

THE PRESIDENTIAL TRANSITION ACT OF 2024

Draft



REPUBLIC OF LIBERIA

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PREAMBLE

Whereas, Liberia is building a strong foundation and culture of democratic value for ensuring peaceful development and enduring stability;

Whereas, it is in the best interest of the Republic that there exists a legal framework/protocol for the organized and smooth transition of power from one democratically elected President to another democratically elected President;

Whereas, without a transition law the management of proper transfer of political power from one democratically elected President to another democratically elected President becomes a daunting challenge to sustain the democratic gains made thus far;

Now, therefore,

It is enacted by the Senate and the House of Representatives of the Republic of Liberia in Legislature assembled.

PART I. PRELIMINARY PROVISIONS

Section 1: Short Title

This Act shall be called the Presidential Transition Act of 2024.

Section 2: Purpose of Act

The purpose of this Act is to establish arrangements or mechanisms for the proper management of the transfer of political power or administration from one democratically elected President to another democratically elected President.

Section 3: Applicability

The provisions of this Act shall trigger immediately after the declaration of the winner of the Presidential elections by the National Elections Commission in any year the election is held beginning with the elections of 2029, and where the incumbent

occupant of the Office of the President of Liberia is not the declared winner in accordance with the Constitution of Liberia, and the New Elections Law (as amended).

PART II. THE PRESIDENTIAL TRANSITION TEAM

Section 1: Establishment of the Joint Presidential Transition Team

- 1.1. There is hereby established a Joint Presidential Transition Team to be constituted following the conduct of every Presidential election in which the incumbent President is not the declared winner. The Joint Presidential Transition Team shall be constituted within 72 hours after the announcement of the result of the Presidential election in keeping with Article 83 (c) of the Constitution of Liberia.
- 1.2. *Composition*
 - (a) The incumbent President shall appoint fifteen (15) persons to the Joint Presidential Transition Team and they shall be as follows (1) the Minister of State for Presidential Affairs; (2) the Minister of Foreign Affairs; (3) the Minister of Finance and Development Planning; (4) the Governor of the Central Bank of Liberia; (5) the Minister of Internal Affairs; (8) the Minister of Defense; (9) the Director of the Executive Protective Services; (10) the Director General of the General Services Agency and three (3) other Liberians at the discretion of the incumbent President. The Minister of State for Presidential Affairs shall be the Secretary to the Joint Presidential Transition Team and shall be responsible for submitting the final report as provided for in this section.
 - (b) The President-Elect shall appoint fifteen (15) persons to the Joint Presidential Transition Team, all of whom must be Liberian citizens, eligible to serve at a cabinet-level position, a position in the Legislature, or in the security services of Liberia. A sitting member of the cabinet or the separation of powers may be preferred by the President- Elect. The President-Elect shall name his/her appointees to the Joint Presidential Transition Team not later than forty-eight (48) hours after the declaration of the President-Elect by the National Elections Commission in accordance with Article 83 (c) of the Constitution of Liberia.
 - (c) The President and the President-Elect shall be Co-chairpersons of the

Joint Presidential Transition Team, provided, however, the President and the President-Elect may designate any member of the Joint Presidential Transition Team to act as Co-Chairpersons in the absence of the President or President-Elect, as the case may be.

- (d) Decision of the Transition Team shall be made by consensus and any disagreements shall be resolved by the President and the President-elect.

2. *Duration*

The Joint Presidential Transition Team shall commence its functions and exercise the powers and authority granted by this Act within 72 hours following the declaration of the President-Elect by the National Elections Commission. The Joint Presidential Transition Team shall continue to perform the functions and exercise the powers and authority granted under this Act until the day of the inauguration of the President-Elect. The Transitional Team shall cease to exist after the inauguration of the President-Elect.

Section 2: Functions of the Joint Presidential Transition Team

- (a) The functions, powers and authority of the Joint Transition Team are:
 - 1. Make comprehensive practical arrangements to regulate, in accordance with this Act, the transfer of political power from one democratically elected President to another democratically elected President following a presidential election;
 - 2. Ensure the provision of regular national security briefing for the President-Elect during the period commencing immediately upon the constitution of the Joint Presidential Transition Team by the incumbent President and the President-Elect.
 - 3. Ensure that every adequate and lawful step is taken to promote the orderly transition in the Office of the Presidency from the President to the President-Elect.

4. Ensure that every adequate and lawful step is taken to promote the orderly transition in all offices of the Executive Branch of the Liberian Government during the duration of the term of the Joint Presidential Transition Team;
 5. Take appropriate lawful steps and actions to avoid or minimize disruptions that might be occasioned by the transfer of executive powers in keeping with the Constitution and laws of Liberia from the President to the President-Elect.
 6. Liaise with all government agencies to ensure the provision of services and facilities in pursuance of this Act; and
 7. Ensure that there is a smooth and effective transition from the out-going administration of the President to the in-coming administration of the President-Elect in pursuance of this Act.
- (b) All agencies and parastatals of the Executive Branch of the Liberian Government shall cooperate with the Joint Presidential Transition Team in the performance of its functions and the exercise of the authority and powers granted to it by this Act.
- (c) Where the incumbent President is reelected, he/she shall constitute the Transition team.

