents and purposes, District #6, Montserrado County, Republic of Liberia.

Wherefore and in view of the foregoing, Objector prays the National Elections Commission (NEC) as follows:-

- a. To reject and set aside the nomination made by Co-Respondent Unity Party (UP) for Co-Respondent Edwin Melvin Snowe as a candidate for Representative for Senjeh District #1, Bomi County, Republic of Liberia in the ensuing Presidential and Legislative Elections.
- b. To deny the qualification, registration and certification of Co-Respondent Edwin Melvin Snowe as a candidate for Representative for Senjeh District #1, Bomi County, Republic of Liberia in the ensuing Presidential and Legislative Elections; and

- c) Grant unto Objector any other and further relief as the law, equity and justice deemed in the premises.

Respectfully Submitted,  
Sen. Sando D. Johnson  
Senator  
Bomi County, Republic of Liberia"

The appellee, for his part, contends essentially that he had met all necessary requirements in keeping with law to be a domiciliary in District #1, Senjeh, Bomi County. While conceding that he is currently a sitting Representative for District #6, Montserrado County, the appellee however argues that his expressed intention to contest the Representative seat in the 54<sup>th</sup> Legislature does not disturb his responsibilities as a Representative for District #6, Montserrado County; that the requirement for one to be domiciled in a district/constituency one year prior to the elections is a prequalification requirement; and that there is nothing in the Constitution, the Statute, the New Elections Regulations or the Opinion of the Supreme Court that requires that once domiciled one year in a district/constituency prior to election, a candidate, having been elected as a member of the Legislature, should remain in that district continually for six years without the right to change his/her domicile. The appellee maintained that he informed the National Elections Commission (NEC) about the change of his domicile from District #6, Montserrado County, to District #1, Bomi County, by a letter dated August 18, 2016; and that he has a home in Senjeh, Bomi County, owns a business there and pays taxes there.

We also quote the full text of the response to the objection filed by the appellee.

#### "RESPONDENT'S ANSWER/RESPONSE

Respondent in these proceedings denies the legal and factual sufficiency of Objector/Complainant's Complaint to warrant the relief sought [for] the following reasons to wit:

1. That as to the entire Objection, Respondent says, that same should be dismissed in that [the] Objection is inconsistent and contradictory, and is not based on the law governing the registration of candidates. Under the Constitution, Election Laws and the Regulations and Guidelines Relating to Political Parties and Independent Candidates promulgated and adopted by NEC, the only requirement for an aspirant to a seat in the Legislature as Representative is that the aspirant must have been domiciled in the constituency for which he or she will be candidate for at least one year prior to the election day and must be a regular tax payer.
2. Objector has not alleged that Respondent does not or has not lived in Senjeh for at least one year prior to the date of elections, that he does not have properties in Senjeh on which he pays taxes and that he has no bonds or linkage with District #1 for him to call it a home. Hence the objection must crumble as the Objectors contention that because the Respondent is a sitting Representative in District #6, he

cannot be domiciled in District #1, is not supported by any law and is not a violation of the eligibility requirement under the Constitution, Election Laws and the Regulations and Guidelines Relating to Political Parties and Independent Candidates.

