

# National Elections in Liberia, Fall 2017

Final Report



THE  
CARTER CENTER





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# I Foreword

My grandfather, Jimmy Carter, first visited Liberia in 1978, when he was president of the United States. The nation was a symbol of stability and economic progress in West Africa. Soon a devastating coup would result in decades of war and political strife that wreaked havoc and cost countless lives. I first visited Liberia in 1997 as a part of the Carter Center's first international election observation mission in the country.

The Carter Center has long been committed to waging peace in Liberia. We have supported Liberia's return to stability through conflict resolution efforts and the restoration of the rule of law, helped promote democratic elections and institutions, and trained mental health workers to treat a nation confronting enormous tragedies, including the Ebola outbreak. As we have worked together, I have been repeatedly inspired by the strength and resilience of the Liberian people.

Liberia's 2017 election represented a critical test for the country's democracy. For the first time in 70 years, Liberia had an opportunity to peacefully transfer power from one elected president to another. The Center's international election

observation mission assessed key aspects of the electoral process, including the protracted dispute-resolution process. I was honored that The Carter Center could support the Liberian people in their efforts, and proud to co-lead an international observation delegation alongside our vice president for peace programs, Jordan Ryan, who has considerable experience in peace building in Liberia, and two dynamic African leaders, H.E. Catherine Samba-Panza of the Central African Republic for the first round, and H.E. Dr. Aminata Touré of Senegal for the presidential runoff election.

Liberia's new government, led by newly elected President George Weah, faces enormous challenges. Deeply rooted corruption and patronage threaten the country's fragile institutions; education and health sectors must be strengthened; and the economy must be bolstered. We look forward to working closely with the government and people of Liberia in meeting the challenges that lie ahead.

*Jason Carter*  
*Chair, Carter Center Board of Trustees*

# I Executive Summary

Liberia's 2017 elections represented a critical test for the country's nascent democracy. The elections were the first that the National Elections Commission (NEC) was to conduct fully independently, without large-scale international support. With incumbent President Ellen Johnson Sirleaf, who won elections in 2005 and 2011, no longer eligible to be a candidate, the 2017 elections also posed the country's first transfer of power from one elected president to another in more than 70 years. The last time power changed hands peacefully between parties was more than a century ago.

The elections were watched closely by the region and the world, and The Carter Center is honored to have deployed an observation mission.

Given the challenges, many Liberians viewed these elections with anxiety. Nonetheless, more than 2 million registered to vote, a 21 percent increase over 2011. And, notwithstanding long lines at the polls and difficulties in identifying their proper polling places, 75 percent of registered voters turned out to cast ballots on election day, Oct. 10, 2017. Overall, in spite of difficult circumstances, the Liberian people displayed a remarkable determination to participate in the elections and an abiding enthusiasm for the democratic process.

When no presidential candidate won a majority of the vote in the first round, the NEC announced a runoff would be held in early November. Shortly after the first round, Charles Brumskine—who placed third in the presidential contest—filed a legal complaint with the commission questioning the legitimacy of the result. His party was soon joined by several others, including the ruling

Unity Party, whose presidential candidate was Vice President Joseph Boakai. The extended postelection legal process was unprecedented in Liberia, and it revealed some of the complications that can arise due to gaps in the legal framework regarding the timeline and process to resolve electoral petitions. As the process played out over the next month, Liberia's political parties demonstrated an admirable commitment to the rule of law. The Supreme Court eventually dismissed much of the complaint, and the second round was finally held on Dec. 26.

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*At the invitation of the NEC and the government of Liberia, The Carter Center conducted a comprehensive long-term international observation mission of Liberia's 2017 presidential and legislative elections.*

At the invitation of the NEC and the government of Liberia, The Carter Center conducted a comprehensive long-term international observation mission of Liberia's 2017 presidential and legislative elections. The Carter Center deployed pre-election assessment delegations to Liberia in April 2016, July 2016, October 2016, and February 2017, which enabled observation of the voter registration process, and deployed a core team of experts and long-term observers in early August 2017.



Scott Umstatter

The Carter Center Election Observation Mission Delegation

For the Oct. 10 presidential and House of Representatives election, the Center deployed 50 observers from 17 countries. They visited 145 polling stations in all 15 counties to observe voting and counting. In a postelection statement released on Oct. 12, The Carter Center commended the Liberian people for their enthusiasm and determination to peacefully express their will at the ballot box. The pre-election period was characterized by a peaceful campaign period and transparent preparations but hindered by logistical challenges. Overall, while election day was peaceful, Carter Center observers reported that at some polling precincts there was confusion that resulted in extremely long lines and delayed the ability of some Liberians to cast their ballots. For the Dec. 26 presidential runoff election, The Carter Center again deployed an observation team, with observers visiting 171 polling stations in all 15 counties.

## Key Findings

### Background

Liberia spent the better part of the 20th century under one-party rule and much of the last 25 years mired in civil war and chaos. The presence of one of the U.N.'s largest peacekeeping forces played a major role in helping the country finally emerge from crisis in 2003 and served to ensure security for the first post-conflict elections that followed

in 2005. When the ballots were counted, Ellen Johnson Sirleaf had become the first woman to be elected president in Africa, and she went on to win re-election in 2011. As the end of her second and final term neared, anxiety rose throughout the country because of the lack of any peaceful transfer of power in recent times. The 2017 elections therefore represented an important challenge.

Unlike the 2005 and 2011 elections, the polls were truly Liberian-owned with only limited international technical support to the NEC and other institutions. The responsibility for security was officially transferred from the United Nations Mission in Liberia (UNMIL) to state authorities and the Liberian National Police (LPN) on June 30, 2016. Given the magnitude of these responsibilities, the Center was pleased to note that national security forces across the country largely conducted their duties with professionalism, neutrality, and integrity.

### Legal Framework

The legal framework for Liberian elections requires substantial reform in order to fully meet international standards. Limitations on the right to stand for public office based on residency and property value, along with constitutional provisions for citizenship that are tied to race, are unduly restrictive and inconsistent with international standards. The framework does not provide for the participation

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of independent candidates on an equal basis with party candidates. Although requirements placed on appointed public officials to step down from office two to three years prior to participating in an election may be intended as a protection against abuse of state resources in campaigns, these limitations unnecessarily restrict the right to stand for elections and run contrary to Liberia's commitments made under the International Covenant for Civil and Political Rights. The legislation and existing regulations are unclear and contain several gaps — for example, they do not explain what constitutes residence for the purpose of candidate registration, or the legal grounds for the de-registration of political parties that fail to comply with party and campaign finance regulations.

### **Electoral System and Boundary Delimitation**

With wide deviations in the number of voters per district, the current constituency boundaries are not consistent with the principle of equal suffrage. For the 2017 election, the electoral district with the largest number of registered voters (Montserrado 4, with 63,786) had six times as many voters as the district with the lowest number of registered voters (River Gee 3, with 10,604). This is at odds with international best practice.

### **Election Administration**

Liberian election officials led the 2017 electoral process much more than in the past, putting unprecedented pressure on the NEC's 300 staff members. While there was still substantial international support for this election, it was mainly technical and significantly less than in previous elections. The NEC functioned transparently through most of the electoral process. While transparency and communication with stakeholders, particularly political parties, decreased after the first round, the NEC continued to make efforts to keep election stakeholders and the general public informed of the status of election preparations. Although NEC sessions were not open to observation and its decisions were not consistently published, the commission held weekly press conferences and regular meetings with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the

national level.

Until the first round, political parties expressed measured confidence in the NEC's impartiality, but they regularly raised concerns about its capacity to manage the logistical arrangements for the election and sufficiently train staff. After the first round, during which many individuals were unable to easily locate their names on the voter list, political parties questioned the quality of the voter list and the NEC's management of it. At various stages, the NEC struggled to adhere to the election timeline. There were delays in the procurement and delivery of materials, including ballots. In addition, for both rounds, procedures were developed late in the process and training schedules were frequently delayed. Still, on both election days, materials and over 29,000 polling staff were in place at the vast majority of polling stations.

