



REPUBLIC OF THE GAMBIA

**NATIONAL ASSEMBLY, NEW ASSEMBLY BUILDING, REVEREND PYE LANE
BANJUL, THE GAMBIA**

**REPORT OF THE JOINT COMMITTEE
OF
REGIONAL GOVERNMENT & LANDS, OMBUDSMAN & IEC
&
HUMAN RIGHTS AND CONSTITUTIONAL MATTERS**

DECEMBER 2023

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ACKNOWLEDGMENT

Working on this report was engaging and equally tasking. The Joint Committee interacted with several persons and enjoyed the outstanding services provided by subject matter specialists, committee clerks, and secretaries attached to it. The Joint Committee therefore expresses its appreciation to the Office of the Clerk for providing efficient support staff and logistics without which the work of the Committee would have been impossible.

It is important to note that this task would not have been completed without the tremendous efforts of the Committee during the Fifth Legislature, co-chaired by the former Hon. Speaker of the National Assembly, Mariam Jack Denton, and Hon. Musa Amul Nyassi.

The Joint Committee equally expresses its gratitude to all Ministers, Political Party leaders, and all government institutions, civil society organizations, experts, and private citizens for rendering their invaluable time in assisting the Joint Committee execute its mandate.

INTRODUCTION

1. Hon. Speaker, I rise to table before this august Assembly the report of the Joint Committee of Regional Government and Lands, Ombudsman and IEC, and Human Rights and Constitutional Matters of the National Assembly on the Elections Bill, 2022 for its consideration and approval.
2. Hon. Speaker, following the first reading of the Bill on the 22nd of March 2021 and subsequently, its Second Reading on the 29th of March 2021, the Bill was referred to the Joint Committee for scrutiny and report to the Plenary.
3. However, due to the incompleteness of the task by the joint Committee, the Bill was carried forward to the sixth Legislative Assembly by the Hon. Attorney and Minister for Justice, Hon. Dawda Jallow.
4. In The Gambia, the task of holding free and fair elections at regular intervals is assigned to the Independent Electoral Commission under Sections 42 and 43 of the 1997 Constitution, and further by the Elections Act 1996 (Electoral Decree 78 of 1996).
5. The Electoral Bill, 2021 seeks to introduce new regulations for the conduct of elections in The Gambia and if enacted, it shall be the primary legal framework to guide the Independent Electoral Commission in discharging its mandate to conduct free, fair, and credible elections.
6. In fulfilling its mandate, the Joint Committee, in the Fifth Legislature, reached out to members of the general public throughout the eight Administrative Areas of the country. The Committee received several communications containing suggestions from various political parties, organizations, individuals, and experts (*see Annex I*). The Committee equally considered documents received during its scrutiny of the Bill.
7. Furthermore, during its meetings, the Committee heard the views of the Ministry of Justice, the Independent Electoral Commission, the Ministry of Finance and Economic Affairs, the Ministry of Lands and Regional Government, the Ministry of Foreign Affairs, and the Human Rights Commission.

8. The Committee received position papers from the Inter-Party Committee (IPC), UDP, GAP, PPP, NRP, GFA, CSO Coalition on Election, Banjul City Council, the National Human Rights Commission, Eight Local Government Authorities (*see annex 2*).
9. While considering the Elections Bill, 2022 the Joint Committee made reference to the following documents:
 - i. Background notes on the Elections Bill, 2021 as submitted by the Executive to the Assembly.
 - ii. The 1997 Constitution of The Gambia;
 - iii. Various submissions by the Independent Electoral Commission of The Gambia;
 - iv. Views/suggestions contained in the position papers received from various organizations/institutions/ individuals/experts and political parties on the Elections Bill, 2021;
 - v. Views expressed during the oral evidence tendered before the Committee by various official witnesses, and views expressed during public consultations; and
 - vi. Supreme Court judgment, relating to electoral laws.

MANDATE OF THE JOINT COMMITTEE

Like all other committees of the National Assembly, the Joint Committee derives its mandate from section 109 of the 1997 Constitution of the Republic of The Gambia and is constituted pursuant to Standing Order 104 of the Revised Standing Orders of the National Assembly [2019].

The Committee, in accordance with Order 106, and 96 consists of the Members of the Regional Government and Lands, Ombudsman and IEC, and Human Rights and Constitutional Matters and under the joint leadership of the two chairpersons of the Committees.

PART I- PRELIMINARY

1. CLAUSE 1 (SHORT TITLE)

CONTEXT:

Informed by the fact that the Bill will come into force in 2023 if it passes all legislative stages required under Order 66 of the Standing Orders of The National Assembly, the Joint Committee proposes Clause 1 to stand as part of the Bill with an amendment.

RECOMMENDATION

The Committee proposes that the title of the Bill be read as "**Elections Bill 2023.**'

2. CLAUSE 2 (INTERPRETATION)

CONTEXT:

Clause Two of the Bill, as is evident by its title, contains, and interprets several terms, and words used in the Bill. The Committee formed the opinion that the under-listed terms in the Bill need to be defined.

RECOMMENDATION

The Committee proposes that the following form part of the interpretation section of the Bill:

- I. **"Coalition"** *"This is a group of registered political parties and individuals who come together with a signed agreement deposited with the IEC to put up a candidate at an election."*
- II. **"Demonstration"** *"This is a public march of a political party or candidate and their members and supporters demanding a change of an electoral issue or matter."*
- III. **"Procession"** *"This is a public march of a coalition, political party or candidate and their members and supporters canvassing for votes during an election campaign."*

3. CLAUSE 3 (APPLICATION)

CONTEXT:

Clause three (3) outlined the scope of the Bill, and the elections to which it applies. It equally sought to invalidate the existing register of voters, and subject electorates to new registration in accordance with the provisions of this Bill.

RECOMMENDATION

- i. After various deliberation and considerations, the Joint Committee recommends that Clause 3(3) be expunged from the Bill.

PART II – ADMINISTRATIVE PROVISIONS

4. CLAUSE 5 (APPOINTMENT OF CHIEF ELECTORAL OFFICER)

CONTEXT:

This section provides for the appointment of a Chief Electoral Officer, and the function of the position. It equally outlined procedures and conditions that may warrant the removal of the said Officer from the office.

The Joint Committee widely deliberated on the Clause and noted that the requirements for the post and the conditions for removal are strengthened in the Bill. The Joint Committee observed that the reference to “*subsection (4)*” under Clause “*5(4)*” was inaccurate.

RECOMMENDATION

The Joint Committee, therefore, proposes that Clause 5, stands as part of the Bill with the following amendments:

- i. The Committee proposes that sub-section 3 of Clause 5 be amended to read as follows:

“The Chief Electoral Officer may only be removed from office by the Commission on the following grounds-

(a) infirmity of body or mind;

(b) serious misconduct, including failing or refusing to-

(i) Participate in the work of the Commission without due cause, and

(ii) Failed to disclose a conflict of interest in any decision of the Commission.

(c) violation of the Constitution or any other law;

(d) incompetence;

(e) bankruptcy;

(f) conviction of any felony or any other offence involving dishonesty; or
(g) known involvement in a political party.

- ii. The Committee proposes that the reference to subsection “4” in Clause 5(4) be replaced with “*sub-section 4(3).*”
- iii. The Committee proposes that a new *sub-clause “5”* be inserted under Clause 5 to read as follows:

“The Commission may only remove the Chief Electoral Officer from office under paragraph (b) (d) and (g) following report submitted by a Committee appointed by the National Assembly under section 109(2)(b) of the Constitution.”

PART III - ELECTORAL DIVISIONS AND REGISTRATION OF VOTERS

5. CLAUSE 10 (ADMINISTRATIVE AREAS, CONSTITUENCIES, AND WARDS)

CONTEXT:

This Clause of the Bill proposes that the Independent Electoral Commission should continue to perform the function of demarcating electoral boundaries for the purpose of registration of voters and the conduct of elections or referendums in The Gambia.

RECOMMENDATION

Following lengthy deliberation on the Clause, the Committee proposes that Clause 10 stands as part of the Bill *without* amendment.

6. CLAUSE 13 (QUALIFICATIONS FOR REGISTRATION AS A VOTER)

CONTEXT:

Section 12 of the Electoral Decree 78, outlined the qualification for registration as a voter for the purpose of any election. Section 12(2)(d) provides that a person shall be entitled to give his or her name to be registered in a constituency if he or she produces a document *“certified by the Seyfo or an Alkalo of the village of the birth of the applicant stating that the applicant was born in the district or village”*.

The defect in clause 12(2)(d), if to be considered as such, is that a person *“being born in a village or district”* **DOES NOT** qualify one to be considered a Gambian under Section 8 of the 1997 Constitution.

Clause 13 of the Election Bill is a replica of section 12 of the Electoral Decree. However, clause 13 (2) (d) of the Election Bill made a significant modification of 12(2)(e) of the Electoral Decree.

Clause 13(2)(d) of the Bill, provides as part of the document required for one to register, “an attestation from an Alkalo or Seyfo certifying that he or she is a Gambian.”

Section 13(2) (d) of the Bill sufficiently sought to give the responsibility of certifying who is a “Gambian” under sections 8 to 12A of the 1997 Constitution to “an Alkalo or Seyfo”.

Concerns were also raised regarding the issuing of attestations, by multiple stakeholders during the consultation exercise undertaken by the Committee.

RECOMMENDATION

The Committee proposes that Clause 13 stands as part of the Bill with the following amendments:

- i. That the noun “Seyfo” in Clause 13(2)(d) be removed.
- ii. That Clause 13(3) be expunged from the Bill.
- iii. The Committee further proposed that Clause 13(2)(d) be redrafted to read as follows “an attestation from an Alkalo certifying that he or she IS A GAMBIAN.”

7. CLAUSE 14 (REGISTRATION OF GAMBIANS LIVING ABROAD)

CONTEXT:

As is contained in under **section 141** of the Elections Decree, **Clause 14** of the Bill outlined the procedures and process to be undertaken by the Commission to register Gambians living abroad. It mandates the Commission to further make rules for that purpose. It also requires the Commission, in making those rules, to consult with the **“Inter-Party Committee and Cabinet”**.

The Independent Electoral Commission submitted its verbal proposal on the said Clause, indicating that subjecting the Commission to consultation with **“Inter-Party Committee and Cabinet”** may undermine its independence, and thus proposed that this aspect of the Clause be removed and replaced with a more appropriate authority.

RECOMMENDATION

The Committee proposes that Clause 14 stands part of the Bill with the following amendment:

- i. That the phrase “Inter-Party Committee and Cabinet” under Clause 14(2), be removed and replaced with the “National Assembly”.

8. CLAUSE 15 (DISQUALIFICATION FROM REGISTRATION AS A VOTER)

CONTEXT:

Clause 15 of the Bill outlined the proposed measures of disqualifying citizens from enjoying or exercising the right to franchise.

It will be noted that sections 26, 25, and 32 of the 1997 Constitution provide for political rights and the means of exercising the same, most especially under section 32(2).

Clause 15(a) of the Bill sought to disqualify persons “*serving a sentence of imprisonment*” from exercising the right to franchise.

RECOMMENDATION

- i. It is the opinion of the Committee that the provision of Clause 15(a) is inconsistent with the spirit of the 1997 Constitution as relates to political rights under sections 25, 26, and 32.

9. CLAUSE 16 (GENERAL AND SUPPLEMENTARY REGISTRATION)

CONTEXT:

This Clause provides for continuous registration of eligible Gambians as voters across the country.

RECOMMENDATION

It is the opinion of the Committee that the provision is sufficiently drafted. However, the Committee proposes that the phrase “*at least*” under Clause 16(4) of the Bill be deleted.

10. CLAUSE 17 (TRANSFER OF PLACE OF REGISTRATION)

CONTEXT:

Section 35 of the Election Decree 1996 provide for the transfer of place (constituency) of registration, and required persons who were interested to do so to pay a cost to be prescribed by the IEC under section 35(2). The said section was amended by Act No. 06 of 2015.

The Election Bill, 2022 under this Clause, sought to reintroduce transfer of the place of registration without cost.

RECOMMENDATION

- i. There should be cost attached to transfer of place of registration.
- ii. The Committee equally proposed that the days for transfer provided under Clause 17(2)(a) be increased from “*21 days*” to “*three months*” (90 days) before the last day of the election. Therefore, the Committee proposes that Clause 17(2)(a) be redrafted to read “*Made not less than ninety days before the last day of nomination*”.
- iii. The Committee proposes that Clause 17 (2)(b) be expunged.
- iv. The Committee equally proposes that the phrase “*serial number*” under Schedule-form 7, which relates to transfer of the place of registration be deleted.

11. CLAUSE 25 (Issuing of voter’s cards)

CONTEXT

Clause 25 deals with the “*issuing of voter’s cards*” to claimants whose names are entered in the register of voters. Save for the grammatical errors noted in the provision, the Committee observed, in its opinion, that the said Clause is sufficiently drafted.

RECOMMENDATION

The Committee proposes that Clause 25 stands part of the Bill with the following amendments:

1. The word “**or**” under Clause 25 (3)(a) be changed to ‘**and**’; and
2. The words ‘**a**’ and ‘**of**’ under 2 (b), removed.

12. CLAUSE 27 (Opposition to an appeal)

CONTEXT

Clause 27 deals with “*opposition to an appeal*” made under Clause 26. Save for the improper citation noted in the provision, the Clause is sufficiently drafted.

RECOMMENDATION

The Committee proposes that Clause 27 stands part of the Bill with the following amendment:

- I. That reference to Clause 22 under Clause 27(1) be changed to Clause 26 (1) instead.

13. CLAUSE 28 (Revising Court)

CONTEXT

Clause 28 deals with “*revising Court*”, which shall be established to hear and decide appeals and objections as regards to the eligibility of claimants' names entered or omitted from the list of voters in each Administrative Area.

Save for the improper citation noted in this Clause, the Committee observed, in its opinion, that the said Clause is sufficiently drafted.

RECOMMENDATION

The Committee proposes that Clause 28 stands part of the Bill with the following amendment:

- i. That reference to “section 19” under Clause 28, be changed to “*section 23*”.

14. CLAUSE (35) Registers and Supplementary Register of Voters

Having examined the said Clause, and reviewed the evidence presented before it, the Committee observed, that the said Clause is sufficiently drafted. However, it recommends the pluralization of the word '*Register*' as used in the Clause.

RECOMMENDATION

The Committee proposes that Clause 35 stands part of the Bill with amendment, being the pluralization of the word “*register*” to read “*registers*”.

15. CLAUSE 37 (Miscellaneous provisions on registers)

CONTEXT

Clause 37 deals with “*Miscellaneous provision on registers*”. It outlined, among other things, the timeframe within which voters register shall be deemed to be in force, tasks, and mandates the Commission to undertake certain administrative functions for foreseeable elections, among other things.

Having examined the said Clause, and reviewed the evidence presented before it, the Committee observed, in its opinion, that the said Clause is sufficiently drafted. However, it recommends a few, but crucial amendments to the said Clause as follows:

RECOMMENDATION

The Committee proposes that Clause 37 stands part of the Bill with the following amendments:

- i. That both *soft* and *hardcopies* of the master register, under Clause 37(2) (b) be made available, for free, to all political parties registered under the Act.
- ii. That, the following be inserted under Clause 3(2); *“Political party shall pay a cost when it requests for extra hardcopy of the master register”*.
- iii. The Committee observed that the word *“party”* is inadvertently omitted under Clause 37(2) (b), after the word *“political”*.

16. CLAUSE 38 (Replacement of voter’s cards)

CONTEXT

Clause 38 deals with the *“replacement of voters’ cards”*. It provides the opportunity for voters who claim to have lost their voter’s card, whose voter's cards have been stolen, destroyed, mutilated, or defaced, to apply in writing to the Commission to replace the said card.

Having examined the said Clause, and reviewed the evidence presented before it, the Committee observed, in its opinion, that the said Clause is sufficiently drafted. However, it recommends the following amendments.

RECOMMENDATION

The Committee proposes that Clause 38 stands part of the Bill with the following amendments:

- i. That the phrase *“of the”* be added between the words *“replacement”* and *“voter’s”*, under 38(3)(a).
- ii. That the word *“of”* be added between the words *“replacement”* and *“voters”* under Clause 38(4), and the word *“form”* added after *“relevant”* in the same Clause.

17. CLAUSE 38A Return of Deaths (Deletion)

CONTEXT

Section 34 of the Election Decree requires that in each Administrative Area, the death Village or Town Head, and in the case of Banjul and Kanifing Administrative Areas the City Clerk and Municipal Clerk respectively, to send to the Commission a return of the names, residences and such other information as the Commission may require of all persons over the age of eighteen years who have died within his locality not later than 31 December in each years, among other things. The same function is given to the Register of births and deaths.

The Commission is then empowered, upon receiving the information, to delete the names of the deceased electorates from the master electoral list.

The Bill does not make any provision for such.

RECOMMENDATION

The Committee proposes that Clause **38A** stands part of the Bill with the following amendments:

- i. That an additional Sub-Clause on "return of death" be provided under Clause **38A**, as provided under section 34 of the Election Decree, 1996 reproduced herein below.
 - (1) *In each Administrative Area, the Village or Town Head, and in the case of Banjul and Kanifing Administrative Areas the City Clerk and Municipal Clerk respectively, in such Areas shall, not later than 31 December in each year, send to the Commission a return certified by him under his hand of the names, residences, and such other information as the Commission may require of all persons over the age of eighteen years who have died within his locality since his previous return.*
 - (2) *Notwithstanding the requirement placed on the Municipal Clerk of the Kanifing Administrative Area, the heads of the various settlements comprising the Administrative Area shall each send to the Commission a return in accordance with subsection (1).*
 - (3) *The heads of medical institutions shall compile and send a list of the persons over the age of eighteen years who died in such institutions, within the period stipulated in subsection (1).*

- (4) *The Registrar of Births and Deaths shall send to the Commission a return in accordance with subsection (1).*
- (5) *The Commission may, for purposes of ensuring timely and proper preparation of returns, devise forms for use by those required to submit returns in accordance with subsection (1).*
- (6) *The Commission shall, as soon as may be practicable, delete from the appropriate master register the names of those registered voters appearing in the returns of death, and shall*
- a) state against the deletions the reasons for so doing; and*
 - b) initial and date the annotation.*
- (7) *The name of any person dealt with under this section shall be entered on the list of deletions in supplementary registration proceedings.*

18. CLAUSE 42 (Nomination Times and Criteria)

CONTEXT

Clause 42 deals with “*nomination times and criteria*”, it outlines the criteria, procedure, and time for nomination of candidates. Having examined the said Clause, and reviewed the evidence presented before it, the Committee observed, in its opinion, that there is a need for certain amendments to the said Clause.

RECOMMENDATION

The Committee proposes that Clause 39 stands part of the Bill with the following amendments:

- i. That the time for nomination under Clause 42(1) be made to commence at 8:00 am and end at **4:00** pm, other provisions regarding nomination and voting time shall accordingly apply.
- ii. That the number of “nomination votes” required under Clause 42 (2) be amended as follows:
 - a. That 42 (2) (a) Nomination of Presidency should be raised to 10,000 voters with at least 500 voters from each administrative area
 - b. That 42 (2) (b), nomination of Member of the National Assembly be maintained at 300 voters from within the constituency
 - c. That 42 (2) (c) nomination of Mayor or Chairperson be reduced from ‘not less than one hundred voters’ to ‘not less than 1000 voters’ from within the administrative area.

- d. That 42 (2) (d), nomination of a Councilor be raised from seventy-five to one hundred and fifty voters from within the ward.
- iii. *That contact telephone numbers of voters shall be provided.*
- iv. That Clause 42 (4) be deleted.

19. CLAUSE43 (Payment of Deposit)

CONTEXT:

Clause 43, mandates candidates, at the time of delivering their nomination papers to deposit a sum of money as provided under section 47(1)(b) of the 1997 Constitution. Having examined the said Clause, and review the evidence presented before it, the Committee observed, in its opinion, that there is a need for an amendment to the sum of deposit for the candidate vying for the Presidency and other elective positions.

RECOMMENDATION

The Committee proposes that Clause 43 stands part of the Bill with the following amendment:

- i. That the sum proposed under Clause 43(1) be amended as follows:
 - a. 43(1)(a) D1,000,000 for Presidential candidates,
 - b. 43(1)(b) D10,000 for Member of National Assembly candidates,
 - c. 43(1)(c) D6,000 for Mayoral or Chairperson candidates, and
 - d. 43(1)(d) D3,000 for Councillorship candidates.

20. Clause 44 (Return and Forfeiture of Deposit)

CONTEXT

Clause 44 outlines conditions in which deposit paid in accordance with section 43 shall be returned to the candidates for various offices. Having examined the said Clause, the Committee proposed the following amendments.

RECOMMENDATION

The Committee proposes that Clause 44 stands part of the Bill with the following amendments:

- i. Noting that Clause 44(d)(i) reflects the provision of section 47 (1)(b) of the 1997 Constitution, the Committee resolved that, the percentage provided for the return

of deposit for candidates for the Office of President (Clause 44(d)(i), cannot be altered without an amendment being effected on the Constitution.

- ii. The Committee recommends that the *twenty percent (20%)* provided for the offices of National Assembly-Members, Mayor/Mayoress, and Chairpersons under Clause 44(d) (ii) be maintained.
- iii. Recommends that, a new clause be drafted to cater for Councilors, and the percentage of votes required reduced to *twenty percent (20%)*.

21. CLAUSE 49 (Objection to nominations)

CONTEXT

Clause 49 provides a right for *registered voters* to object against the nomination of a candidate. It equally outlined the conditions and procedure through which the objection must be made.

RECOMMENDATION

The Committee proposes that Clause 47 stands part of the Bill **with** the following amendment:

- i. That the time for filling in the objection under Clause 49(2) be reduced from 8 am to 4 pm and *“the after the public scrutiny” in the bill should be deleted.*
- ii. Recommends that **Clause 49(3)** be deleted.
- iii. That all numbering affected to be accordingly corrected.

22. CLAUSE 51 (Withdrawal of candidature)

CONTEXT

Clause 51 deals with the mechanism for the withdrawal of candidature. It outlined the timeframe within which such withdrawal could be made and the duty of the Returning Officers throughout the process among other things.

RECOMMENDATION

The Committee proposes that Clause 51 stands part of the Bill with the following amendments:

- i. The timeframe provided under Clause 51(1) (a) be reduced from *“three (3) months”* to *eleven (11) days*, and the word **‘or’** at the end of the sentence, be removed.
- ii. That Clause 51(1) (b) be deleted.
- iii. That *‘for endorsement’*, at Clause 51(3) (a) be deleted.
- iv. That the word *‘field’*, Clause 51(4), line 4, be corrected to *‘file’*;
- v. That *“seven (7) days”* at Clause 51(4) be reduced to *three (3) days*, and

- vi. That Clause 51(5) be amended as in Clause 51(4), IV above.

23. CLAUSE 52 (Publication of particulars of candidates)

The Committee observed, in its opinion, that Clause 52 is sufficiently drafted. However, recommends:

RECOMMENDATION

- i. That the introductory text of Clause 52 be amended to read “*immediately after*” nomination instead of “*before the day of the election*”

24. CLAUSE 48 (Death of a candidate)

CONTEXT:

Section 48 of the 1997 Constitution mandates the Independent Electoral Commission to appoint a new nomination day if a candidate dies between nomination day and polling day. Section 48 reads.

“Where a nominated candidate dies between nomination day and polling day, the Independent Electoral Commission shall appoint a new nomination day and, if necessary, a new day or days for the election.”

The provision of section 48 of the 1997 Constitution is reproduced in section 54 of the Electoral Decree without modification save that it elaborated on certain procedures relating to the death of a candidate.

However, Clause 54 of the Election Bill, reproduced the content of the provision of section 48 of the 1997 Constitution and further added an exception under clause 54(2). Clause 54(2) of the Bill provides that “Notwithstanding subsection (1), the death of an independent candidate shall **not** be a ground to postpone an election.”

The Committee observes that caution needs to be taken regarding the exception provided in Clause 54(2). Since the Constitution did not distinguish between a citizen (candidate) who wishes to exercise his or her political right under section 26 by establishing a political party and another who otherwise chooses to exercise his right of the franchise under section 39 of the Constitution.

RECOMMENDATION

- i. The Committee recommends that Clause 54 (2) be *deleted*.
- ii. That all wrong numbering or those affected be automatically rectified.

PART V - CONDUCT OF ELECTIONS AT POLLING STATIONS, VOTING, AND COUNTING OF VOTES

25. CLAUSE 55 (Polling centres and polling stations)

CONTEXT

Clause 55 deals with “*polling centers and polling stations*”. It mandates the Commission to divide Constituencies for a referendum, electoral division etc. It laid the factors to be given consideration when demarcating electoral boundaries.

RECOMMENDATION

The Committee proposes that Clause 55 stands part of the Bill with the following amendments:

- i. That Clause 55 (1)(a) be amended to read ‘**election or referendum to be held in polling 'stations'** and *not* ‘centres’.
- ii. That Clause 55(1) (b) be amended to read “**polling centre**” and not ‘*area*’.
- iii. That Clause 55 (1) (c) be amended to read “**polling centre**, and not ‘*area*’.
- iv. That the word “**area**”, under Clause 55 (1) (d) (ii) and (iii) be replaced by ‘**polling centre**’.
- v. That the term “*polling center*” under Clause 55(4) be changed to “*polling stations*”

26. CLAUSE 56 (Preparation of polling stations)

CONTEXT

Clause 56 addresses issues of "preparation of polling stations" prior to voting. The Committee considered that there is a need to effect an amendment to the Clause.

RECOMMENDATION

- i. The Committee noted that there are some errors in the numbering of “*subsections*” in the said Clause and thus, recommends correction on the numberings of subsections.
- ii. That the term “*drum*” be inserted next to ‘*ballot box*’ under Clause 56(2), and throughout the Bill as a general amendment.

27. CLAUSE 57 (Conduct at polling stations)

CONTEXT

Clause 57 deals with the maintenance of orderliness at polling stations. The Committee observed, in its opinion, that Clause 57 is sufficiently drafted. However, it recommends the following:

RECOMMENDATION

- i. That the word “*so*” under Clause 57(4), between “*of*” and “*voting*” be removed.
- ii. That the use of “*security officer*” under Clause 57(2) be an amendment and replaced with ‘*police officer*’ as a general amendment.

28. CLAUSE 58 (Equipment for polling)

CONTEXT

The Committee examined Clause 58, and reviewed the evidence presented before it. The Committee observed, in its opinion, that the said Clause is sufficiently drafted. However, the committee recommends the following amendments.

RECOMMENDATION

- i. That the term “**taking**”, as used under Clause “58(d)” be replaced by the term “**Conducting.**”

29. CLAUSE 59 (Admission to polling stations)

CONTEXT

The Committee examined Clause 59, and review the evidence presented before it. The Committee observed, in its opinion, that the said Clause is sufficiently drafted. However, the committee recommends the following amendment.

RECOMMENDATION

- i. That Clause 59(1)(d) be redrafted to read “*persons assisting aged voters, the sick, or voters with disabilities*”

30. CLAUSE60 (Polling agents)

CONTEXT

Clause 60 deals with "polling agents", their appointment, "rights" and limitations on their conduct at polling stations. The Committee observed, in its opinion, that the said Clause requires a certain amendment to better strengthen it.

RECOMMENDATION

- i. That the comma (,) in Clause 60 (1) between the word "*candidates*" and only, be removed, and replaced with "**and**".
- ii. That the term "accounting" between "room" and "of" in Clause 60(1), be deleted and replaced with "*counting*".
- iii. That the 'comma' (,) between "*place*" and '*shall*' in Clause 60(3) be deleted.

31. CLAUSE61 (Special dispensation for voter`s on election duty)

It is the opinion of the Committee that the provision is sufficiently drafted. However, the Committee proposes the following amendments:

RECOMMENDATION

- i. That the use of the term "*voters*" in the heading of Clause 61 be changed to "*voters*".
- ii. That the introductory text of Clause 61 be redrafted to read "*The Commission shall allow an Election Officer, Polling Agents, and Police Officers*".

32. CLAUSE65 (Commencement and close of polls)

Having examined Clause 65, and review the evidence presented before it, the Committee proposed the following amendment.

RECOMMENDATION

The Committee proposes that Clause 65 stands as part of the Bill with the following amendment.

- i. That Clause 65(2)(a) be deleted.

33. CLAUSE67 (Assisted voters)

Having examined Clause 67, and review the evidence presented before it, the Committee propose the following amendment.

RECOMMENDATION

- i. That “**or her**” be added between “*his*” and “*voting*” in Clause 67(2), at the end of the sentence.

34. CLAUSE68 (Priority of voting)

Having examined Clause 68, and review the evidence presented before it, the Committee the following amendments.

RECOMMENDATION

- i. That the phrase '*persons with disabilities*' be inserted in Clause 68(c) to replace the phrase '*persons with disability*'.
- ii. That the phrase “*the elderly and the sick*” be added in Clause 68(d).

35. CLAUSE69 (Offences within a polling station during voting)

Having examined Clause 69, and review the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the use of the term “token” in Clause “69(2), be amended, as a general amendment, to read '*token/paper*'; and that the word '**or**' after '**token**', at the end of the same Clause be deleted.

36. CLAUSE72 (Sealing of ballot boxes)

Having examined Clause 72, and review the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the title of Clause 72, be amended to read '**Sealing of Ballot Boxes/Drums**'.
- ii. That the term “box” as used in Clause 72(1) (a)and(b), be replaced by “**box/drum**”, as a general amendment.
- iii. That “**box or boxes**” be inserted adjacent to “**drum or drums**” in Clause 72 (2) (3) (4) & (5).
- iv. That the word “**be**” be added between “*can*” and “*seen*” in Clause 72(2).

37. CLAUSE 73 (Duty of Presiding Officer at the close of polls)

Having examined Clause 73, and review the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the spelling of ‘**park**’ in Clause 73(5) be changed to ‘**pack**’, and
- ii. The words “Ballot boxes” in the same clause be deleted and replaced with ‘*electoral materials*’ and the phrase “*to the Commission*” added at the end of the Clause.

38. CLAUSE 75 (Appointment of counting agents)

The Committee observed, in its opinion, that the said Clause is sufficiently drafted. However, the Committee propose the following amendment.

RECOMMENDATION

The Committee proposes that Clause 75, stands part of the Bill with an amendment.

- i. That the ‘s’ in “Counting agents’ be removed to make it singular.

39. Clause 76 (Counting of votes)

Having examined Clause 76 and review the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the term “Returning officer”, in Clause 76(1) be changed to “Presiding Officer”.
- ii. 76(6), and 76(8) *ibid*.
- iii. That the general amended as regards “*ballot token/paper*” and “*ballot/drum*” above, be applied in clauses 76(4), 76(5) (a), and (b), and where **ballots** and **tokens** are pluralized, be made single.

40. CLAUSE 79 (Recount of votes)

Having examined Clause 79 and review the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the term '*Returning Officer*' in Clause 79(1) be changed to '*Presiding Officer*'.
- ii. That "*at most twice*" be inserted after "**recounted**" and "**or**" in the same Clause to replace the phrase "*or again recounted*".

41. CLAUSE 80 (Equality of votes)

CONTEXT

Clause 80 mandates the Commission to re-conduct an election, in an event of an equality of votes in an election. The same is provided for in section 48(5) of the 1997 Constitution as regards Presidential polls. Having examined Clause 80 and review the evidence presented before it, the Committee propose the following amendment.

RECOMMENDATION

- i. That the phrase "*within one month*" in Clause 80(2) be inserted at the end of the sentence.

42. CLAUSE 81 (Report on counting of votes)

Having examined Clause 81 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the term '*Returning Officer*' as used in the Clause be amended to "*Presiding Officer*".
- ii. That the phrase "*cast per polling station*", at Clause 81(1) (a) be replaced to '*...cast at a polling station...*'
- iii. That the general amendment above as regards '*ballot tokens/papers*' be applied to 81(1) (d).
- iv. That the word '*spoilt*' in Clause 81(1) (g) be replaced by '*spoil*'.
- v. That the use of the term '*Returning Officer*' in Clause 81(2) be amended to '*Presiding Officer*'
- vi. That the term "*polling centre*" in Clause 81(4) be amended to '*polling station*'...", and, "*for public attention, and provide a copy to each candidate's agent*" was added at the end of the same sub-clause.

43. CLAUSE 82 (Transmission and declaration of results)

Having examined Clause 82 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the word “officers”, as used in Clause 82, be made *singular*.
- ii. That “*polling center*”, in Clause 82(2), be changed to “*polling station*”.
- iii. That the word “*officers*” in Clause 82(3) be made singular, the “s” in “*officers*”, deleted.

44. CLAUSE 83 (Publication of results)

Having examined Clause 83 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That ‘**or referendum**’ be added in Clause 83(1)(a) between “*election*” and “*and*”
- ii. That under Clause 83(1)(b), be partly redrafted to read “*in pursuance of this Act for a period of ten days*” instead of ‘*one month*’.
- iii. That the general amendment as regards ‘tokens/papers’ above, be applied to Clauses 83(2) (a) (b) and (d).

PART VI - ELECTION CAMPAIGN, ELECTION CAMPAIGN ETHICS, AND USE OF RADIO AND TELEVISION

45. CLAUSE 86 (Election campaign periods)

Having examined Clause 86 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the phrase ‘*After the close of nominations should*’, in Clause 86(1) be deleted, and replaced with ‘*The Commission*’.
- ii. That the phrase “*different offices or political parties*” in Clause 86(2) be redrafted to read “*different offices, political parties, and candidates*”.

46. CLAUSE 88 (Holding a demonstration or procession)

Having examined Clause 88 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the word “*rally*” be added to the title of the Clause to read as “*Holding a demonstration, possession, or rally*”, and
- ii. Under clause 88(3), “*or rally*” to be added after *possession* and “or” before “*possession*” to be deleted.

47. CLAUSE 91 (Obligations of candidates and political parties)

Having examined Clause 91 and reviewed the evidence presented before it, the Committee propose the following amendment.

RECOMMENDATION

- i. That the “s” in “**campaigns**” in Clause 91(c) be deleted, to singularize the word.

48. CLAUSE 94 (Equal access to air time on public radio and television)

Having examined Clause 94 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the phrase “**without cost**” be added at the end of Clause 94(1).
- ii. That the word “*which*” between the words “*party*” and “*wishes*” be replaced with “*that*” in Clause 94(3).

49. CLAUSE 96 (Rates of air time)

Having examined Clause 96 and reviewed the evidence presented before it, the Committee propose the following amendment.

RECOMMENDATION

The Committee proposes that Clause 96 stands part of the Bill with the following amendments:

- i. That reference to “*section 89*”, in Clause 96(1) be deleted and replaced with “**Section 86**”.

50. CLAUSE 99 (Presentation of election petition)

Having examined Clause 99 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

The Committee proposes that Clause 99 stands part of the Bill with the following amendments:

- i. That Clause 99(1) (a) be deleted.
- ii. That the phrase “*political party*” be added in Clause 99(1) (c) to read ‘*was a candidate or political party at the election*’
- iii. That all numbering affected in the said Clause to accordingly be corrected.

51. CLAUSE 101 (Trial of Election Petition)

Having examined Clause 101 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 101(2), general amendment, on ‘**ballot box/drum**’ be effected.
- ii. That in Clauses 101(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), & (12), general amendment on ‘**ballot token/paper**’, be effected.

52. CLAUSE 107 (Registration of political parties)

Having examined Clause 107 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That Clause 107(1)(e) be deleted;
- ii. That the term “**emblem**” under Clause 107(2) (e) be deleted, and
- iii. That in Clause 107(2)(h), the registration fee of one million should be increased to two million Dalasi (D2, 000 ,000)

53. CLAUSE 108 (Political Parties to Notify Commission of Change)

Having examined Clause 108 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That Clause 108(1) (a), be deleted,
- ii. That “emblem” under Clause 108, be deleted.

54. CLAUSE 110 (Cancellation of registration)

Having examined Clause 110 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the word “*shall*” between “Commission” and “first”, under Clause 110(2) be deleted and replaced with “**may**”.

PART IX- OFFENCES AND PENALTIES

55. CLAUSE 112, (Offences in respect of voter registration, voter forms, and voting)

Having examined Clause 112 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That under Clause 112(1) (c), (e), (f), general amendment, on ‘*ballot box/drum*’ and ‘*ballot token/paper*’ be effected,
- ii. That the word ‘**station**’ under Clause 112(1)(f), be deleted and replaced with “**station;**” and that “*Result centre*” in the same Clause be replaced by “*counting centre*’, and
- iii. That the inverted commas between ‘**to**’ and ‘**a**’, in Clause 112(h), be removed.

56.CLAUSE 113 (Offences relating to registers)

Having examined Clause 113 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That **'book and registration stamp'** in Clause 113(c), be replaced with **'claimant form'**.

57.CLAUSE 116 (Offence relating to interference with an election)

Having examined Clause 116 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 116(1), the term instead *"of five years"* be replaced with *"fine of ten thousand dalasis or an imprisonment of not exceeding two years"*;
- ii. That Clause 116(2), be amended to *"imprisonment of not exceeding seven years."*
- iii.

58.CLAUSE 131, (Referendum question and notice of referendum)

Having examined Clause 131 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 131 (3) (a), a general amendment be effect, i.e., **'ballot box/drum'**.
- ii. That in Clause 131(4), the word *"constituency"* be amended to *"administration area/region"*; and **'Constituency'**, in the phrase **'notify the voters of the Constituency of the referendum'**; be pluralized.

59.CLAUSE 132 (Referendum campaign)

Having examined Clause 132 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That under Clause 132(2), *'forty-eight hours'* be changed to *'twenty-four' hours*.

60. Clause 134 (Accreditation of referendum observers and Journalists)

Having examined Clause 134 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That Clause 134(4) be amended to read 'without prejudice to the generality of subsection (3) instead of "4".
- ii. That in Clause 134(6) 'six months' be amended to read 'two months'.

61. Clause 136, (Equipment of Polling Stations)

Having examined Clause 136 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 136(1, 2, &3), general amendment on 'ballot box/drum' and 'ballot boxes/drums' be effected.

62. Clause 137, (Voting)

Having examined Clause 137 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That Clause 137(2), general amendment on 'ballot token/paper' be effected.
- ii. That Clause 137(3) (a) "Constituency or electoral division" be amended to 'vote in a Polling Station'.

63. Clause 138 (General Voting Procedure)

Having examined Clause 138 and reviewed the evidence presented before it, the Committee was satisfied with the provision. However, it recommends the following **general** amendments on ballot token/paper' to effect under this provision.

64.Clause 139 (Communication with voters at polling station)

Having examined Clause 139 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 139(1) '**security officer**' be amended to '**police officer**'.
- ii. That in Clause 139(2), '**a blind**' replaced with '**visually impaired**'.

65.Clause 140 (Results of referendum)

Having examined Clause 140 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 140, the phrase '**simple majority**' be amended to, '*fifty percent of registered voters to participate and seventy-five percent of registered voters voted in favour*'.

66.Clause 142, (Referendum polling agents)

Having examined Clause 142 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 142(1), '*The Political*' be replaced with '*The Commission*'. Additionally, The IEC must not appoint polling agents, instead it is the responsibility of political parties.
- ii. 142(2)&142(3), as provided above.
- iii. That in Clause 142(5), general amendment, on marble and drum, be effected, *paper ballot*.

67.Clause 143, (Rights and duties of a referendum polling agents)

Having examined Clause 143 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. *Rights and duties of a referendum polling agents* amended to “**Rights and duties of a referendum polling agents**’,
- ii. ‘**Agents**’ to be singularized,
- iii. That in Clause 143 (1) (b), (d), (f), general amendment on ‘ballot boxes/ drums’ be effected,
- iv. That in Clause 143(2), the recurring ‘**shall**’, be deleted,
- v. That in Clause 143(3) ‘**The Returning Officer**’ be amended, to read ‘**The Presiding Officer**’,
- vi. That in Clause 143(4), the term ‘*referendum officer*’ be amended to “*Presiding Officer*’, and
- vii. That *Clause 143(1)(f) should be deleted.*

68.Clause 146 (Security for Elections)

Having examined Clause 146 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 146(1), amended, ‘.... **registration of voters and the conduct of election**’, ‘**and Referendum**’ added after ‘**election**’.

69.Clause 151(Power of the Commission to make rules)

Having examined Clause 151 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That Clause 151(2) (a) & (b) be deleted,
- ii. That Clause 152(2) (e), general amendment on ‘*police officers*’ to ‘security officers’ be effected,
- iii. That the term, “*Referendum*”, be added to read ‘.... **Presidential elections and referendum**’, and
- iv. That all numbering affected to be corrected.

70.Clause 152 (Voter education)

Having examined Clause 152 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the word "*institution*", be amendment to the phrase "*....in collaboration with relevant public institutions*".

71. Clause 154(Security of Presidential candidates)

Having examined Clause 154 and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That the word "*candidate*" be pluralized.
- ii. That the recurring "*enough*" deleted.

72. Clause 157 (savings and transitional provisions)

Having examined Clause 157and reviewed the evidence presented before it, the Committee propose the following amendments.

RECOMMENDATION

- i. That in Clause 157 (a), '*a*' be added before "**proceeding**" to read '**a proceeding**".
- ii. That in Clause 157(b), *last* 'and' deleted.

CONCLUSION

Periodic free and fair election is one of the most important pillars and prerequisite of democracy. It is through such election that the will and opinions of the citizens are reflected, and the legitimacy of governments is obtained.

This bill is, above been important, crucial in The Gambia's transition and solidification of democratic rule. It is important because government belongs to the people, thus, requiring the people to serve in that government.

Needless to say, it is incumbent upon the state to promulgate rules that prescribe how the electoral system operates, method of voting, class of citizens entitled to vote and be voted for, how to be voted into various offices, who conducts the electoral

process and the resources required to conduct various elections needed to fill elective public offices.

By introducing this Bill, the Executive recognizes its role, and sorts to better the Electoral Decree 78.

Now the baton is on this Legislature to duly, and faithfully execute its mandate to the People of The Gambia.

Therefore, the Joint Committee enjoins the Assembly, to thoughtfully....
Thoughtfully examine this Bill in the interest of bettering our electoral laws and enhancing our democratic rule.

It is equally important to point out that laws in general and particularly Electoral Laws are the bedrock of the state's existence. To affirm the legitimacy of governments, and the peaceful co-existence of the state, this Assembly, must not lose sight of this fact.

Therefore, care and consciousness should be applied in the scrutiny and approval of the laws before us. It is also important to remind this honourable Assembly and other stakeholders that there is a need to periodically review of these laws to either respond to emerging issues or address some of the lapses and loopholes, and we must do so considering the contemporary demand of our society, and governance process.

I thank the Members of the Joint Committee, the Staff of the National Assembly attached to the Joint Committee, both former and present, Office of the Clerk, Subject Matter Specialists, the Civil Society Organization, and Gambians of all works of life for their invaluable contribution in providing opinions an guiding the Joint Committee to reach its recommendations.

I beg to move.

COMPOSITION OF THE JOINT COMMITTEE

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2. Hon. Seedy SK Njie	Vice Chairperson
3. Hon. Fatoumatta Njai	Member
4. Hon. Suwaibou Touray	Member
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9. Hon. Birom JS Sowe	Member

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2. Hon. Kebba K. Barrow	Vice Chairperson
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4. Hon. Musa Badjie	Member
5. Hon. Kemo Gassama	Member
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9. Hon. Ebrima Jaiteh	Member

10. Hon. Abdoulie Njai	Member
11. Hon. Kebba Jallow	Member
12. Hon. Omar Jobe	Member

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4. Ms. Isatou Sonko	Committee Clerk
5. Ms. Fatoumatta Keita	Committee Clerk
6. Mr. Mamadou AM Bah	Committee Clerk
7. Ms. Fatoumatta Sisawo	Research Officer
8. Ms. Mary T. Mendy	Research Officer
9. Mr Lamin Dibba, Esq	Senior Legal Officer
10. Mr. Toney F Mendy	Senior Table Clerk

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3. Mr. Cherno B. Jallow
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2. Hon. Musa Amul Nyassi	(Co-Chairperson)
3. Hon. Suwaibou Touray	
4. Hon. Yakumba Jaiteh	
5. Hon. Alagie H. Sowe	
6. Hon. Ndey Yassin Secka	
7. Hon. Alagie H. Sowe	
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9. Hon. Omar Ceesay	
10. Hon. Lamin J. Sanneh	
11. Hon. Momodou Camara	

12. Hon. Kebba Jallow
13. Hon. Foday NM Drammeh
14. Hon. Billay G Tunkara
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23. Hon. Dembo KM Camara
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FORMER SUPPORT STAFF

- | | | |
|-------------------------|---|----------------------------------|
| 1. Mr. Sulayman Jallow | - | Senior Legal Officer |
| 2. Mrs. Amie Barrow | - | Research Officer |
| 3. Miss Ndey Astou Joof | - | Assistant Senior Committee Clerk |

LIST OF POLITICAL PARTIES, LOCAL GOVERNMENT AUTHORITIES, CIVIL SOCIETY, CSO, AND EXPERTS

(Annex 1)

MINISTRIES

1. Ministry of Justice
2. Ministry of Interior
3. Ministry of Finance and Economic Affairs
4. Ministry of Foreign Affairs and Gambians Abroad

POLITICAL PARTIES AND ENTITIES

1. Alliance for Patriotic Reorientation and Construction (APRC)
2. Citizen's Alliance (CA)
3. Gambia For All (GFA)
4. Gambia Moral Congress (GMC)

5. Gambia Party for Democracy and Progress (GPDP)
6. Gambia Action Party (GAP)
7. Gambia Democratic Congress (GDC)
8. National Reconciliation Party (NRP)
9. National People's Party (NPP)
10. People's Democratic Organization for Independence and Socialism (PDOIS)
11. People's Progressive Party (PPP)
12. United Democratic Party (UDP)
13. Inter-Party Committee

STATE INSTITUTIONS

1. Independent Electoral Commission
2. National Human Rights Commission
3. Gambia Public Procurement Agency

1. Banjul City Council (BCC)
2. Kanifing Municipal Council
3. Brikama Area Council
4. Basse Area Council
5. Mansakonko Area Council
6. Kerewan Area Council
7. Kuntaur Area Council
8. Janjangbureh Area Council
9. Gambia Association of Local Government Authorities

1. CSO coalition on Election
2. Action Aid- The Gambia
3. West Africa Network for Peace Building
4. Migration and Sustainable Development Goal Project
5. Diaspora Gambia
6. Gambia Federation for the Disable
7. National Democratic Institute