3. That counts 1, 2, 3 and 4 of the complaint present no traversable issues. That as to Count 5 of the complaint, Respondent denies the averments therein, and says that he is domicile in Senjeh, District # 1, Bomi County, and has been so domiciled there since 2014. Respondent says that Article 30(b) of the 1986 Constitution of Liberia requires that one aspiring for the position of Representative must be domiciled in the constituency to be represented not less than one (1) year prior to the election. This requirement is consistent with the requirement under the Elections Laws and the NEC Regulations and Guidelines relating to Political Parties and Independent Candidates. However, nowhere in the aforesaid laws is there a requirement that after being elected the representative must remain domiciled in the constituency until the term for which he is elected expires. Count 5 must therefore be overruled and the objection dismissed.
4. That as to Count 4 of the Complaint, Respondent denies the averments therein, and says that he is domiciled only in Senjeh, Bomi County, and nowhere else. While it is true that Respondent was domiciled in District # 6 for the 2010 Elections, he has, since 2014, moved to Senjeh District, Bomi County, which is consistent with the exercise of his constitutional right to move freely and reside in any part of Liberia. (See Constitution of Liberia (1986), Chapter 11, Fundamental Rights, Article 13.) Respondent's regular and continuous physical presence in Senjeh District, Bomi County, where he owns properties, and on which he pays taxes, coupled with active involvement in the socio-economic development of the County, are all indicative of activities carried out only by a person who calls the District his home.
5. That as to Count 7 of the complaint, Respondent says that in addition to the NPP case, the Honorable Supreme Court of Liberia, has also held in the case: The Movement for Progressive Change (MPC) and Abraham Massalee Sayku Kromah et al. Concerned Citizens of Liberia, vs. The National Elections Commission of Liberia (NEC) and the Ministry of Justice and the Unity Party, Congress for Democratic Change, National Union for Democratic Progress (NUDP) among other political parties; and Edward Menlor & Albert Guanue of District # 6, Nimba County v. NEC and Evans Koah, decided February 2, 2007 that Domicile means "bodily presence plus an intention to make the place one's home. A person thus may have more than one residence at a time but only one domicile." While it is indisputably true that Respondent also has properties and residences in Montserrado County and Bong County, among others, Electoral District #1, Senjeh District, Bomi County has become his domicile by choice since some three years ago.
6. Respondent says that consistent with his desire to establish domicile in Senjeh, District #1, Bomi County, he on November 23, 2010, and November 28, 2014, purchased 266 acres and 360.7 acres of land respectively in Weakama, Senjeh District, Tubmanburg, Bomi County, as can be more fully seen from copies of the Deeds covering these properties and receipt of tax payments hereto attached in bulk and marked as Respondents Exhibit #1.
7. That following the purchase of the aforesaid properties, Respondent constructed a building thereon which he uses as a residential facility in the District in which he resides. Along with this, he constructed Boys quarters, security house, a garage, a generator house, water tower and a well, and has maintained these facilities as his home over the past three years, with a full time cook, domestic assistants, and

security detail among others, and where he resides regularly from Thursday through Monday, when the House of Representatives is not in Session. Thus, as far back as

2014, Respondent demonstrated intent to make Senjeh, Electoral District #1, Bomi County his home, and said intent has been evidently manifested.

8. That Respondent thereafter embarked on a massive agricultural development on the land that he had purchased. He cleared over 400 acres in February 2014 to cultivate a variety of crops including oil palm, pineapples, bananas and cassava. Between June 2014 and up to date, the number of people Respondent has employed on his farm is about one thousand (1000). In addition to providing employment opportunities, Respondent also provides accommodation and other facilities to his permanent workers and their families.
9. That in a communication dated February 12, 2014, the President of the Republic of Liberia, recognized and commended Respondent for his exceptional and very well welcomed response to the Government's call for citizens initiatives to promote growth and development in the Country. "I have had the opportunity to drive past Pumah Farm and continue to be amazed and pleased at the continued progress. I also understand that beyond the expansion of Pumah, you are supporting other farmers through the sale of plants from an impressive Nursery that you have developed. Your contribution to the agriculture sector sets as an example of that which is possible through self- initiative." Respondent hereto attaches an information leaflet on his farm, marked as Respondents Exhibit R/2 and a copy of the letter addressed to him from the President of Liberia marked as Respondents Exhibit R/3 to form part of this Answer.
10. That on August 18, 2016, Respondent after having completed his relocation and domicile from Montserrado county to Bomi County, addressed a letter to the Chairman of the National Elections Commission, Hon. Jerome Korkoya, informing him of the change and requesting that NEC makes the necessary updates on their records and to send all future correspondence to his new address, which he listed as Pumah Farm, Weakama Town, Senjeh District, District #1, Bomi County. A copy of the letter addressed to Chairman Korkoya and evidence of the receipt thereof, is also attached to the Answer and marked as Respondents Exhibit R/4. Since 2014, Respondent has lived on his farm up to the filing of this brief, and by the day of the elections, October 10, 2017, Respondent would have domiciled in Bomi County for at least three (3) years, which is well over and above the minimum requirement for anyone aspiring for a seat in the House of Representatives as spelt out in Section 5.7 of the "regulations and Guidelines Relating to Political Parties and Independent Candidates."
11. That in addition to his continuous physical presence in Senjeh District, Respondent has carried himself as a responsible domiciliary of the district more than the Complainant who has represented the district in the Legislature for nearly six years with no substantial support to the district and the people thereof. As an eminent Stakeholder of District #1, Bomi County, Respondent was voted by his peers, including the Petitioner, as Chairman of the Board of Directors of the Liberia Government Hospital in Tubmanburg, Electoral District #1, Bomi County. Respondent owns and operates a local FM Radio Station in Senjeh, District #1, Bomi County, that educates, informs and entertains the citizens of Bomi County every day, 365 days in each year. Over the past years, Respondent has made several contributions to social, educational, religious, and charitable causes including :
  - (i) In March 2016, Respondent donated 1000 seedlings to the County as his way of encouraging the people of Bomi County to own and venture into oil palm growth;

- (ii) In August 2016, he provided vacation jobs for 300 deserving students under which program each participating student received five Thousand Liberian Dollars (L\$5,000.00) upon completion, so as to alleviate the financial liabilities faced by these students in the wake of the reopening of school;
- (iii) In November 2016, he donated One Hundred Thousand Liberian Dollars (L\$100,000.00) plus assorted food items to the County in support of the 2016 National County Sports Meet;
- (iv) In January 2017, respondent paid the fees for the West African Examinations Counsel (WAEC) for all 9<sup>th</sup> graders in all the schools in Senjeh District amounting to some One Million Liberian Dollars (L\$1,000,000.00); and
- (v) In March 2017, he donated One Hundred Thousand Liberian Dollars (L\$100,000.00) to the Bomi County Central Mosque in support of the renovation project of the said Mosque.

12. That the aforesaid support is a clear demonstration of an exemplary domiciliary, indicative of the linkage and bond between him and the district, for which a cross section of the citizenry of the district petitioned Respondent to represent District #1, Bomi County in the Honorable House of Representatives for the 54<sup>th</sup> Legislature. Consequently, the conclusion is inescapable that Respondent is indeed a domiciliary of District #1, Bomi County.

13. Under the Constitution and laws of Liberia, every citizen has the right to move freely throughout Liberia, and to reside in any part thereof, subject only to the safe guarding of public security, public order, morals or rights and freedoms of others. See Constitution of Liberia, Chapter III, fundamental rights, Article 13. The fact that Respondent is a legislator from District #6, Montserrado County, does not exclude him from the enjoyment of this fundamental Constitutional right to reside in any part of Liberia, and to make that past his domicile if he so desires. While it is true that domiciliary is a requirement for election, there is no law, constitutional or statutory, that prevents any citizen from changing his domicile after election. Hence respondent, though a resident of District #6, Montserrado County, has every right to change his domicile and Respondent has exercised this right by establishing domicile in Senjeh District, Bomi County.

14. That as to count 8 of the Complaint, Respondent denies the allegations therein and says that domicile is a matter of individual choice, and cannot be imposed by law, as to do so would be unconstitutional.

15. Respondent denies all and singular allegations of fact and law, set forth in the Objection which has not been subject of traverse in this answer.

WHEREFORE AND IN VIEW OF THE FOREGOING, Petitioner most respectfully prays Your Honor to deny and dismiss Complainant's objection and to grant unto Respondent such and further relief as in the judgment of your honor would be deemed just, equitable and legal.

Respectfully Submitted,  
Respondent, the Unity Party and Edwin Snowe

By and through their counsels  
Sannoh and Partners, PC

Ndubuisi Nwabudike  
Counsellor-At-Law

Benedict F. Sannoh  
Counsellor-At-Law"

The matter was forwarded to Hearing Officer Muana Ville of the NEC, who, after conducting hearing into the objection, ruled in favor of Honorable Sando Johnson. Honorable Edwin Melvin Snowe then appealed to the Board of Commissioners of the NEC, who, after listening to the parties and examining the ruling of the Hearing Officer, reversed the said ruling. The appellant (Honorable Sando Johnson) has come to this Court on appellate review of the final ruling of the Board of Commissioners of the National Elections Commission.

We have carefully perused the two objections filed by the two appellants to the registration, nomination, qualification, and certification of the appellee as well as the responses thereto filed by the appellee. In the first objection filed by Honorable S. Gayah Karmo, the crux of his objection is that for one to be eligible to register to vote in a constituency, he/she must be domiciled in that constituency; and that the domiciliary of a sitting Representative is fixed for the period of his tenure as a Representative. He therefore argued that it was illegal for Honorable Snowe, a sitting Representative in District #6, Montserrado County, to have registered to vote in Senjeh, District #1, Bomi County, while still representing the people of District #6 in Montserrado County.