### **Voter Registration**

Following an ambitious process to create a new voter register, 2,183,629 people registered to vote. The NEC faced difficulties during the registration process, particularly with the voter registration materials and the quality of the paper used to capture voter registration information that made the scanning process difficult. As a result, during the exhibition of the preliminary voter list in June,

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*With wide deviations in the number of voters per district, the current constituency boundaries are not consistent with the principle of equal suffrage.*

a number of issues involving the misallocation of voters and missing, duplicate, or inaccurate entries were discovered. Throughout the voter registration process, the NEC was responsive to issues that arose. While the NEC took commendable steps to address deficiencies, stakeholders continued to express concerns over the accuracy and quality of the voter list. These concerns impacted voter and stakeholder confidence in the register and were the basis of multiple complaints following the first round.

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## Candidate Nomination

The NEC oversaw an inclusive candidate registration process and registered a total of 1,024 candidates, including 96 independents and members of 23 political parties. The NEC heard 40 appeals of candidate registration decisions, of which six were further appealed to the Supreme Court. Following controversies over the application of the code of conduct in the registration of candidates, there was widespread agreement that the Supreme Court's rulings resulted in a more inclusive process, which contributed to a peaceful electoral process. However, the politicization of

*The election process demonstrated severe marginalization of already underrepresented groups – women, religious and ethnic minorities, persons with disabilities, and the LGBTI community.*

the code of conduct law led to the failure to apply non-registration related provisions of the code, for example, those aimed at preventing the misuse of administrative resources and abuse of public office in general and in the context of an election.

## Campaign

Carter Center observers reported that parties and candidates were able to freely exercise their fundamental rights of freedom of expression, association, and assembly. Campaign activities were centered on the presidential candidates and included large rallies in Monrovia and smaller campaign events throughout the rest of the country. Campaign messages often emphasized the heritage and ethnicity of the candidates. While these messages did not involve negative stereotypes or generalizations, they seemed aimed to mobilize communities along ethnic lines and sometimes raised concerns about the prospects for postelection ethnic divisions. It should be noted, however, that compared to recent past elections in Liberia, the tensions were noticeably lower. For the most part, partisans conducted themselves

peacefully and respectfully. While the campaign was largely peaceful, there were a small number of isolated incidents of election-related violence. In providing security for campaign activities, the Liberian National Police acted with prudence and restraint. Many parties accused the ruling party of misusing state resources—particularly public space, government vehicles, and fuel—during the campaign. While Carter Center observers confirmed several instances of this practice, they also noted multiple cases in which incumbent legislators from opposition parties similarly took advantage of their official positions in campaigns.

## Media

While the Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remain largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties, nor that media offer equal terms to all parties for political advertising. The Center's mission did not conduct systematic media monitoring. However, presidential candidates expressed concerns to the Center about the lack of a level playing field caused by unequal access to the media, which if substantiated would be at odds with media access provisions included in regional treaties signed by Liberia.

## Participation of Women and Marginalized Groups

The election process demonstrated severe marginalization of already underrepresented groups—women, religious and ethnic minorities, persons with disabilities, and the LGBTI community.

### Women

Recent amendments to the election law introduced a requirement that parties must “endeavor to ensure” that they nominate no less than 30 percent of each gender. Regrettably all but two parties fell short of the provision. Given that only 16 percent of candidates for the House of Representatives were women, and women faced significant

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challenges in the campaign, this fell far short of Liberia's regional commitments. Ultimately, there was no change in the percentage of women elected to the House of Representatives. The Carter Center also regrets that women were not in more prominent leadership positions in all levels of the election administration, including among the NEC's permanent staff at the national and county levels.

### **Ethnic Minorities**

The protection of religious and ethnic minorities is critical to a democratic society. Freedom from discrimination and the right to equality before the law are core democratic obligations that must be protected during the electoral process. The Mandingo and Muslim communities have repeatedly raised concerns about the non-inclusion of their communities in the election administration and political party structures. This marginalization was cited as a key cause of the obstacles and misunderstandings the community faced in the voter registration process and candidate selection, and it limited the communities' access to voter education. During the voter registration process, The Carter Center received reports that Mandingo and Muslim Liberians faced discrimination and struggled with unequal access to the process.

### **People With Disabilities**

Commendably, the NEC acknowledged the importance of including persons with disabilities and introduced measures to accommodate their participation. Following consultations with civil society, the NEC reintroduced the tactile ballot to ensure that visually impaired voters could cast their ballots in secret. In polling places observed by The Carter Center, procedures for assisted voters, including the provision of tactile ballot guides to voters who requested them, were adequately implemented. However, the extremely limited use of the tactile ballot indicates that voter awareness of the option was not sufficient and that poll workers were not proactive in informing voters of its availability. Regarding the legal framework, the recently adopted legislation on mental health reiterates the right of persons with mental disabilities to vote unless declared incompetent, taking a step toward



fulfilling Liberia's international and regional human rights commitments.

### **LGBTI**

Liberia's legal framework criminalizes homosexuality, and the open participation of LGBTI groups (lesbian, gay, bisexual, transsexual, and intersex) in the electoral process is minimal. According to several LGBTI organizations, the level of anti-gay language increased noticeably during the campaign period, which further increased pressure on candidates to take public stances against LGBTI rights. The Carter Center condemns the existence of anti-gay legislation and regrets that homophobic speech prevents members of the LGBTI community from a meaningful and open participation in the political life of the country.

### **Citizen Observation**

Liberian law provides for citizen and international observation, in line with best international and regional practice. For this election, the NEC accredited more than 5,000 citizen observers. The two main citizen observer organizations, Liberia Elections Observation Network (LEON) and Elections Coordination Committee (ECC), issued several reports in the pre-election period and on both election days that contributed to the transparency of the process. The ECC deployed 89 long-term observers, and over 2,000 short-term observers for the first round of elections, and

Carter Center observation team leaders Catherine Samba-Panza (center) and Jason Carter meet with outgoing Liberia President Ellen Johnson-Sirleaf following the October 2017 election.

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over 1,000 STOs for the runoff election. LEON deployed 133 LTOs and about 1,000 STOs for each round of voting. These two Liberian organizations played a crucial role in strengthening electoral integrity and building public confidence. The Carter Center notes that the election process enhanced the growing role of youth, providing them with opportunities to observe and engage in civil society organizations involved in the election process. These activities also contributed to conflict prevention.

### **Oct. 10 House of Representatives and Presidential Elections**

Carter Center observers reported a calm and peaceful voting atmosphere during the first round, finding that the opening, polling, closing, and counting processes were generally conducted according to procedures. Overall, Center observers assessed the process inside the polling places as

*The presidential runoff was originally scheduled for Nov. 7, but preparations were put on hold by Liberia's Supreme Court to allow time to resolve disputes from the first round.*

“very good” or “reasonable” in 135 of 149 polling places they visited. However, observers across most counties reported difficulty in locating voters on the Final Registration Roll in some polling places. In what appeared to be a related problem, observers reported that ineffective queue management, mainly in large precincts, affected the orderly flow of the polling, creating confusion among voters and long lines throughout the day. In some precincts, it was difficult for voters to find the correct queue based on their voter ID number, and poll workers were inconsistently adding voters’ names to the supplemental list. A few polling places visited by the Center’s observers were chaotic and tense, and observers saw voters aggravated by the long waits. The Carter Center observed the closing and counting process at a sample of polling stations in all 15 counties and

reported that overall the process was peaceful, calm, and orderly. The counting process was observed as “very good” or “reasonable” at 86 percent of polling places visited. Carter Center observers noted that the counting process was conducted with transparency and in the presence of political party agents and national observers, and that in no instance did anyone refuse to sign the record of the count form.

### **Election Dispute Resolution**

In hearings of pre-election complaints and appeals observed by The Carter Center, the adjudicating bodies provided all sides with ample opportunities to present their cases and questioned the arguments of both sides with equal tenacity, in line with Liberia’s regional commitments. Where ambiguities in the law existed, the NEC and the Supreme Court decided in favor of an inclusive and participatory process. However, the NEC did not enforce deadlines for submitting appeals. This, along with delays in consideration of the appeals often due to ill-prepared lawyers, hindered the efficiency of the process and caused a number of cases to continue well into the campaign period.