Section 3: Meetings and Report of the Joint Presidential Transition Team

- (a) The President shall call the first meeting of the Joint Presidential Transition Team within Seventy-two (72) hours of the declaration of the winner of the presidential election by the National Elections Commission. If the President fails or neglects to call the first meeting of the Joint Presidential Transition Team within the aforesaid Seventy-two (72) hours, the President-Elect shall call the first meeting of the Joint Presidential Transition Team within the first twenty-four (24) hours after the expiration of the aforesaid Seventy-two (72) hours.
- (b) Every meeting of the Joint Presidential Transition Team after its first meeting shall be convened by the President and President-Elect jointly. Should either the President or the President-Elect refuse to call a meeting

of the Joint Presidential Transition Team after request of the other, the one who has made the request for the meeting may call such a meeting of the Joint Presidential Transition Team not later than four (4) days after making a written request to the other for the meeting of the Joint Presidential Transition Team.

- (c) The President and the President-Elect shall preside jointly as co-chairpersons of the Joint Presidential Transition Team and in the absence of either of them, the absented person may designate any member of the Joint Presidential Transition Team to act in his/her behalf as co-chairperson of the Joint Presidential Transition Team.
- (d) Meetings of the Joint Presidential Transition Team shall be conducted consistent with standard parliamentary procedures; provided, however, the Joint Presidential Transition Team may determine any other procedure that it deems appropriate for the conduct of its meetings.
- (e) The Joint Presidential Transition Team shall publish a report on its activities not later than one hundred (100) days after the Inauguration of the President-Elect.

Section 4: Funding and Support of the Joint Presidential Team

- (a) No special allocation shall be made for the funding and support of the Joint Presidential Transition Team in the national budget; provided, however, the President is authorized to reallocate any resource and asset of the Liberian Government, especially funds budgeted as General Claims under the Budget Act of the Presidential election year, to fund and support the functions of the Joint Presidential Transition Team.
- (b) The appointees of the President to the Joint Presidential Transition Team, being executives of the Liberian Government and being paid salaries, benefits and emoluments up to the end of the mandate of the Joint Presidential Transition Team, shall not be entitled to any additional compensation or benefits for their services on the Joint Presidential Transition Team.
- (c) The appointees of the President and President-Elect who may not be public servants to the Joint Presidential Transition Team shall be paid honorarium as shall be decided by the President and President-Elect.

PART III. SERVICES AND FACILITIES TO BE PROVIDED TO THE PRESIDENT-ELECT AND VICE PRESIDENT-ELECT, FORMER PRESIDENTS AND VICE PRESIDENTS

Section 1: Services and Facilities Authorized to be Provided to a President-Elect and a Vice President-Elect

There shall be provided to the President-Elect and Vice President-Elect, facilities, logistics and materials in connection with preparation for the assumption of official duties as President and Vice President, which shall include but not be limited to the following:

1. Suitable office spaces properly equipped and furnished.
2. Payment of travel expenses and subsistence allowances, including the use of Government vehicles and other assets, needed by the President-Elect and the Vice President-Elect, or as authorized for persons employed intermittently or for persons serving without compensation as may be appropriated by the President.
3. Communication services, equipment and facilities needed by the President-Elect and Vice President-Elect; and
4. Daily briefings by all relevant heads of agency of the Liberian Government, especially those agencies and personnel managing the economy, finance and security of the country and such daily briefings shall be provided to the President-Elect and Vice President-Elect commencing from the day of declaration of the President-Elect by the National Elections Commission.

Sections 2: Services to be Provided to Former Presidents and Former Vice Presidents

1. Provisions of Office Space: The former President and Former Vice President of the Republic of Liberia shall be provided, by the General Services Agency or any successor agency, such suitable office spaces appropriately equipped with furniture, furnishings, office machines and equipment and supplies, within the Republic of Liberia for the rest of their natural lives.
2. Vehicles: The former President of Liberia shall be provided two (2) vehicles and the former Vice President of Liberia shall be provided one (1) vehicle.

3. Security: The former President and Vice President shall be entitled to adequate and appropriate security as may from time to time be determined by the Director of Executive Protection Service (EPS) in consultation with the former President and former Vice President. Provided, however, that in no event shall the security detail around the former President be less than five (5) armed security personnel at all times, and around the former Vice President be less than three (3) at all times.
4. Papers: The Public Papers of the President contain most of the President's public messages, statements, speeches, and news conference remarks, Proclamations, Executive Orders, and similar documents that are published by the Executive Mansion. These papers will be archived and delivered to the Former President by the Center for National Documents and Records Agency (CNDRA), which shall maintain a copy thereof.
5. Provision of Budget (A): There shall be an annual budgetary appropriation for the upkeep of the former President which shall be subject to cost of living adjustment for the rest of their natural lives.
6. Provision of Budget (B): There shall be an annual budgetary appropriation for the upkeep of the Former Vice President which shall be subject to cost of living adjustment for the rest of their natural lives.
7. Provision for Dependents: The surviving spouse or legal minor dependents of the former Presidents and former Vice Presidents shall be entitled to one-third of the annual budgetary appropriation referred to above respectively. The spouse shall receive said amount for his/her natural life, and the legal minor dependents shall continue to receive said amount until they reach age 18.