In the second objection filed by Honorable Sando Johnson, the contention is that Honorable Snowe cannot vie as a representative candidate in Senjeh, District #1, Bomi County, for the same reasons stated in the first objection filed by Honorable S. Gayah Karmo. Having considered the positions and counter-positions of the parties, we have determined that there are two main issues decisive of this case:

1. Whether or not a person must be domiciled in a constituency in order to vote in that constituency, and if the answer is no, whether the appellee, Honorable Edwin Melvin Snowe, being a sitting Representative in a constituency in a different county makes a difference?
  
2. Whether or not a sitting representative of a constituency in one county can change his/her domicile to another constituency in another county while still serving as a Representative of the constituency in the county he was elected in?

We shall address the two issues in the order presented above, starting with whether or not a person must be domiciled in a constituency in order to vote in that constituency, and if no, whether it makes a difference that the person is a sitting Representative in a constituency in a different county? The Constitution and the New Elections Law have requirements, safeguards and measures to protect the sanctity of the electoral process in Liberia. We therefore reference herein below, the requisite provisions of the Constitution and the New Elections Law which have bearings and speak to the issue at hand.

Article 77(b) of the Constitution of Liberia provides:

"All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian Citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating category of Liberians who shall not form or become members of political parties." [Emphasis provided]

Section 3.1 of the New Elections Law as amended provides:

"Every citizen of Liberia who has attained the age of eighteen (18) years or older, may register as a voter except one who has been judicially declared to be incompetent or of unsound mind or who has been disenfranchised as a result of conviction of an infamous crime and has not been restored to citizenship."

Article 80(c) of the Constitution of Liberia provides:

"Every Liberian shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered either in person or by absentee ballot; provided that such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature."[Emphasis supplied]

Section 3.1 of the New Elections Law (last paragraph):

"A person must register to vote at a voter registration center established by the NEC for the place where he or she ordinarily resides and must vote at the polling place established by NEC for voters registered at that center." [Emphasis supplied]

Section 1.2(m) of the New Elections Law:

"Domicile" when used in this title shall refer to the residence in the constituency of an aspirant or candidate who seeks elective public office in which he lives and pay taxes."

Section 1.2(n) of the New Elections Law:

"Residence" means a place where a voter lives."

The Appellee had consistently argued that there is no law that requires him, as a citizen, to be domiciled within electoral district #1, Bomi County, in order to vote in that district. From our inspection of the relevant laws bordering the issue which we have quoted above, we see no requirement that the appellee be domiciled in a constituency in order to vote; the law only requires that he be a resident. While Article 80 (c) of the Constitution grants a Liberian citizen the right to be registered in a constituency, and to vote in public elections only in the constituency where registered either in person or by absentee ballot and that such citizen shall have the right to change his voting constituency, this Article does not expressly state that a Liberian citizen should be domiciled in a constituency as a requirement to vote. Similarly, the *New Elections Law, Section 3.1 (last paragraph)* stipulates that a person must register to vote at a voter registration center established by the NEC for “the place where he ordinarily resides.” Like Article 80 (c) of the Constitution, this provision of the New Elections Law, also, does not provide that a person be domiciled in a constituency in order to vote, it only requires that a person be a resident of the constituency.

Even though the terms are closely related and they are sometimes used interchangeably, residence and domicile are not the same. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a permanent home. The Supreme Court has defined residence and domicile in a succinct and laconic way that reveal the intent of the framers of the Constitution (1986). In the case, *MPC et al v National Elections Commission et al [2011] LRSC 1 (2011)* this Court defined ‘Residence and Domicile’ as follows:

Residence is the place where one actually lives as distinguished from a domicile... Residence usually just means bodily presence as an inhabitant in a given place; Domicile usually requires bodily presence plus an intention to make the place one’s home. A person thus may have more than one residence at a time but only one domicile. Sometimes, though, the two terms are used synonymously...

Thus, we are in agreement with the appellee that the law does not make domiciliary a requirement for one to register and vote in a constituency; one has only to be a resident in the constituency. And in our opinion, it makes no difference whether a person is a sitting Representative in a constituency in a different county. Incidentally, the appellant, Honorable S. Gayah Karmmo cited no law in reliance of his objection to the registration of the appellee to vote in Senjeh, District #1, Bomi County for reason that he was not domiciled in Senjeh, Bomi County. We must here observe that while Article 80 (c) of the Constitution grants the right to a

person to change his voting constituency, it also delegates to the Legislature the power to prescribe laws as to how the right to change a voting constituency can be exercised. But the Legislature has to date enacted no such law as was contemplated by the Constitution. The

Supreme Court cannot assume that role, as to do so would be in violation of the direct command of the Constitution.

The question that arises is, does the appellee, Edwin Melvin Snowe, reside in Senjeh, District #1, Bomi County, where he registered to vote? Does he own a residence in that constituency? The appellee maintains he does. He said he owns a house in Senjeh, District #1, Bomi County, wherein he resides; he also said that he owns a business in the same district and that he pays taxes there. We note that the appellant did not refute any of these assertions. Under the circumstance, and based on the provisions of *Article 80 (c)* of the Constitution and *Section 3.1 of the New Elections Law*, we hold that the appellee resides in Senjeh, District #1, Bomi County, where he registered to vote. The objection filed against the appellee's registration to vote in Senjeh, District #1, Bomi County, is therefore without any legal basis.

The appellant had contended, also, that the appellee's registration in Senjeh, District #1, Bomi County is a violation of the NEC's threshold regulation. He asserted that by leaving District #6, Montserrado County, a constituency he represents in the House of Representatives, and registering to vote in District #1, Bomi County, the appellee was creating an additional electoral district, thereby increasing the electoral districts of the Country from seventy-three (73) to seventy-Four (74); that two sitting representatives cannot contest in a single electoral district at the same time, since each sitting representative has his own constituency and is qualified for re-election therein. We cannot comprehend the basis or rationale for this contention. Is the appellant implying that electoral districts are created whenever a sitting legislator decides to run in a constituency other than the one he/she represents? We do not agree.

Electoral districts are created by law and the current demarcation which provides for 73 electoral districts was done through a joint resolution of the Legislature, approved by the President of Liberia and published pursuant to Article 80(d) of the Constitution which states that "Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred". (See *LEG-002, 2010*).

Following the setting of the total number of constituencies as required by law, and consistent with *Article 80(e)* of the Constitution which empowers the NEC to re-apportion constituencies in accordance with new population figure to enable constituencies to have close to the same population, NEC promulgated the regulation establishing 73 electoral districts in the country.

In this regard, when a sitting representative leaves his/her district and resides in another, his/her presence in the new district does not amount to an encroachment on the authority of the sitting Representative, neither does it amount to creating an additional or new electoral district. Such person is simply a resident and no more, though he is a sitting Representative of another electoral district. Hence, the County Threshold provision of the NEC's Regulation on Establishing Electoral District suffers no violation. We therefore concur with the Board of Commissioners of the NEC when it ruled that the Threshold Regulation is inapplicable to the instant case.

We address next, the second issue-whether or not a sitting representative of a constituency in one county can change his/her domicile to another constituency in another county while still serving as a Representative of the constituency in the county he was elected. In their respective objections, both appellants (Honorable S. Gayah Karmo and Honorable Sando Johnson) touched on this issue.

The contention of the appellants is that the appellee's domicile, as a sitting Representative of District #6, Montserrado County, Liberia in the 53<sup>rd</sup> Legislature is fixed by law for the duration of his tenure as a Representative for that District up to and including the date of the conduct of the ensuing Presidential and Representative Elections and the sitting of the 54<sup>th</sup> Legislature in January 2018; that the appellee cannot change his domicile to another constituency as long as he holds the office of Representative for District #6, Montserrado County. They maintain that the appellee's change of domicile to District #1, Senjeh, Bomi County, is therefore illegal and of no legal effect as long as he remains the sitting Representative for District #6, Montserrado County; and that he does not therefore meet the domiciliary requirement consistent with Article 30(b) of the Liberian Constitution (1986) to contest as a representative candidate in the 2017 Presidential and Representative Elections for District #1, Bomi County.

On the other hand, the appellee contends that he had met all necessary requirements in keeping with law to be a domiciliary in District #1, Senjeh, Bomi County. While conceding that he is currently a sitting Representative for District #6, Montserrado County, the appellee however argues that his intention to contest the Representative seat in the 54<sup>th</sup> Legislature does not disturb his responsibilities as a Representative for District #6, Montserrado County;

that the requirement for one to be domiciled in a district/constituency one year prior to the elections is a prequalification requirement and that there is nothing in the Constitution, the Statute, the New Elections Regulations or the Opinion of the Supreme Court that requires

that once domiciled one year in a district/constituency prior to election, a candidate, having been elected, should remain in the district/constituency continuously for six years without the right to change his/her domicile; and that as a Liberian citizen, he has the right to move about freely and change his domicile to any area he wishes. He said he informed the NEC about the change of his domicile from District #6, Montserrado County, to District #1, Bomi County by a letter dated August 18, 2016; that he has a home in Senjeh, Bomi County, owns business here and pays taxes there.

Article 80 ( c) of the Constitution of Liberia expressly grants every Liberian the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that such citizen shall have the right to change his/her voting constituency as may be prescribed by the Legislature. In order to be domiciled in an area, one must first have a residence in that area. The determination of a domicile, being a question of fact which must be established, the appellee, during the hearing of the appellant's objection before the Election Magistrate, established a prima facie case of change of domicile.

In response to the objection filed by the appellant, Honorable Sando Johnson, the appellee said that while it is true that he was a domiciliary of District #6, Montserrado County, in 2010 which enabled him to contest the position of representative there and won, he exercised his right to change his domicile in 2014, to District #1, Bomi County, and has since made it his home consistent with law. He cited Article 13 of the Constitution and the Supreme Court's Opinion, *MPC v. NEC*, February 2007. He recounted a number of events and actions taken by him which demonstrate that he is domiciled in District #1, Bomi County. They include, the purchase of 266 acres and 360.7 acres of land respectively in the district, the construction of a building in which he resides, the construction of boys quarter for his security, a car garage, generator house, water tower, and the hiring of a full time cook, domestic assistants and security details for the past three years, amongst others. The appellee also said that he resides in his new home from Thursday through Monday weekly, when the House of Representatives is not in session. He further said that he has made investment in Senjeh, District #1, Bomi County and named his investment in agriculture, utilizing the land he purchased, the employment of residents of the district and beyond, the ownership and

operation of a local radio station and donation to several social, educational, charitable and religious institutions in the district. He said that a) in March 2016, he donated 1000 seedlings to the County as his way of encouraging the people of Bomi County to own and venture into oil palm growth; b) in August 2016, he provided vacation jobs for 300 deserving students

under which program each participating student received five Thousand Liberian Dollars (L\$5,000.00) upon completion so as to alleviate the financial liabilities faced by these students in the wake of the reopening of school; c) in November 2016, he donated more than One Hundred Thousand Liberian Dollars (L\$100,000.00) assorted food items to the County in support of the 2016 National County Sports Meet; d) in January 2017, he paid the fees for the West African Examinations Counsel (WAEC) for all 9<sup>th</sup> graders in all the schools in Senjeh District amounting to some One Million Liberian Dollars (L\$1,000,000.00); and e) in March 2017, he donated One Hundred Thousand Liberian Dollars (L\$100,000.00) to the Bomi County Central Mosque in support of the renovation project of the said Mosque. He mentioned that he won a number of recognitions as a resident of the district, including recognition from the President of Liberia, election by his peer (including the appellants) as Chairman of the Board of Directors of the Tubmanburg Hospital, etc. He asserted that on August 18, 2016, having fully completed his relocation and change of domicile from District #6, Montserrado County, to District #1, Bomi County, he wrote the NEC, informing it of his change of domicile and requesting the NEC to update its records with his new domicile, making Puma Farm, Weakema, his new address.

We quote the letter the appellee wrote to the NEC through its Chairman, informing that institution of the change of the appellee's domicile as follows:

"Weakama Town  
SENJEH, District #1  
Bomi County  
August 18, 2016

Counsellor Jerome G. Korkoya  
Chairman  
National Elections Commission (NEC)  
Republic of Liberia

Dear Cllr. Korkoya:  
I present compliments and write to have you informed that my domicile has been changed to the following address:

Pumah Farm, Weakama Town  
Senjeh, District #1  
Bomi County

In view of the above, I ask that you make the necessary updates on your records and send all future correspondence to my new address.

With sentiments of higher esteem, I remain.

Kindly regards.

Edwin Melvin Snowe, Jr."