The presidential runoff was originally scheduled for Nov. 7, but preparations were put on hold by Liberia’s Supreme Court to allow time to resolve disputes from the first round. The Liberty Party complaint, joined later by the Unity Party, was ultimately rejected by the Supreme Court. The court’s decision required the NEC to proceed with the runoff elections after fulfilling several conditions set by the court to address problems that occurred in the first round. In line with the constitution, the NEC then called the runoff elections for Dec. 26.

### **Dec. 26 Presidential Runoff Elections**

Because of the protracted legal proceedings surrounding a complaint filed after the first round, there was only an extremely limited period for campaigning in advance of the runoff election. Given the short time to prepare for the runoff, the NEC and polling staff performed admirably in administering the election. However, updated election materials were produced late and therefore were not used in all the trainings. The election

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commission's interactions with political parties over the NEC's efforts to address the Supreme Court's ruling were at times contentious. Greater transparency and more consultation with key stakeholders would have improved confidence in the process and benefited all sides.

After a month of waiting, Liberians went to the polls amidst a holiday season. For the Dec. 26 presidential runoff election, the Carter Center once again deployed an observation team, with observers visit 171 polling stations in all 15 counties.

Carter Center observers reported that the runoff election was calm and peaceful and included notable improvements. Observers positively assessed the implementation of voting procedures on election day, while noting that lower turnout placed fewer strains on the process. The opening of polls was smooth in part because polling staff were instructed to be in place before voters started queuing and the posting of voter lists outside polling precincts a few days before the election proved to be useful. The voting process was remarkably faster than the first round. Throughout the day the transparency of the process was enhanced through the presence of party agents at 100 percent of polling places. In its preliminary postelection statement, the Center commended the people of Liberia for their patience, resolve, and peaceful participation in the Dec. 26 presidential runoff election, and the strong demonstration of their commitment to democratic governance and values.

### **Tabulation and Results**

Tabulation procedures were developed late in the process, and training for election staff was insufficient. The political parties did not have time to adequately train their party agents. Most Carter Center observers assessed the tabulation process as good or very good and noted an improvement in the tabulation process for the presidential runoff election. However, observers noted that procedures regarding quarantine ballot boxes were not consistently implemented, records of the count from the first round of elections frequently required adjustment, and recounts were observed to be made ad hoc upon request from parties or when the record of the counts or the presiding

officers' worksheets showed inconsistencies beyond mathematical mistakes. Tabulation procedures were not sufficiently clear to specify what should trigger a recount and how the recount should be conducted. Results for both rounds of elections were announced on a rolling basis through NEC press conferences and promptly posted on the NEC website. Results by polling station were available online, consistent with international best practice.

### **Conclusions**

Liberia's 2017 presidential and House of Representatives elections were a historic milestone for the country that demonstrated the commitment of Liberians to peace and democratic development. The elections resulted in the first democratic transition of power from one president to another and from one party to another.

The elections on Oct. 10 were orderly and transparent, despite long lines in some polling places, particularly in urban areas. The electoral dispute resolution process that followed the first round of voting was an important test of Liberia's resilience. While the commitment of political parties and candidates to the fundamental rights

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*Liberia's 2017 presidential and House of Representatives elections were a historic milestone for the country that demonstrated the commitment of Liberians to peace and democratic development.*

of justice and access to an effective remedy was notable, elements of Liberia's electoral dispute resolution system should be reviewed to avoid the potential for constitutional crises in the future should timeframes be stretched. The presidential runoff election that ultimately took place on Dec. 26 was technically a sound electoral process that demonstrated some improvements on the October elections, including more efficient identification of voters' assigned polling places and improvements in the tabulation process.

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With the victory of Senator George Weah and the opposition Coalition for Democratic Change, Liberia has successfully completed its first peaceful transfer of power through a genuine, democratic election in more than 70 years. This represents a significant advance for the country's democracy.

Notwithstanding the success of the 2017 electoral process, President Weah and the CDC have inherited many challenges, including securing critical resources—financial, educational, legal and other—and implementing inclusive policies to ensure long-term economic growth and development for the country's population, especially its youth.

In this report, The Carter Center recommends a number of important steps to improve the conduct of future elections in Liberia. These recommendations include the following: legal framework revisions to promote the political participation of women, minorities, and marginalized groups; improving access to the process by persons with

disabilities; review of the legal framework for electoral dispute resolution with particular attention to timeframes; ensuring greater equality of the vote in boundary delimitation; strengthening procedures for the counting and tabulation of votes; review of candidate nomination requirements and the code of conduct to ensure compliance with the international right to participate in public affairs; and improved implementation of campaign finance regulations.

The Carter Center's international election observation effort was a part of a long-term commitment of the Center to work alongside Liberians to support democratic development and improve health. The Carter Center will remain engaged in Liberia working with the new government, civil society organizations, the Liberian National Police, and community leaders to support access to justice, access to information, and mental health.

# I The Carter Center in Liberia

President Carter made the first official state visit to Africa by a sitting U.S. president in April 1978, visiting Nigeria and Liberia. The daylong visit to Liberia was included as recognition of the special relationship between the two countries.

The Carter Center's work in Liberia began in 1991, when the Economic Community of West African States (ECOWAS) invited President Carter and the Center's International Negotiation Network to help mediate an end to Liberia's civil war. Between 1991 and 1996, President Carter and staff made numerous trips to the region to meet with leaders of the various interim governments and factions, members of Liberian civil society, and others in attempts to forge a workable peace agreement. In 1992, the Center opened an office in Monrovia to support President Carter's high-level involvement as well as to help engage and convene track two dialogues with representatives of the factions and civil society as a means to foster peace.

In April 1996, full-scale fighting broke out in Monrovia, forcing The Carter Center and other international organizations to abandon field operations. However, the renewed fighting also spurred another round of peace talks, which ultimately led to the August 1996 Abuja II agreement, which laid the foundation for a reconstituted transitional government and set new timetables for disarmament, demobilization, and special elections to return the country to constitutional order.

In this hopeful context, The Carter Center reopened its Monrovia office in April 1997 and dispatched three assessment missions to determine whether the environment was conducive to holding the special elections called for in the peace agreement. Ultimately, the international community decided it was important to hold elections, and the Center sent a 40-person delegation led by President Carter, former Benin President Nicephore Soglo, and former U.S. Senator Paul Simon to observe the July 1997 elections. The delegation observed voting and counting in 10 of what were then Liberia's 13 counties, and in more than 10 percent of Liberia's 1,980 polling sites.

Following the 1997 election, the Center remained in Liberia with support from the U.S. Agency for International Development (USAID). Its programs focused on strengthening the new Liberian Commission on Human Rights and supporting nongovernmental organizations focused on human rights; developing training programs for Liberian journalists and establishing an independent printing press, owned and operated by Liberia's media houses; and monitoring human rights violations and the political situation in the country more generally. These programs were designed to test President Charles Taylor's commitment to institute real democratic reforms.

Three years later, in November 2000, widespread human rights abuses led the Center to close its Monrovia office. President Carter wrote an open letter to President Taylor saying, "Liberia is

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a country where reports of serious human rights abuses are common; where journalists, human rights organizations, and political activists work in an atmosphere of fear and intimidation; and where there is little political space for meaningful democratic debate.”

With the closure of the Monrovia office and the subsequent resumption of the civil war, President Carter and The Carter Center continued to speak out on human rights abuses in Liberia. In a December 2000 press release, for example, the Center condemned the ransacking of the offices of the Center for Democratic Empowerment,

*Following the 2005 elections, the Center sent an assessment team to determine how The Carter Center could join the Liberian and international effort to establish peace, democracy, and development.*

a leading Liberian nongovernmental organization, and the beatings endured by its leadership, including Dr. Amos Sawyer, former interim president of Liberia.<sup>1</sup>

Opposition leaders, including Ellen Johnson Sirleaf, reached out to the Center in 2002 to discuss possible moves toward peace talks with the government under the auspices of ECOWAS in Abuja, Nigeria. The Center also helped convene Liberian opposition leaders to discuss a prospective “Reform Agenda,” elements of which remain the basis for current reform efforts. In February 2003, at the invitation of the Taylor government, the Center sent a delegation to assess preparations for elections planned for later that year. Ultimately, the delegation determined that conditions were not suitable for elections, and that if they were to move forward the Center would not be able to observe them.