Section 3: Privileges for Former Presidents and Former Vice Presidents

1. Use of Travel Facilities. Former Presidents and former Vice Presidents shall be allowed the use of VIP lounges, facilities, and personnel including tarmac side pickup and drop off whenever they travel in and out of Liberia. The former President or Vice President shall be entitled to use the Presidential palaces in the various counties when not in use by the President of Liberia or the Vice President of Liberia when they visit the interior of Liberia outside of Monrovia and their home county.
2. Assistance by Liberian Missions Abroad. Whenever the former President or former Vice President travel abroad, the Liberian Embassy or consulate in the country or visitation shall assist the former President or former Vice President with the protocols necessary

for the visit including but not limited to lodging, program, appointments, and diplomatic relations.

Section 4: Vacating Official Offices and Official Residences

1. The incumbent President and the incumbent Vice President shall vacate their official offices and official residences not later than Inauguration Day.
2. Any other official of the Liberian Government who ceases to hold office upon the inauguration of the President of Liberia shall vacate his/her official offices not later than the day after Inauguration Day. He/she shall vacate any official residence not later than two (2) weeks after they cease to hold their office.

PART IV. ASSETS AND HAND-OVER NOTES

Section 1: Assets of the Liberian Government

Documents (hard and electronic) information about the operations of the Liberian Government shall be handed over by the President and other officials of the Executive Branch of the Liberian Government in the manner provided below:

1. *Physical assets:* A comprehensive inventory of all physical assets owned by the Liberian Government shall be conducted by the General Services Agency and submitted to the Director General of the Cabinet not later than the 30th day of December in a Presidential Election year. The Joint Presidential Transition Team may require a proper accounting of all the physical assets owned by the Liberian Government fifteen (15) days after the appointment of the Joint Presidential Transition Team.
2. *Documents and Information:* Documents for the Liberian Government and information (hard, soft or electronic) about the operations of the Liberian Government shall be inventoried by each Ministry and Agency of the Liberian Government and handed over to the Joint Presidential Transition Team not later than fifteen (15) days after the declaration of the President-Elect by the National Elections Commission in keeping with Article 83 (c) of the Constitution of Liberia. The document and information shall always remain the property of the Liberian Government.

Section 2: *Handover Notes*

The head of each Ministry or Agency shall in the manner described below, provide detailed handover notes on its operations, executed programs and plans within the last twelve (12) months, unexecuted or partially executed programs and plans, and the reasons why these programs and plans remain unexecuted or are partially executed.

1. The handover notes shall be submitted to the Director General of the Cabinet for onward submission to the President. The President shall have notes acknowledged and turn over the handover notes to the Joint Presidential Transition Team not later than fifteen (15) days after the first meeting of the Joint Presidential Transition Team. The handover notes shall be in the form and manner prescribed by the Director General of the Cabinet.
2. After receipt of the handover notes the Joint Presidential Transition Team may inquire into and/or evaluate any handover notes from any Ministry or Agency, require supplementary handover notes, or accept the handover notes as presented. The head of any Ministry or Agency shall be solely responsible for submitting the handover notes to the Joint Presidential Transition Team and shall be responsible for furnishing the necessary supplementary notes that may be required.
3. The handover notes shall be in both electronic and hard copy.

Section 3: Submission of Handover Notes to Other Functionaries

After acknowledgement of the handover notes by the President and submission of the handover notes to the Joint Presidential Transition Team, the Director General of the Cabinet shall make and distribute appropriate number of copies, both hard and electronic, to the Legislature; to the President-Elect; and to the Center for National Documents and Records Agency (CNDRA).

Section 4: Responsibility of the President for Handover Notes

The incumbent President shall have the ultimate responsibility to finalize and submit all handover notes.

PART V. TRANSITIONAL PROVISIONS

Section 1: Execution of Major Contracts

As of the date of the declaration of the President-Elect and Vice President-Elect, the incumbent Government shall not execute any major contract without consultations with the President-Elect.

Section 2: Presumption of the Validity and Legality of Government Action

It is presumed that all actions taken by the Liberian Government are constitutional, lawful, valid, binding, and enforceable. Actions taken by the Liberian Government shall not be set aside unless through the manner prescribed by the Constitution and laws of Liberia. The full faith and credit of the Republic of Liberia shall be honored, respected, and maintained at all times.

Section 3: Non-Tenured Presidential Appointees

Non-tenured presidential appointees shall be presumed to have resigned as of the date of inauguration. Such officials shall, however, continue to function pending the directive of the President or appointment of new officials in their positions.

Section 4: Effectiveness and Entry into Force

1. The obligations, rights and benefits of this Act shall inure to and be binding on the persons who become former President and former Vice President, President and Vice President or who continue to be other officials of the Liberian Government immediately after the entry into force of the Act.
2. This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING