

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA..... ASSOCIATE JUSTICE
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE

Mr. Wamah Jones Kuteh, Independent Representative)
Candidate District # 1, Bong County..... Appellant)
)
Versus) Appeal
)
The National Elections Commission (NEC)..... 1st Appellee)
)
And)
)
Mr. Prince Koinah, representative candidate and declared)
winner, District #1, Bong County..... 2nd Appellee)
)
GROWING OUT OF THE CASE:)
)
Mr. Wamah Jones Kuteh, Independent Representative)
Candidate District # 1, Bong County..... Complainant)
)
Versus) Appeal from
) the Board of
) Commission
The National Elections Commission (NEC)..... 1st Appellee)
)
And)
)
Mr. Prince Koinah, Representative Candidate and declared)
winner, District #1, Bong County..... 2nd Appellee)

Heard: December 7, 2022

Decided: December 19, 2023

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

On October 10, 2023, the National Elections Commission (NEC), the 1st appellee herein, conducted Presidential and Legislative Elections at which Mr. Wamah Jones Kuteh, the appellant herein, contested in Electoral District No.1, Bong County as a representative. At the closing of the polls, the counting and tallying of votes casts in Electoral District No.1, Bong County, the 1st appellee announced Mr. Prince Koinah, the 2nd appellee herein, as the winner of the elections. In its public announcement on October 20, 2023, the 1st appellee stated that the 2nd appellee obtained 6,846 valid votes while the appellant on the other hand obtained 6,774 valid votes.

The certified records culminating into this appeal and transmitted to this Court reveal that the appellant filed three (3) complaints, the first and second on October 15 & 16 and the third on the 18th of October. The third complaint was withdrawn and an amended complaint filed on October 25, 2023.

On October 17, 2023, the Hearing Officer entertained a conference with all the parties on the first two complaints. At the conference the appellant requested a change of venue on the ground that the Elections Magistrate and his staff were party defendants to his complaint, and that if they participated in the hearing of the case, the outcome would be prejudicial and unfair. The hearing officer denied the request for change of venue but ordered the Elections Magistrate to recuse himself from the hearing investigation since he was a party to the complaint. The appellant noted exceptions to the Hearing Officer's ruling, but requested continuance of the case to the following day, that is, October 18, 2023, so that his lawyer could be present to represent his interest. Although the appellant's request for continuance was granted and the hearing rescheduled, the appellant and his lawyer failed to appear on the scheduled date for hearing. This prompted the Hearing Officer to dismiss the complaint, relying on Section 25 of the Hearing Regulations and Procedures (October, 2022), entitled "failure to appear". However, having dismissed the complaint for failure of the appellant to appear for the hearing, the Hearing Officer announced and ordered, on behalf of the complainant, an appeal of his decision to the Board of Commissioners (BOC) of the NEC. We will not burden this Opinion with the correctness or error of the hearing officer, as the presiding officer, placing on the records of the investigation an appeal on behalf of the absent party. What we do note however, is that the three complaints and the amended complaint all being filed within the time period mandated by the New Elections law for contested elections that is, within 7 days of the announcement of the results of the elections, the hearing officer properly proceeded to conduct an investigation into the amended complaint.

The appellant's amended complaint filed on October 25, 2023, is quoted herein below, to wit:

“Office of Honorable Wamah Jones Kuteh
Legislative Independent Candidate
Palala City, Waytuah Clan
Electoral District One (ED-1), Bong County
Republic of Liberia
Cell: 0777510038/0778612787

October 25, 2023

Madam Davidetta Brown Lasannah
Chairperson
National Elections Commission (NEC)
9th Street, Sinkor
Monrovia, Liberia

Dear Madam Lasannah:

Ref: Amended Complaint of Electoral Irregularities and Fraud

I write as a Legislative Independent Candidate of Electoral District One (ED-1), Bong County, Republic of Liberia and wish to file this amended complaint against the National Elections Commission Upper Bong office especially its Magistrate, Mr. Lazarus Liberty and Prince K. Koinah, Representative Candidate in the said Electoral District One (ED-1), Bong County for the commission of fraudulent acts and other irregularities committed against me in the October 10, 2023, elections, that resulted into unrealistic, unfounded, unsubstantiated and illegal increase of votes in favor of Mr. Prince K. Koinah, Representative Candidate of the said Electoral District One (ED-1), Bong County for the below following reasons as showeth to wit:

1. That I, Mr. Wamah Jones Kuteh, convincingly obtained the highest votes in the Representative Elections held in Electoral District One (ED-1) Bong County, on October 10, 2023, in respect of which other major contenders in the said elections acknowledged, conceded and congratulated me. Attached hereto are tally sheets of all the prescient, marked as exhibit AC/1 IN BULK to form a cogent part of this complaint;
2. Further to Count One (1) above, astonishingly, the NEC Upper Bong Magistrate declared Candidate Prince K. Koinah, as having the highest number of votes, even though the tally sheets do not commensurate with the total number of votes cast in favor of Mr. Prince K. Koinah;
3. Still on Counts One (1) and Two (2) above, and contrary to Chapter 10 of the Elections Law of Liberia, on October 13, 2023, between 9:00 pm – 10:00 pm, candidate Prince K. Koinah was observed soliciting additional votes and paying out cash for same; soliciting undue influence and illegal assistance from NEC Upper Bong Office through Lazarus Liberty, NEC, Upper Bong Logistics Officer at the Leala Guest House on Ganta Highway in Gbarnga City, Bong County for said cash to be taken to Mr. Daniel Newland, Elections Magistrate for Upper Bong for distribution among NEC staffers (Data Entry Clerks at the Tally Center) including Mr. Nathan Matthews, Electoral Coordinator and others which is a gross breach of Section 10.4, Bribery, (a) & (c) of the New Elections Law of the Republic of Liberia. Attached hereto are whatsapp communication between NEC officials and Mr. Prince K. Koinah, marked as exhibit AC/2 IN BULK;

4. That on October 14, 2023, at the Tally Center, Mr. Lazarus Liberty and Mr. Nathan Matthews, stood against the established and convencing concern and claims and suspicion raised by my observers and refused to announce for recording by my observers and others, serial numbers of the seals which were used to lock the ballot box containing the TEE-3s (The Election Results) eventhough it is required by the NEC to display the seals to the observers for recording purpose;
5. That on October 13, 2023, Mr. Lazarus Liberty, NEC Logistics Officer for Upper Bong was also observed opening, removing and replacing TEE-3s from ballot boxes containing votes of Electoral District One Bong County without parties and candidates observers; and as the result of said illegal and unilateral removal and replacement of TEEs, coupled with Mr. Lazarus Liberty and Nathan Matthews aforesaid refusal to display the seals for recording its serial numbers, some of the official results of the Voting Precinct in Palala City and Tassah Town in Electoral District One were reported missing by Magistrate Newland;
6. Further to Count five (5) above, the TEE-3s especially for Voting Precincts in Palala City and Tassah Town in Electoral District One were intentionally destroyed and reproduced by the NEC officials without political parties and candidates' representations. To authenticate this illegal acts of the NEC officials, there are no signatures of parties and candidates representatives on the fraudulent TEE-3s reproduced by the aforesaid NEC officials, which said illegal acts resulted in the dramatic and an overnight changed from 05 votes to 25 votes in favor of Mr. Prince K. Koinah in Voting Precincts in Palala City. Attached hereto are the said reproduced tally sheets of Palala's Precinct, marked as exhibit AC/3 IN BULK to form a cogent part of this complaint.
7. Still on Count five (5) and six (6) above, as the result of the illegal destruction of TEE-3s of Palala's Precinct and the dramatic and an overnight reproduction of new TEE-3s without parties and candidates representations couple with the illegal and unsubstantiated increase of over 100 votes in favor of Candidate Prince K. Koinah, the NEC announced the aforesaid Candidate Prince K. Koinah as a winner of the elections contrary to the Elections Law of Liberia especially Chapter 10 and at the detriment of the will of the people of Electoral District One (ED-1);
8. Further to Count seven (7) above, the Records of the Count for Gbarta Public School with voting Precinct Code 06142 was also intentionally altered by Mr. Lazarus Liberty, NEC Upper Bong Logistics Officer and Mr. Daniel Newland, Elections Magistrate for Upper Bong in favor of Candidate Prince K. Koinah, resulting into an unsubstantiated increase of over 72 votes. Attached hereto is the altered record of the count for Gbarta Public School with Voting Precinct code 06142, marked as AC/4 to form a cogent part of this complaint;
9. That from October 13 – 15, 2023, NEC staffers assigned at the Tally Center including Mr. Lazarus Liberty and the Data Clerks were

observed moving in and out of the Tally Center suspiciously with their computers which were being used for data entry;

10. That I am convinced based on evidence that re-count is the proper remedy to settle, resolve and to expose the fraudulent acts of the NEC officials; contrary to the Elections Law of Liberia. Hence, I will produce other pieces of evidence during trial if need be;

11. Further to Count ten (10) above, despite the intentional violation of our elections law as stated above, I respectfully request the Commission to enforce the sanctions set out in Section 10.4(c), Paragraph 2 & 3 of the New Elections Law of the Republic of Liberia, which says that: "Any election officer, political party or any candidate or the agent of any candidate or any person who does any of these acts is guilty of an election offense and is punishable by a fine or imprisonment for not more than five (5) years or both. In addition to the foregoing penalty, anyone guilty of bribery as an election offense shall be disqualified from holding any elective public office in the Republic of Liberia or from voting in any elections held under this law for a period of seven (7) years".

12. That due to my complaint filed and appearance before the Hearing Officer assigned in Upper Bong for a conference at 1:00 pm on October 17, 2023, and given my distrust in NEC Upper Bong staffers and Magistrate, coupled with the brewing public outcry and tension in the environment, I humbly requested a change of venue for the hearing, which was erroneously denied by the Hearing Officer thereat. Hence, we proceed before you at the Headquarter for the required redress and subsequently filed this amended complaint.

Wherefore and in view of the foregoing, it is my prayer that the National Elections Commission (NEC) conduct a recount of the votes in the ballot boxes used for polling and counting in but not limited in Palala, Tassah, Yolota, Quikapor Town, U-lah Town, Gbartá Town, Rock Crusher, Nangbo Town and/or further grant us remedies of re-voting or re-run as justice and fairness would warrant for free, fair and credible elections in Electoral District One, Bong County

Signed:

Wamah Jones Kuteh (Mr.)
Representative Ind. Candidate, ED-1
Bong County, Republic of Liberia"

Following a pre-trial conference and at which time the appellant narrowed his allegations of fraud and elections irregularities to eight (8) polling places, the Hearing Officer proceeded with a full-scale investigation of the amended complaint. The appellant presented four (4) regular witnesses and one (1) rebuttal witness. The appellees also presented four regular witnesses to testify in their behalf. Following the resting of evidence *in toto* and final arguments, the Hearing Officer ruled denying the appellant's complaint in its entirety on ground that the appellant, failed to prove

the allegations of electoral irregularities and fraud. The appellant noted exceptions to the Hearing Officer's ruling and announced an appeal to the Board of Commissioners (BOC).

Following hearing and arguments on the appellant's appeal, the BOC rendered its final ruling on November 28, 2023, denying the appeal and affirming the Hearing Officer's ruling on ground that the appellant had failed to adduce proof in substantiation of his allegations of elections irregularities and fraud. The appellant again noted exceptions to the BOC's ruling and announced appeal to the Supreme Court, and on December 5, 2023, he filed a 21 count bill of exceptions challenging the Board's ruling on the basis that the Hearing Officer and the Board ignored the discrepancies in the tallying records; and that the Hearing Officer and the Board disregarded his exhibits/evidence tending to prove fraud and electoral irregularities that were committed during the tallying process.

Having perused the records, considered the allegations contained in the bill of exceptions, and considered the arguments made before this Court at the hearing of this appeal, we find a single issue dispositive of this appeal, *viz.*: "Whether or not the appellant proved by preponderance of the evidence that the representative election in District #1, Bong County was rigged with electoral irregularities and fraud to warrant a recount or re-run of the elections in that District. Our decision to limit the scope of our determination of this appeal to a single issue finds reliance in the rudimentary principle of law extant in this jurisdiction that notwithstanding the number of errors purported to have been committed by the trial tribunal, as contained in an appellant's bill of exceptions, it is the prerogative of the Supreme Court to determine which errors are germane to the determination of the appeal. *Sensee Kowo v. Republic of Liberia*, Supreme Court Opinion, March Term, 2023; *Frederick Kromah et al. v. Bea Mountain Mining Company*, Supreme Court Opinion, October Term, 2022; *CBL v. TRADEVCO*, Supreme Court Opinion, October Term 2012; *Knuckles v. TRADEVCO*, 40 LLR 49, 53 (2000).

As aforementioned, the appellant produced four (4) regular witnesses, inclusive of the appellant, and one (1) rebuttal witness. In substantiation of the allegations contained in his complaint, and in his testimony in chief, the appellant narrated that following the voting process at the Palala and Tassah polling centers, the tally sheets therefrom were placed in a TEE-3 envelope and sent to the NEC's office at Upper

Bong County; that upon commencement of the tallying process, his observers noted that the TEE-3 envelopes from Palala polling place # 5 and Tassah polling place # 3 were missing from the ballot box and that this issue was brought to the attention of the elections magistrate who promised to investigate the matter; that his observers confronted the Presiding Officer (PO) from the two polling centers regarding the missing TEE-3 envelopes containing the tally sheet, but the said PO only presented them with a paper he had written some information on claiming it to be the record from the centers; that upon pursuit of the matter with the elections magistrate, a conference was convened at which time the said elections magistrate presented purported tally sheets, representing them to be the tally sheets that were missing, but that said tally sheets were unsigned; that the results on the unsigned tally sheets were different from those on the record of count. The appellant further testified that an informant notified him that the NEC's logistics officer assigned at the Upper Bong County Elections Magistrate Office, in person of Lazarus Liberty, was seen in a meeting with Co-appellee Prince Koinah at the Neeyalla Bar & Guesthouse; that he even received copies of whatsapp communications between Co-appellee Koinah and staff of the NEC; that he immediately reported the incident to the elections magistrate who then promised to prevent Lazarus Liberty from participating in the tallying process; and that notwithstanding the elections magistrate's promise to prevent Lazarus from participating in the tallying process at the Upper Bong County Elections Magistrate Office, the latter was permitted to participate and interact with other staff of said office during the tallying process.

Section 4.12 (a) & (b) of the New Elections Law provides that: *“following the close of the polls, the Presiding Officer shall in the presence of all accredited representatives of parties or candidates and all accredited election observers who are present:*

- a) *Cause the Clerk to tabulate the total votes cast*
- b) *Cause four (4) copies of the tabulated register to be made and signed by the NEC Presiding Officer, his Clerk and the representative of political parties and/or independent candidate(s) present, who wish to sign it. The original tabulated register shall be placed in a tamper evident envelop and sent to the Commission through the Magistrate. The first copy shall be placed in an envelope and inserted in the ballot box; the second copy shall be posted by the NEC Presiding Officer on the wall of the polling center; the third copy shall be given to the candidate with the highest vote, and the fourth copy shall be given to the candidate with the second highest vote.”*

Given the above quoted provision of the New Elections Law, we herewith hold that the appellant who claimed to obtain the highest votes in the elections in Palala and Tassah polling centers had a legal obligation to produce his copy of the TEE-3s/tabulated register and show the variance in his copy to that of the tally sheet, vote of the count and the NECs declaration of the 2nd appellee as the winner of the election in District #1, Bong County. In order to discredit and impugn the tally sheet accuracy and prove his allegation of discrepancies, the appellant was under obligation to show the discrepancies by presenting his copy of the TEE-3s or tabulated register in light of his claim that he obtained the highest votes in the said District. Even as the candidate with second highest votes the above quoted law grants him the right to be given the fourth copy of the tabulated register. But he failed to meet this simple burden of proof.

Further, the records show that on cross-examination, when the appellant was questioned as to the identity of the other person who allegedly exchanged WhatsApp conversation with Co-appellee Prince Koinah, the appellant declined to provide any information to that effect, on ground that he was protecting the identity of his informant. As to the alleged electoral irregularities and fraud the appellant complained of, he testified on cross-examination that the results on the records of count were not different from the copy of the tally sheet that was given to him; that the difference was the absence of his observers' signatures on the copy that was used for the record of count. Again on cross-examination, the appellant was asked to identify the tally sheets which showed that the number of votes he attained had been tampered with, but he failed to show same and instead testified that it did not matter whether they were his results that had been altered as long as the records show proof that some of the other candidates' results on the record of count varied from the record on the tally sheet.

The appellant's second witness, Joseph Kollie, testified that he represented the appellant as his agent at the tally center in Gbarnga, Upper Bong County; that he noted the absence of the TEE-3 envelopes from the ballot boxes from Tassah polling place # 3 and Palala polling place # 5; that the tally records contained in the TEE-3 envelopes were replaced with a document from the PO's journal which was not revealed to the appellant's observers; that he observed Lazarus Liberty cut the seal on the ballot box of District #1 which contained the TEE-3s from all the polling places in that district, and thereafter replaced some of the TEE-3s contained therein;

that he also observed that some of the NEC staff at the Upper Bong County Election Magistrate Office walked out of the center with the data entry machines on three different days, *viz.*: October 13, 14, and 15. The witness further testified that he observed that the figures on the record of count for Palala and Tassah did not match those on the tally sheet from the respective polling centers.

On cross-examination, the witness was asked whether he noted any discrepancy in the appellant's result on the record of count that was allegedly missing and the tally sheet from Tassah polling place # 5. To this question on the cross, the witness confirmed that the number of votes obtained by the appellant at the Tassah polling place #3 and Palala polling place #5 were the same on the record of count and in the PO's (presiding officer's) journal.

The appellant's third witness, in person of Rudolph Barsi, testified as the previous witnesses to the effect that the TEE-3 from Palala polling place # 5 and Tassah polling place #3, both of which contained the record of the count, were missing; that the Elections Magistrate later presented a hand written instrument which was obtained from the PO's journal; and that said instrument was used to replace the missing record of count. The witness also testified that he received information that the NEC's logistics officer of Upper Bong County Election Magistrate Office, in person of Lazarus Liberty, had been seen meeting with Co-appellee Prince Koinah; that the same Lazarus Liberty was seen opening the ballot box of District # 1 without notice to the appellant's observers; and that two (2) of the data entry clerks were seen constantly walking out of the tally room with the data entry computer.

On cross-examination, the witness testified that he did not take note of the appellant's accumulated votes recorded on the reproduced record of count from the two polling places (Palala and Tassah) to know if there existed any discrepancy in the numbers.

The Co-appellee, Prince Koinah testifying in his own behalf, denied all of the allegations in the appellant's complaint and stated that he never communicated with or held a meeting with Lazarus Liberty nor any staff of the NEC pertaining to soliciting their assistance for votes; that the messenger or WhatsApp evidence was all hearsay and not his messenger and WhatsApp pages as complained of by the appellant and that the appellant failed to produce evidence of his alleged WhatsApp/messenger communication or witnesses to testify to the allegations that the appellee met with staff of the NEC at any Guest House; that what was presented

by the appellant was not his WhatsApp page or messenger page. The appellee then presented to the investigation, copies of his messenger and WhatsApp pages.

Thereafter, the NEC placed on the witness stand, those members of its staff implicated by the appellant in persons of Vanessa Paasewe, Lazarus Liberty, Rufus and B. Kpawolo.

Witness Vanessa Paasewe testified that she was hired by NEC as a temporary data entry clerk assigned to team one (1), Upper Bong County Tally Center; that she was to off load data to the National Tally Center of NEC's Head Quarter daily; that the tally center in Gbarnga is fenced in which interfered with signal, thus prompting them to walk to the door of the center to post the data to the NEC Central Data Center; that the data is displayed on the projector screen in plain view, void of contestation, and that before posting the hard copies, the tally sheets are distributed to the parties and observers at the data center under the supervision of the Election Magistrate in Upper Bong County.

Mr. Rufus B. Kpawolo, testified that he represented the appellee at the tally center in Gbanga, Bong County, and that during the tallying, there were parties' observers and local and international observers present; that they were shown the TEEs by the NEC staff as they were being removed from the ballot boxes and the votes for each candidate were openly read as the data clerk entered them into the data machine; that the data was displayed on the screen and viewed by the parties, and copies of the tally sheet given to all observers present.

The logistic officer of Upper Bong County, Mr. Lazarus Liberty testified, denying all of the allegations in the appellant's complaint; that he had no WhatsApp communication with anyone concerning votes solicitation for Co-appellee Prince Koinah; that at the tally center, his only assignment was to help the temporary staff of NEC sort out the TEEs and is and was not involved with entering the data.

The above testimonies were never rebutted by the appellant. This Court therefore holds that the appellant did not established by the preponderance of evidence his allegations of electoral irregularities and fraud committed by the staff of the NEC, as contained in his complaint. This Court reiterates the settled principle that "mere allegations do not constitute proof, and unless said allegations are supported by evidence, they shall remain mere allegations because it is evidence alone which

enables the court, tribunal, or administrative forum to pronounce with certainty the matter in dispute”. *Universal Printing Press v. Blue Cross Insurance Company*, Supreme Court Opinion, March Term, 2015; *Kamara et al. v. The Heirs of Essel*, Supreme Court Opinion, March Term, 2012; *Kpoto v. Williams*, Supreme Court Opinion, March Term, 2008.

This Court notes that the appellant himself while on cross examination refused to provide information on the alleged exchanged WhatsApp conversation between Co-appellee Price Koinah and others on the grounds that he was protecting the identity of his informant. This Court therefore holds that the said information provided by the appellant is hearsay evidence and therefore inadmissible by law. *Civil Procedure Law*, Revised Code 1:25.7; *National Africa First Pentecostal Church v. Davies et al.*, Supreme Court Opinion, March Term 2009; *Gardea v. RL*, Supreme Court Opinion, March Term 2014. Further, this Court observed from the certified records that the appellant, while on the cross, testified that the results on the records of count were not different from the copy of the tally sheet that was given to him and that the difference was the absence of his observers’ signature on the copy that was used for the record of count. The records establish that the appellant was not concerned about his votes, but instead was more concerned about the votes of the other candidates because, when asked on the cross to identify the tally sheets which showed that the number of votes he attained had been altered with, he failed to show same but stated that “it did not matter that it was not his result that had been altered as long as the records showed proof that some of the other candidates results on the record of count varied with the record on the tally sheet”. This Court, from its examination of the appellant’s testimony, referenced herein, coupled with the fact that the appellant did not present any documentary evidence to substantiate his allegations of electoral irregularities or fraud, holds that no adequate proof was presented to show that there existed electoral irregularities as alleged by appellant in his complaint as would have impacted the result of the election in District one (1) Upper Bong County.

With respect specifically to the allegation of fraud, this Court says that the appellant failed to present any evidence (oral or written) to substantiate such allegation. The Supreme Court has held that “...in order to constitute fraud, the occurrence of some artifice, deception, or cheating must be proved”. *Harmon v. Republic*, 24 LLR 176, 180-181(1975); that the burden of proof rest on the person who alleges fraud and that the allegation of fraud must not only be stated with particularity but must be proved at the trial. *Wilson et al. v. Wilson and Ivy*, 37 LLR 420, 426 (1994); *Scaf v.*

Ricketts, 28 LLR 263, 266 (1979). Thus, when allegation of fraud is made, the evidence not only rest on the person alleging the fraud but it must be clear and convincing and not be allowed to border on the realm of speculation. In the case *Multinational Gas and Petrochemical Company v. Crystal Steamship Company, S. A.*, 27 LLR 198 (1978) this Court opined that “fraud allegations unsupported by evidence is not proof.”

It is insufficient that the appellant testified that he was informed by an unnamed person that fraud was committed. The best evidence was the person who claimed to have witnessed the fraud. Yet, the appellant refused to reveal the name of that person or to allow the person to testify in verification of the allegations made in the complaint. This Court has opined in many of its opinions dealing with evidence, and as indeed even articulated by our Civil Procedure Law that the best evidence of which a case admits must always be produced and that this evidence cannot be substituted by hearsay evidence which under the law has no probative value.

Moreover, the Supreme Court has held that “...*there is a strong presumption in upholding the validity of an election result and that the party who challenges the result must prove irregularities and/or fraud sufficient to change the outcome of the election...the power to throw out an entire election results [or order a recount] of a district for irregularities must be exercised very sparingly and with the idea in mind that neither an individual voter nor a group of voters is to be disfranchised at an elections except for compelling reasons.*” *Tokpa v. NEC*, Supreme Court Opinion, March Term A.D. 2015; *NEC v. Brumskine and Karnwea*, Supreme Court Opinion, October Term, A.D. 2017; *Johnson v. NEC*, Supreme Court Opinion, October Term 2005. Accordingly, this Court holds that the evidence produced by the appellant fall far short of the standard required to substantiate the allegations contained in appellant’s complaint made against the appellees and that the said evidence fails to support the claim of electoral irregularities and fraud to warrant granting the appellant’s request and prayer for a re-count and/or re-run of the elections held in District #1, Bong County.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Board of Commissioners of the National Elections Commission (NEC) is hereby affirmed, and the National Elections Commission ordered to proceed with the certification of Mr. Prince Koinah as the winner of the representative seat for District #1, Bong County. The Clerk of this Court is ordered to inform the National Elections

Commission accordingly. Costs are ruled against the appellant. AND IT IS HEREBY SO ORDERED.

Ruling affirmed

When this case was called for hearing, Counsellor Dr. Jallah A. Barbu of the Public Interest Law Office and Counsellor Dr. Mohammed A. Sheriff appeared for the appellant. Counsellors Bob B. Laywhyee and George Sabbah appeared for the 2nd appellee. Counsellors J. Augustine Toe and Peter Y. Kerkula appeared for the 1st appellee, the National Elections Commission.