After the signing of the Comprehensive Peace Agreement in Accra, Ghana, in October 2003,

the Center attended the inauguration of the National Transitional Government of Liberia and its chairperson, Gyude Bryant, and held discussions with the transitional team about possible assistance from The Carter Center. The transitional government had a two-year mandate to steer the country toward elections in collaboration with the international community.

In preparation for the October 2005 presidential and legislative elections, The Carter Centre UK and its London-based partner, Electoral Reform International Services, collaborated to implement voter education initiatives, domestic election monitor training, and capacity building of political parties. With USAID support, The Carter Center jointly observed the October elections and November runoff elections together with the National Democratic Institute. President Carter again led the delegation, this time along with a former vice president of Nigeria, Dr. Alexander Ekwueme. On election day, the mission deployed 40 international observers to 10 counties. For the second round, the Carter Center and NDI deployed 28 international observers to nine counties. The Carter Center was the only organization to remain in the country through the complaints process in the postelection period, and Center staff attended all of the electoral dispute hearings.

Following the 2005 elections, the Center sent an assessment team to determine how The Carter Center could join the Liberian and international effort to establish peace, democracy, and development. This led to the Center’s accepting an invitation from the Ministry of Justice to help provide education and services to rural citizens related to the rule of law, beginning in 2006. Subsequently, in 2010, the Center’s Access to Information program began activities in Liberia when they were invited to support passage and subsequent implementation of the Freedom of Information law. In 2010, the Center’s Mental Health Program opened its office in Monrovia, responding to the prioritization of mental health by the Ministry of Health.

In advance of the 2011 elections, the Carter Center sent three assessment missions to Liberia

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<sup>1</sup> At the time of publication of this report, Dr. Sawyer serves as chair of

Liberia’s Governance Commission.



At the 2005 elections, Carter Center founders President Jimmy Carter and First Lady Rosalynn Carter complete observation forms after visiting a polling station.

in October 2010, January 2011, and June 2011. The core team of the election observation mission arrived in Monrovia on Sept. 1, 2011, and eight long-term observers were deployed later that month in four teams, covering all 15 counties. For both rounds of the elections, the Center partnered with the Electoral Institute for Sustainable Democracy in Africa to field short-term observation delegations. These delegations were led by Dr. John Stremlau, then the Carter Center's vice

president for peace programs, and H.E. Gen. Dr. Yakubu Gowon, former head of state of Nigeria. The delegation for the first round was constituted by 55 short-term observers—representing 20 countries on four continents—who observed polling in all 15 counties. For the second round, 52 short-term observers from 18 countries observed both polling and the tally process in all 19 magisterial areas across all 15 counties.

# I Election Observation Methodology

The 2017 national elections represent a critical moment in Liberia's recovery from war and its transition to a peaceful democracy, and offered the opportunity for the first postwar transition from one elected president to another through a democratic process. These were the third presidential elections since the end of armed conflict.

The Center's observation of the 2017 national elections included the deployment of three pre-election assessment delegations in 2016 and 2017. The pre-election delegations aimed to provide transparency during the pre-election period and offer recommendations to improve the process. An electoral expert deployed to Liberia in January 2017 to follow pre-election developments. The Carter Center deployed a delegation to observe the

voter registration process from Feb. 20 to March 1, 2017, visiting 40 voter registration centers in 21 electoral districts across eight of Liberia's 15 counties. On August 2, a core team of electoral experts arrived followed by 6 international long-term election observers who deployed across the country in mid-August.

Over the course of the electoral process, The Carter Center released eight public statements (included in the appendices to this report). The first of these was a pre-election statement in July 2016, followed by a public statement the Center released in March 2017 focused on the voter registration process, and then two statements in September 2017 in advance of the first round that focused on the immediate pre-election and campaign period. Two days after the Oct. 10 first round, the mission issued a preliminary statement on the elections. When the official result was subject to a formal complaint by several parties, the Center issued two statements on the ensuing legal process. After the resolution of the complaint and the second round of the presidential election, the mission released a preliminary statement on Dec. 28, 2017, assessing that phase of the process.

The Carter Center's mission for the Oct. 10 presidential and legislative elections was led by H.E. Catherine Samba-Panza, former president of the Central African Republic; Jason Carter, chair of the Carter Center Board of Trustees; and Jordan Ryan, vice president for peace programs at The Carter Center. The mission included 50 observers from 17 countries and visited approximately

The Carter Center monitored election procedures at this Monrovia polling station.



Scott Umasaito

145 polling stations in all 15 counties to observe voting and counting. On Oct. 11, observers began observation of the tabulation process across the 15 counties.

Following the Oct. 10 election, the Center’s long-term observers and core team remained deployed across Liberia to observe the ongoing tabulation process, aspects of the electoral dispute resolution process, and initial preparations for the presidential runoff election. The Carter Center issued two public statements commenting on the dispute resolution process, on Oct. 30 and Nov. 6. (See Table 1 for a list of Carter Center statements for the 2017 election.) In addition, a Carter Center leadership team visited Monrovia in November to meet with key stakeholders and assess the ongoing electoral dispute resolution process.

The Center’s observation mission for the Dec. 26 presidential runoff election was led by Dr.

Aminata Touré, former prime minister of Senegal, and Jordan Ryan, vice president of Carter Center peace programs. The mission included 45 observers from 24 countries who visited 171 polling stations in all 15 counties to observe voting and counting. On Dec. 27, they began observation of the tabulation process. Several Carter Center representatives remained in Liberia to observe the announcement of results and postelection period.

The Carter Center assesses elections against international standards for democratic elections contained in the host country’s international obligations and commitments and in its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005.

**Table 1: Carter Center Public Statements on the 2017 Presidential and Legislative Electoral Process in Liberia**

Date	Title
Dec. 28, 2017	Carter Center Preliminary Statement. International Election Observation Mission to Liberia’s Presidential Runoff
Nov. 6, 2017	Carter Center Encourages Liberian Political Parties to Continue Reiterating Messages of Peace and Patience
Oct. 30, 2017	Carter Center Encourages Liberian Political Parties to Continue to Use Existing Electoral Dispute-Resolution Mechanisms
Oct. 12, 2017	Carter Center Issues Preliminary Statement on Liberia Election
Sept. 29, 2017	Carter Center Issues Liberia Pre-Election Statement and Announces Mission Co-leaders
Sept. 12, 2017	Carter Center Releases Statement on Liberia’s Pre-Election Activities
March 3, 2017	The Carter Center International Election Observation in Liberia. Statement on the Voter Registration Process
July 18, 2016	The Carter Center in Liberia International Election Observation Mission Pre-election Statement

*Note:* All statements are available in Appendix D of this report or at [www.cartercenter.org](http://www.cartercenter.org).

# I Historical and Political Background

Early 19th-century American slaveholders and abolitionists had a problem: the steadily growing number of freed slaves. To the abolitionists, former slaves were people who could never be assimilated into American society. To the slaveholders, former slaves were a dangerous reminder to their slaves that they were not property but people. The solution was Liberia.

In the United States an unlikely coalition was formed between abolitionist, “moderate” slaveholders, and evangelicals called the American Colonization Society (ACS). By 1822 the ACS had established the first settlement of freed slaves on a strip of the West African coast between areas claimed by Britain (to the west in Sierra Leone) and France (to the east in Côte d’Ivoire).

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*For most of Liberia’s existence, the franchise was narrowly restricted to freed slaves.*

The settlers declared independence in 1847, and Liberia became Africa’s first republic. The nascent state was ruled by the original settlers and their descendants, who came to be known as Americo-Liberians or Congos, a reference to slaves freed en route from the Congo who were settled in Liberia.

After an early period in which elections seem to have been genuinely contested, in 1878 the reformist True Whig Party won the presidency

from the Republican Party, remaining in power for the next hundred years.<sup>2</sup> Political and economic power was controlled through the True Whig Party by descendants of freed slaves. The region’s indigenous peoples were entirely excluded from governance, and some violently resisted settler control.

For most of Liberia’s existence, the franchise was narrowly restricted to freed slaves. Elections were held under the True Whigs, but their credibility was dubious, and the transfer of power from one president to another often came about by other means. Almost a third of Liberia’s first 18 presidents did not serve their full term. Even under one-party rule, a number of presidents died in office or were forced out before the end of their term. Efforts at reform in the 1970s proved to come too late.

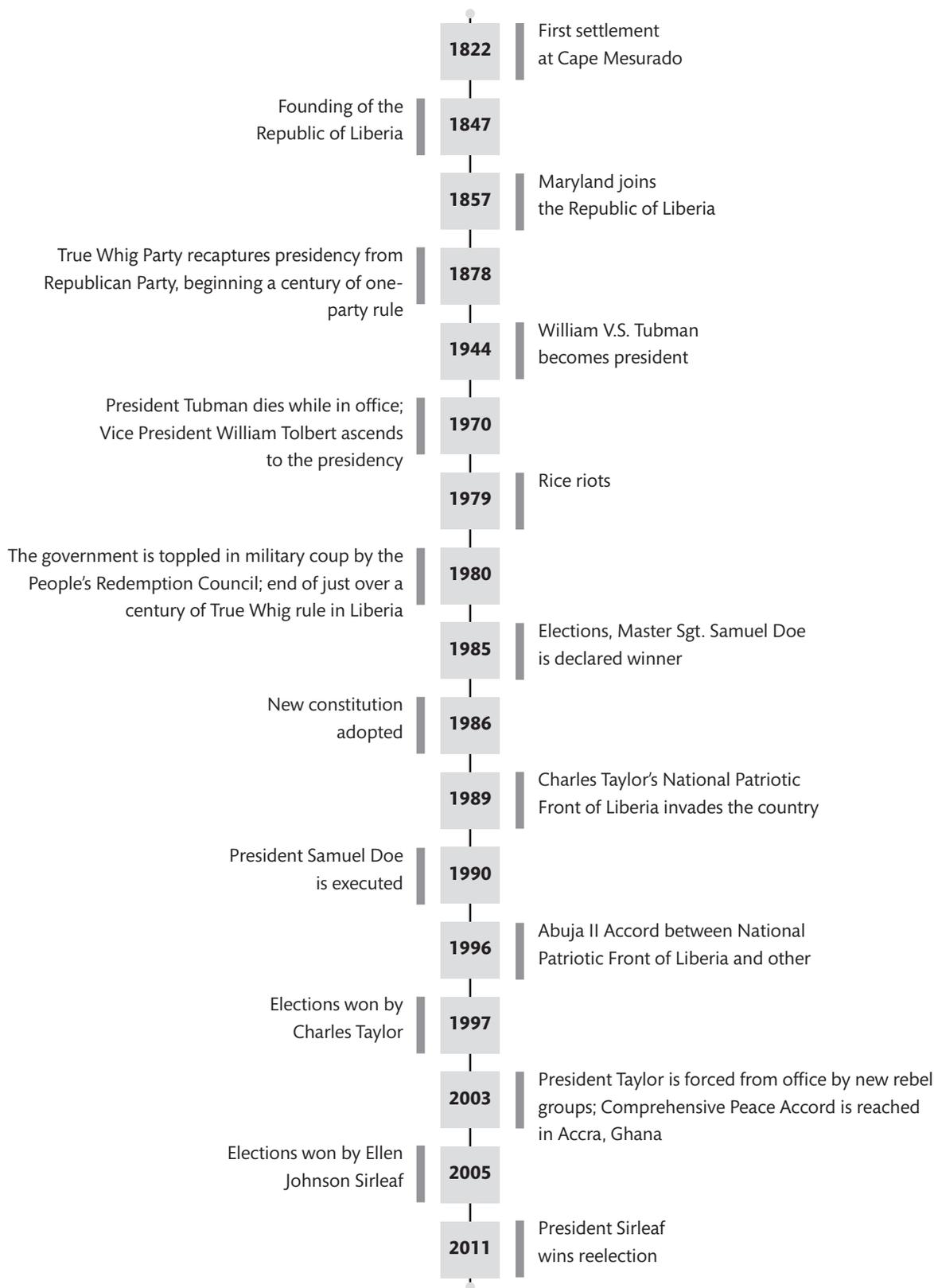
In 1980, after more than a century of one-party rule, a small group of noncommissioned officers led by Master Sgt. Samuel Doe murdered the president and most of his cabinet and seized control of the government. Doe, an indigenous Liberian and member of the Krahn ethnic group, one of Liberia’s 15 major tribal groups, promoted his ethnic kinsmen in the military and government, aggravating ethnic tensions.

Under increasing pressure both domestically and internationally, Doe reluctantly called elections in 1985. A number of his prominent opponents, including Ellen Johnson Sirleaf, youth leader and former assistant minister of finance, were detained

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<sup>2</sup> Presidential elections were held in 1877. Anthony W. Gardiner of the True Whig Party took office on Jan. 7, 1878.

**Timeline of Liberia's Political History, 1822-2011**



during the election period. When the tally of the votes in the 1985 elections seemed to be turning against him, the process was suspended and Doe was declared president with 50.9 percent of the vote. Not long afterward, one of Doe's former comrades-in-arms, Gen. Thomas Quiwonkpa, led an attempted coup. Quiwonkpa was captured and killed, and his supporters and ethnic kinsmen among the Gio and Mano peoples of Nimba County were subjected to vicious reprisals.

When Charles Taylor's National Patriotic Front for Liberia invaded through Nimba County on Christmas Eve 1989 in an attempt to topple the Doe regime, he was hailed as a liberator by some as the war widened. As fighting engulfed Monrovia and ECOWAS peacekeepers arrived, Doe was captured and killed by Prince Johnson of Nimba County, making him the latest in the long line of Liberian presidents to die in office. Liberia rapidly descended into seven years of bloody and fratricidal warfare, increasing dividing the country along ethnic lines.

A peace agreement achieved in 1996 called for rapid disarmament and demobilization leading to special elections in July of the following year. The Carter Center observed the special elections and in its preliminary statement, released on July 21,

1997, noted that the election had been "peaceful and orderly" and represented "an important step forward in ... the peace process." The statement also noted that a large number of Liberians turned out at the polls. Charles Taylor easily outstripped the other contenders, winning 75 percent of the vote, although many opposition candidates did not feel safe campaigning outside of Monrovia, where Taylor's forces continued to hold control. His closest challenger, Ellen Johnson Sirleaf, won 9.5 percent. In her autobiography, "This Child Will Be Great," Sirleaf noted that President Carter asked her immediately after the election to accept the result, something that she could not do, believing the process had not been free and fair.

Taylor's government slowly became increasingly autocratic and repressive. By 1999, new rebel groups had formed to challenge his rule and Liberia regressed into a second, equally bloody phase of the civil war. The war ended with the 2003 Accra Comprehensive Peace Agreement that included Taylor's exile.

Liberia had spent the first 80 years of the 20th century under one-party rule; it spent much of that century's last 20 in chaos. When it emerged from its prolonged civil crisis in 2003, its tenuous peace was preserved by what became for a time the largest United Nations peacekeeping force in the world, the U.N. Mission in Liberia (UNMIL). Part of its mission was to provide large-scale technical and logistical assistance to the National Elections Commission (NEC), without which it could not have held the country's first post-conflict presidential and legislative elections in 2005. Although the elections faced numerous challenges, Liberians participated in large numbers and with enthusiasm. More than 1.3 million people registered to vote, an estimated 90 percent of the eligible population.

The 2005 elections saw many members of the Liberian diaspora return home to run for office, including Ellen Johnson Sirleaf, who went on to win the presidency. The absence of an incumbent contributed to competitive elections. The first round went to former football star

President Carter meets with Ellen Johnson Sirleaf, presidential candidate of the Unity Party, before the July 19, 1997, special elections.



The Carter Center

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and UNICEF goodwill ambassador George Weah, who won 28.3 percent of the vote to Sirleaf's 19.8 percent. Turnout was high at 74.9 percent of registered voters. When no candidate attained a majority of the vote in the first round, Weah, of the Coalition for Democratic Change (CDC), and Sirleaf, of the Unity Party (UP), advanced to the runoff.

Turnout fell in the second round to 61 percent, but Sirleaf achieved a convincing victory, more than doubling the number of votes she'd garnered in the first. The Carter Center's international election observation assessed the runoff election as largely positive, with only a few problems and irregularities noted. Shortly after the polls closed, however, the CDC filed a complaint with the NEC alleging widespread electoral fraud. The CDC complaint was eventually dismissed after the NEC determined that evidence presented by the CDC did not substantiate significant fraud.

With her victory, Sirleaf became the first woman to be elected head of state in Africa. Although Sirleaf won the presidency, Weah's party, the CDC, won a plurality of the 63 seats in the House, with 15 seats in that body and three in the Senate. The Unity Party would take only eight seats in the House but win four in the Senate.

The 2011 elections were a rematch between UP and CDC (though this time Weah was the vice presidential candidate to Ambassador Winston Tubman, the CDC's standard bearer). The U.N. scaled back its technical assistance, with the NEC taking on a larger role. Turnout was once again strong in the first round, with 71.6 percent of registered voters going to the polls. This time they delivered a plurality for UP, with the party winning 24 of the 73 House seats up for election and four of the 15 Senate seats. Despite exceeding her performance in the second round of the 2005 election, Sirleaf was unable to secure a first-round victory, receiving 43.9 percent of the vote to CDC candidate Tubman's 32.7 percent. The CDC alleged fraud and declared it would boycott the second round of the election.

Tensions rose in Monrovia; less than 24 hours before the country went to the polls, those tensions erupted in a clash between CDC supporters and the Liberian National Police that left at least one person dead.<sup>3</sup> Only the timely intervention of U.N. peacekeepers prevented the situation from escalating. CDC rescinded its boycott, but turnout the following day still fell precipitously: Only 38.6 percent of voters went to the polls. Although there was no evidence of systematic fraud of a scale that could have shifted the outcome, CDC continued to maintain that it had been cheated and as with the 2005 elections said that the party would only accept the results for the sake of peace. The Carter Center observation mission found the elections

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*The 2005 elections saw many members of the Liberian diaspora return home to run for office, including Ellen Johnson Sirleaf, who went on to win the presidency.*

to be well-administered and transparent, meeting both international standards and the requirements of Liberian law. However, the Center's delegation noted anomalous results in Grand Gedeh during the second round of the elections, and some concerns about opposition parties' access to public space.

As Liberia's first mid-term Senatorial elections approached in 2014, an outbreak of Ebola virus disease swept across the country. Every government resource was put toward the fight against the disease that ultimately claimed 4,810 lives. The resulting social upheaval delayed Senatorial elections from October until Dec. 20, 2014. Barely over a quarter of registered voters turned out to cast their ballots. George Weah put himself forward as CDC's candidate for the open Senate

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3 At least one contemporaneous news report, as well as the report of the Election Coordinating Committee and a credible eyewitness who spoke

with the Carter Center's observation mission, said as many as three people may have been killed.



Liberia's population is young with a median age of 18.6.

seat in Montserrado County, which he won with 78 percent of the vote.

After over 12 years of supporting Liberia's peace, UNMIL handed over full responsibility for the country's security to the Liberian government in June 2016 as part of its drawdown plan. Going into the 2017 national elections, UNMIL retained only 1,240 military personnel and 606 police in the country to support Liberia's official security services. The U.N. mission's civilian component was also dramatically reduced in size, leaving only a small number of advisers providing technical assistance to the NEC. The 2017 elections

would be the first that the National Elections Commission would conduct almost entirely independently.

Twenty-four political parties were certified by the NEC to contest these elections, though only 20 put forth candidates for president. The CDC entered into an agreement to contest the elections with the National Patriotic Party (founded by Charles Taylor) and the Liberia People Democratic Party (founded by former Speaker of the House Alex Tyler) to form the Coalition for Democratic Change, also referred to as CDC. The Unity Party nominated two-term Vice President Joseph Boakai to stand for the presidency.

#### Profile of Liberia

Population: 4.5 million<sup>4</sup> or 3.476 million<sup>5</sup>

Median Age: 18.6<sup>6</sup>

Population, urban: 49.7%<sup>7</sup>

Life Expectancy: 63.3 years<sup>8</sup>

Adult Literacy Rate: 47.6%<sup>9</sup>

GDP PPP (purchasing power parity): \$3.743 billion<sup>10</sup>

GDP per Capita: \$900<sup>11</sup>

Population Below Poverty Line: 54.1%<sup>12</sup>

Languages: English (official), 16 indigenous languages

Ethnic Groups: 16 ethnic groups, all except one are smaller than one-fifth of the population<sup>13</sup>

Religion: Christian (85 percent), Muslim (12%), other (1.5%), no religion (1.5%)<sup>14</sup>

4 United Nations Development Programme (UNDP) Human Development Indicators (HDI) Liberia Country Profile, 2017, <http://hdr.undp.org/en/countries/profiles/LBR>

5 "2008 Population and Housing Census," Liberia Institute of Statistics and Geo-Information Services (LISGIS), 2008, <https://www.lisgis.net/page1.php?&7d5f44532cbfc489b8db9e12e44eb820=Mzg1>

6 United Nations Development Programme (UNDP) Human Development Indicators (HDI) Liberia Country Profile, 2017

7 United Nations Development Programme (UNDP) Human Development Indicators (HDI) Liberia Country Profile, 2017

8 Central Intelligence Agency World Factbook: Liberia, 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>

9 United Nations Development Programme (UNDP) Human Development Indicators (HDI) Liberia Country Profile, 2017

10 Central Intelligence Agency World Factbook: Liberia, 2017

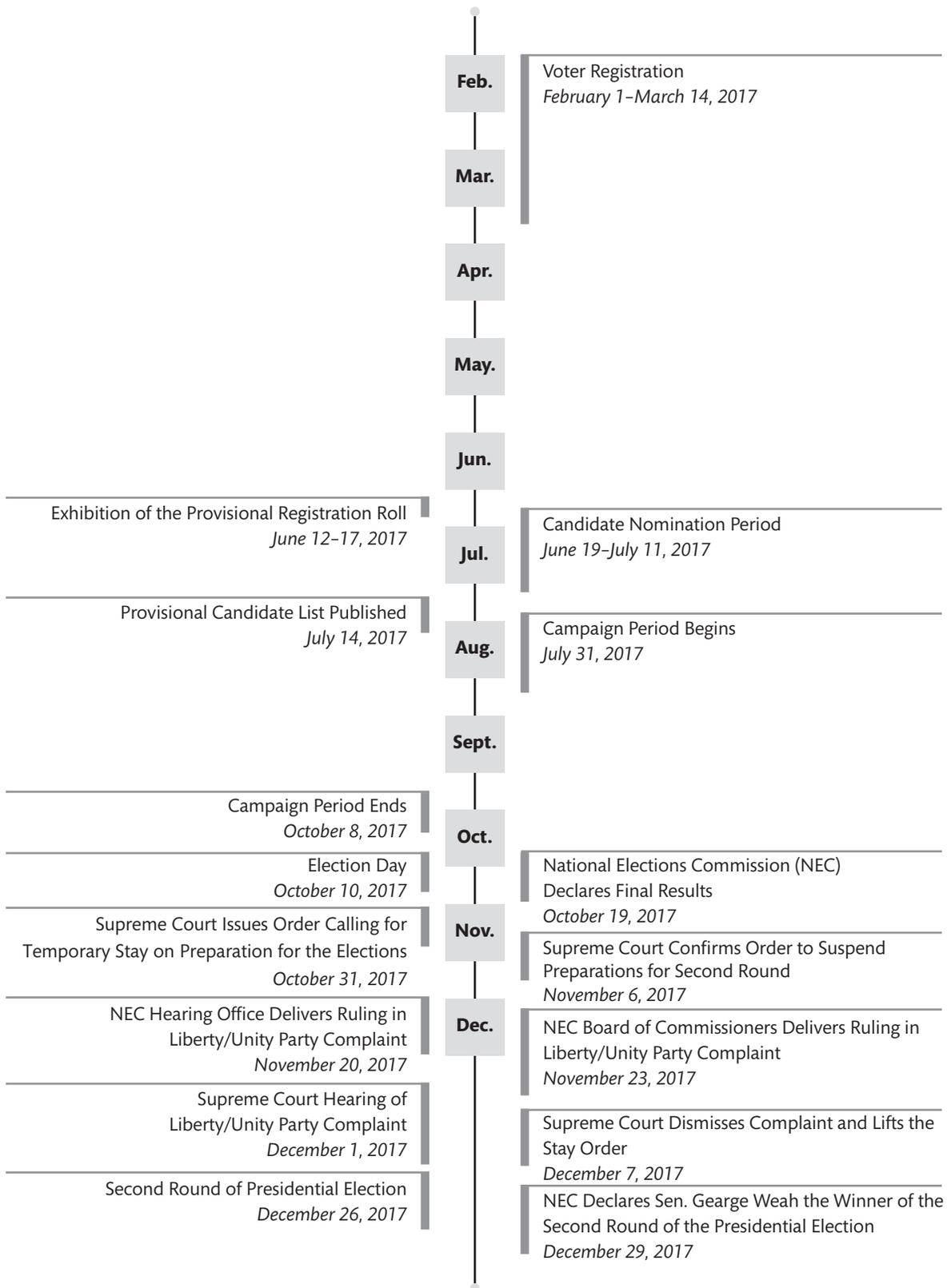
11 Central Intelligence Agency World Factbook: Liberia, 2017

12 Central Intelligence Agency World Factbook: Liberia, 2017

13 "2008 Population and Housing Census," Liberia Institute of Statistics and Geo-Information Services (LISGIS), 2008

14 "2008 Population and Housing Census," Liberia Institute of Statistics and Geo-Information Services (LISGIS), 2008

### Timeline of Liberia's 2017 Electoral Process



# I Electoral Institutions and Framework

## Legal Framework for the Elections

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. Under its international and regional treaty obligations, Liberia must take measures to promote the rule of law and ensure consistency between domestic law and international principles of human rights.<sup>15</sup>

Liberia's international obligations come from the following conventions: the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of

Persons with Disabilities. Liberia is a member of the African Union and the Economic Community of West African States, and has committed to meeting the human right standards of both organizations.<sup>16</sup> Liberia is also a State Party to the African Court on Human and Peoples' Rights.

The legal framework related to the presidential and House of Representatives elections is found in two main instruments: the 1986 Constitution and the New Elections Law, most recently amended in 2014 and codified in 2016, as well as regulations promulgated by the National Elections Commission (NEC).<sup>17</sup> Other applicable legislation includes the Liberian Alien and Nationality Law, for issues of citizenship, the 2015 New Police Act on rules for organizing public gatherings, and portions of the National Code of Conduct for All Public Officials and Employees of the Government of the Republic of Liberia on issues concerning the misuse of public resources and public office, the right of public officials to stand for elections, and their participation in electoral activities.

Although adequate for the holding of democratic elections, the legal framework for elections would benefit from a thorough review and revision process to address recommendations, ensure better cohesion between Liberian legislation and the constitution, and fully meet international

*Although adequate for the holding of democratic elections, the legal framework for elections would benefit from a thorough review and revision process to address recommendations, ensure better cohesion between Liberian legislation and the constitution, and fully meet international standards.*

15 United Nations, International Covenant on Civil and Political Rights, Article 2; Universal Declaration of Human Rights, Article 21(3); International Covenant on Civil and Political Rights, Article 25 (b).

16 The African Charter on Human and Peoples' Rights (ratified in 1984); the African Charter on Democracy, Elections and Governance (signed in 2008); and the ECOWAS Protocol on Democracy and Good Governance (signed in 2001).

17 Relevant regulations promulgated by the NEC include the Campaign Finance Regulations for Political Parties, Guidelines for the Registration of Political Parties and Independent Candidates, and Candidates and the Voter Registration Regulations. Other relevant national legislation includes the National Identification Card Act and Executive Order 34 on the Extension of the Total Ban on Firearms and Ammunition.



Monrovia, Liberia's capital city, is home to an estimated 30 percent of the country's population.

standards. While the constitution provides for the fundamental rights of freedom of association, assembly, and speech, it also imposes undue restrictions on citizenship and the right to stand for office. Further, the timelines for elections currently set forth in the constitution, New Elections Law, and other regulations do not sufficiently guarantee the right to an effective remedy in election matters. Election legislation further limits opportunities for independent candidates to stand for office and fails to sufficiently promote the participation of women in the political affairs of the country. Additionally, there are a number of gaps and inconsistencies in the election law and NEC regulations, to which consideration should be given to help ensure that Liberia's legal framework for elections fully meets international standards. These, noted throughout this report, include among others the deadlines for filing and review of pre-election complaints and appeals, the definition of domicile for candidate registration, the enforcement of campaign finance regulations, the regulation of media in the context of elections, the accounting of ballots printed, procedures for

recounts, and the transparency and decision-making procedures of the NEC.

## **Liberia's Constitutional Review Process**

This section provides an overview of Liberia's constitutional review process in relation to electoral rights and fundamental freedoms.

Liberia's current constitution came into force in 1986, and is the second constitution to be in place since the country gained independence in 1847. The current constitution replaced Liberia's first constitution from 1847 that was suspended by Samuel Doe in 1980 following the execution of President William Tolbert. In 1981, a National Constitution Committee was formed with Amos Sawyer as its chair, and a 59-member Constitutional Advisory Committee was later established to review the draft. A national referendum was held to approve the constitution in 1984, and the constitution came into effect in 1986, shortly after the 1985 elections and the inauguration of President Doe.

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In August 2012, President Ellen Johnson Sirleaf established a six-member Constitution Review Committee (CRC) with two ex-officio members: Dr. Amos Sawyer, currently chairing the Governance Commission, and Dr. Jallah Barbu, chair of the Law Reform Commission. The CRC conducted a national public review process, culminating in the presentation of a report and recommendations for constitutional reform in 2015.<sup>18</sup> In spite of the work of the CRC, a referendum bill was not passed by the legislature and steps were not taken to move towards a constitutional referendum. The process was supported by international partners including the United Nations Development Program, the United States, and the European Union.

A number of areas prioritized by the CRC process related to democratic governance and

including discussion around the current prohibition of dual citizenship (Article 28), the requirement that only Liberian citizens may own property (Article 22(a)), and the requirement that citizenship be only for persons of Negro descent (Article 27).<sup>19</sup> Some of these issues, particularly questions of dual citizenship, were also prominent in political discourse around various candidates eligibility and suitability for office during the campaign period in advance of the 2017 elections. Although these issues were discussed in depth, ultimately the constitutional review committee deemed them to be too contentious and did not make recommendations for amendments.

Another proposed amendment was to expand property rights for spouses, a constitutional change that could improve women's access to political processes, at least given current conditions that require candidates for the office of the presidency to own property.

Other proposed amendments should be carefully re-evaluated to consider the extent to which they are consistent with Liberia's international human rights commitments. For example, the proposed amendment that Liberia become a Christian state should be considered in light of Liberia's obligations regarding the freedom of religion and association and right of all people to be treated equally before the law. Other amendments that merit further consideration include those that would further restrict candidacy for the House, Senate, or presidency by increasing age, property ownership, and tax requirements, and introducing education requirements. The extent to which such amendments would limit the right of any citizen to stand for public office and be in line with the International Covenant on Civil and Political Rights (ICCPR) should be examined carefully.