The foregoing assertions made by the appellee, including the letter quoted above, lend support to his position that he is domiciled in Senjeh, District # 1, Bomi County. On the other hand, there is no showing in the records, that the appellants refuted the statement of the appellee that he was domiciled in the District. The witnesses produced by the appellants only testified that the appellee, being a sitting Representative of District #6, Montserrado County, could not be domiciled in District #1, Bomi County. This being the case, and the evidence provided by the appellee in support of his domicile having substantiated his assertion, we hold that the appellee is indeed domiciled in Senjeh, District #1, Bomi County.

The appellants have argued, at length, that by leaving District #6, Montserrado County, where he represents the people and moving his domicile to Senjeh, District #1, Bomi County, the appellee had abandoned the people who elected him; that the only way the appellee could legally change his domicile was to first resign his post as a sitting Representative of District #6, Montserrado County. We see no law, Constitution or otherwise, in support of this argument. But assuming without admitting that this position of the appellant was even tenable, we say that it would be the people of District #6, Montserrado County, that have stake in this matter to lodge a complaint of abandonment against the appellee. But we are not aware of any complaint filed by the people of District #6, Montserrado County, making a case that the appellee had abandoned them as their Representative. Once a person has been elected to a public position, that person is obliged to serve in the post elected unless, of course, due to some compelling reasons and/or extenuating circumstances the person is unable to serve in the position after his/her election. Abandonment of an elective public post or refusing to serve after having been elected to a public post is a serious election offense.

*Section 10.17 of the New Elections Law* provides:

"Failure to serve when elected is a serious elections offense by anyone and is punishable by a fine [of] not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a period not exceeding five (5) years or both."

We have no doubt that had a complaint of abandonment or failure to represent been made against the appellee by the people of District #6, Montserrado County, to the NEC or even to the House of Representatives, the appropriate action(s) would have been taken. But as we have said, such a complaint cannot be legally made by the appellants, who the appellee does not represent in the House of Representative, and who have therefore suffered no harm as a result of the appellee's alleged abandonment or failure to represent.

The appellants have relied on the case: *National Patriotic Party v. The National Election Commission, Supreme Court Opinion, March Term 2006*). The facts in that case reveal that Hon. Washington Lackey of Electoral District #2, Margibi County, who was elected as a member of the House of Representatives died and the NEC, consistent with its statutory mandate, embarked on the process of holding a by-election to fill the vacancy created. Aspirants for the posts, including independent candidates and political parties, submitted nominations to the NEC. Amongst them was the nomination of Cyril Allen submitted by the National Patriotic Party (NPP) and Zoe Willie submitted by the Liberty Party (LP). To these nominations James S. B. Weah and Samuel Bengo filed objections with the NEC on grounds that the nominees did not meet the eligibility requirement of Article 30(b) of the Constitution of Liberia because they were not domiciled in District #2, Margibi County. The Hearing Officer of the NEC determined that Zoe Willie was domiciled in the District and as such, met the requirement of Article 30(b) of the Constitution which made her eligible to contest for the post of representative in the by-election. As to Cyril Allen, the Hearing Officer ruled that he was not domiciled in the District and therefore did not meet the constitutional domicile requirement, as such, he could not vie for the post of representative in District # 2, Margibi County. The decision was appealed to the Board of Commissioners of the NEC, who confirmed and affirmed the ruling of the Hearing Officer. On appeal to this Court, we affirmed the ruling of the Board of Commissioners of the NEC. In interpreting Article 30(b) of the Constitution, this Court held that those who represent the people must be one of their kind, domiciled in the same constituencies with them to fully know and appreciate their aspirations; that the owning of properties and payment of taxes thereon without being domiciled in the constituency was not, in itself, sufficient to satisfy the requirement of Article 30(b) of the Constitution. The *NPP* case is distinguishable from the instant case. In that

case, Cyril was not domiciled in the district in which he sought to contest for the post of representative, whereas, in the instant case, the appellee, Honorable Edwin Melvin Snowe had, by the preponderance of the evidence established that he changed his domicile to the

district in which he wants to contest for the post of representative. The appellee also established that he pays taxes in that district. We therefore affirm the ruling in the *NPP case* and hold that the facts of that case are not analogous to the facts of this case before us.

Article 30(b) of the Constitution sets eligibility requirements regarding domicile for a Liberian citizen wishing to contest for the position of a legislator, whether in the House of Representative or the House of Senate. It states:

“Citizens of Liberia who meet the following qualifications are eligible to become members of the legislature:

- (a) For the Senate, have attained the age of 30 years, and for the House of Representatives, have attained the age of 25 years;
- (b) Be domiciled in the county or constituency to be represented not less than one year prior to the time of election and be a tax payer. (Emphasis supplied).

It is clear from the plain language of the constitutional provision quoted above that the requirements for one to be domiciled in the county or constituency to be represented not less than one year prior to election and to be a tax payer are conditions precedent to the qualification of individuals who aspire to become legislators. That the appellee, Honorable Edwin Melvin Snowe, is a Legislator (a member of the House of Representatives) suggests that he met the one year requirement and was a tax payer before he ran and was elected as a Representative in District #6, Montserrado County. The question is, having been elected, is he required to continuously be domiciled in District #6, Montserrado County, without the right to change his domicile as contended by the appellant? The Constitution provides no answer to this question. Neither does the New Elections Law or any other statute in this Republic provide the answer to this question.

During argument before this Court, the counsel for the appellants, without relying on any specific law, strenuously contended that public policy demands that the appellee remains in the constituency/district that elected him for the duration of his tenure as a member of the House of Representative; that for the appellant to change his domicile, he must first resign his post as a member of the House of Representative. By this argument, we gathered that the counsel for the appellant was urging upon us to extrapolate and interpret Article 30(b) of the Constitution to mean that once elected, the appellee is required to be domiciled continuously in District #6, Montserrado County, or resign if he wishes to change his domicile.

This Court has no authority to extrapolate the intent of the framers of the Constitution beyond the plain and specific wordings of the provision of the Constitution. Where the constitutional provision, on its face, is so plain and unambiguous, it needs no further interpretation. *Hussenni v Brumskine* [2013] LRSC 43 (1 August 2013); *MPC et al v National Elections Commission et al* [2011] LRSC 1 (5 October 2011). In our view, had the framers of Article 30(b) of the Constitution intended for elected legislators to be domiciled in the county or constituency to be represented not less than one year prior to the time of election and during the entire time of their tenure in the Legislature without changing their domicile, the Constitution would have so provided. Under the circumstance, what the Constitution did not so expressly provide for cannot be urged upon this Court to consider, as to do so would amount to law making, a function solely ascribed to the Legislative Branch of Government.

Now, if members of the Legislature who have the power to make laws deem it fit, in view of the eloquent silence of the Constitution on the issue at hand, to pass an act as an enabling statute to *Article 30(b)* of the Constitution to set the basis for legislators to continuously remain in the constituencies/districts in which they are elected for their legislative tenures, they may do so. In doing so, they may prescribe the laws and at the same time set penalties for any violations. In our opinion, this will be the appropriate course to pursue, especially given the provision of *Article 84* of the Constitution which confers power on the Legislature to provide penalties for any violations of the relevant provisions of Chapter VIII of the Constitution (which deals with Political Parties and Elections) and enact laws and regulations thereof. But as we have stated, this is not the prerogative of the Supreme Court. Ours is to interpret but not to make law.

IN VIEW of all we have said above, we hold that one does not have to be domiciled in a constituency/district in order to register and vote in that constituency/district; one only has to be a resident in the constituency/district in order to register and vote therein. It makes no difference whether the person is a sitting Representative in a constituency in a different county. And there is no law that forbids a sitting representative of a constituency in one county to change his/her domicile to another constituency in another county while still serving as a Representative of the constituency in the county he was elected. This being the case, what the Constitution and the statute laws do not so expressly provide for cannot be urged upon the Supreme Court to consider, as doing so would amount to law making, a function

solely ascribed to the Legislative Branch of Government. We hold, therefore, that the rulings of the Board of Commissioners of the NEC dismissing the objections filed by the appellants,

Honorable S. Gayah Karmo and Honorable Sando Johnson to the registration, nomination, qualification, and certification of the appellee, Honorable Edwin Melvin Snowe is hereby affirmed.

Counsellors David B. Gibson, Jr. of the Renaissance Law Group, and S. Gayah Karmo *Pro se*, appeared for the appellants. Counsellors A. Ndubuisi Nwabudike and Benedict F. Sannoh of the Sannoh & Partners, PC, appeared for the appellee/respondent.

Rulings affirmed.