Several months after a National Constitutional Conference held in Gbarnga in March and April 2015, President Sirleaf wrote a letter to the Senate pro-tempore sharing her thoughts on the recommendations and referendum. In her letter, she agreed with some amendments, such as the

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*Going forward, the Carter Center recommends that the constitutional review process be revisited, with the goal of holding a constitutional referendum on any final amendments at least two years in advance of Liberia's next national elections.*

elections, including recommendations to adjust the timeframe of elections, shorten the length of the term of the presidency, reduce the term length for senators from nine to six years and for representatives from six to four years, apply a two-term limit for both chambers, and establish an Election Court. Also proposed was an amendment to strengthen the constitution's guarantees of rights for persons with disabilities. Although women's political participation and the possible introduction of a quota system were discussed during the review process, specific recommendations were not made in this area.

The question of citizenship was a dominant topic during the constitutional review process,

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<sup>18</sup> Republic of Liberia Constitutional Review Committee. Proposed Amendments to the 1986 Constitution. Submitted to the National Constitutional Conference. Gbarnga city, Bong County, March 29 through April 2, 2015.

<sup>19</sup> These questions of citizenship were raised following the election by President George Weah in his inaugural address.

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reduction in the length of term for the presidency, Senate, and House. She also offered her thoughts on other elements and expressed disagreement with the committee's recommendations in some areas, particularly regarding the proposal to make Liberia a Christian state. In the area of citizenship, Sirleaf suggested that in modern-day Liberia, citizenship should no longer be dependent on race, and that Liberia should join its neighbors in the region and allow dual citizenship.<sup>20</sup>

Ultimately it was determined that there was not sufficient time or available funds to move forward with a referendum on the proposed amendments, particularly considering that if passed, some amendments would require changes to electoral legislation and might delay the holding of presidential and legislative elections.

Going forward, the Carter Center recommends that the constitutional review process be revisited, with the goal of holding a constitutional referendum on any final amendments at least two years in advance of Liberia's next national elections. If approved, some amendments will likely require subsequent changes to national legislation as well as to NEC regulations and procedures. Adequate time would need to be allowed between a constitutional referendum and subsequent elections to allow for the revision of national legislation to bring legislation in line with the updated constitution, develop and implement new procedures, and allow for civic and voter education on any changes. International best practice suggests that no changes should be made to the legal framework for elections within one year of elections.<sup>21</sup>

## Key Issues in the Legal Framework for Elections

Liberia's legal framework provides generally for fundamental rights common to democratic states

and provides an adequate basis for the conduct of democratic elections. However, the legal framework for Liberian elections requires reform in order to fully meet international standards. Highlighted here are the key areas that require legal reform. Each area is discussed further in other sections of this report.

### Women's Political Participation

Despite Liberia's commitment to ensuring women have the opportunity to participate in political life on equal terms with men through its ratification of the CEDAW,<sup>22</sup> the legal framework for elections does not include quotas or other positive measures that would increase the representation of women in elected office.<sup>23</sup>

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*The failure of Liberia's legal framework and electoral process to promote women's political participation in line with the country's international commitments is one of the greatest weaknesses of Liberia's democracy.*

Liberia has struggled to find a way to legally promote women's political participation within the country's first-past-the-post electoral system. Over the course of the past 12 years under the Unity Party administration, more than a dozen bills have been submitted to Liberia's legislature to promote women's political participation rights. All have failed.

The most recent attempt at legislating the protection and promotion of women's political rights was an Equality Bill that underwent extensive consideration by the legislature but ultimately was not passed.<sup>24</sup> In recognition that past attempts failed, perhaps due to male legislators'

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20 Letter from President Ellen Johnson Sirleaf to Senate President Pro-Tempore Hon. Armah Jallah. Aug. 13, 2015. EJS/MQS/RL/478/2015.

21 Council of Europe's Venice Commission's Code of Good Practice on Electoral Matters.

22 "State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies." Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

23 Such measures are encouraged under CEDAW: "Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved." Article 4.1 of CEDAW.

24 The Affirmative Action for Equitable Participation and Representation Act of 2016.

In an effort to educate voters about the election process and deter election related violence, the NEC supported a civic and voter education plan that included messages promoting peaceful voting across the country.



Scott Umstatter

unwillingness to vote for a quota that was seen as giving up their seats for women, the Equality Bill took a different approach and proposed the addition of new seats to Liberia’s House and Senate, in the form of reserved seats for women, youth, and persons with disabilities. The original version of the law passed in the Senate, established 21 new seats, 15 of which were to be for women. The version subsequently passed in the House provided for only seven new seats, five of which would be for women. A special committee was convened by the legislature to reconcile the differences in the two bills, but it was unable to do so. Although the bill gained some traction in the year before elections, it was not passed due to several factors, including differences in the number of seats it would establish, questions about how the law would be implemented, and concerns about the cost of a larger legislature.

Lacking a formal quota or reserved seats, increases in women’s political participation was dependent on a 2014 amendment to the electoral law that required political parties to “endeavor to

ensure” that the list of nominations submitted for registration has no less than 30 percent from either sex.<sup>25</sup> The NEC struggled with questions of the legal strength of the clause, what would constitute evidence of “endeavors,” and whether the NEC would have legal grounds to reject a political party’s candidate list if it determined a party had not adequately endeavored to ensure that at least 30 percent of its candidates were women. The NEC asked parties to document how they endeavored to ensure the 30 percent representation of women, but it did not provide concrete criteria for how they would determine if a party’s endeavors were sufficient. Ultimately, the NEC accepted any explanation of a party’s endeavours and only two political parties, the Liberian Restoration Party (LRP) and the New Liberia Party (NLP), met the 30 percent recommendation. (See the Candidate Registration section below. Women won nine of Liberia’s 73 seats in the House, or 12 percent.)<sup>26</sup>

The failure of Liberia’s legal framework and electoral process to promote women’s political participation in line with the country’s

25 Article 4.5(1) c. of the New Elections Law.

26 The number of female representatives elected remained the same as prior to the 2017 election.

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international commitments is one of the greatest weaknesses of Liberia's democracy. The Carter Center strongly recommends that the legislature prioritize passage of legislation that will ensure genuinely equal political participation, and weigh carefully the strengths and weaknesses of quota and reserved seat options.

### **Right and Opportunity to Be Elected and Participate in Public Affairs**

The effective implementation of the right to stand for elected office ensures that citizens can participate directly in the political process and that voters have a free choice of candidates.<sup>27</sup> International and regional treaties protect the right of every citizen to be elected, subject only to reasonable restrictions. To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and non-discriminatory.<sup>28</sup> These conditions apply to age, citizenship, residence, and the holding of public positions, among others, and should not discriminate against candidates based on political affiliation or financial situation.

Liberia's legal framework for elections, including the constitution and election law, contains restrictions on the right to stand that could be considered unreasonable, including restrictions based on property ownership and inequitable fees for independent candidates.

To be eligible to stand for the presidency, a prospective candidate must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been resident of the country for at least 10 years before the election.<sup>29</sup> The constitutional review process recommended increasing these restrictions, as well as increasing the minimum age requirement and introducing education restrictions. These residence and property ownership requirements are inconsistent with

international standards, as they can be considered excessively restrictive and place an undue burden on prospective candidates. To stand for the House of Representatives, candidates must be a citizen at least 25 years of age and have been a domiciled taxpayer in the district for no less than one year prior to the election.

In order to participate in the election, a political party must nominate candidates for at least 50 percent of the constituencies; that is, 37 of the 73 seats up for election in the House of Representatives.

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*Liberia's legal framework for elections, including the constitution and election law, contains restrictions on the right to stand that could be considered unreasonable, including restrictions based on property ownership and inequitable fees for independent candidates.*

Although independent candidates are allowed to contest the presidency and legislative elections, the legal framework does not provide for the participation of independent candidates on an equal basis with party candidates.<sup>30</sup> While all aspirants were required to pay a fee in order to be registered as a candidate,<sup>31</sup> registration fees for independent candidates are more onerous than for party candidates.<sup>32</sup> Independent presidential candidates were also required to maintain a minimum balance of US\$10,000 in a bank account and an insurance policy valued at US\$100,000 and collect 500 signatures in six different counties. These conditions are not required of those nominated by a political party.<sup>33</sup> While likely aimed at reducing the strain on state resources from candidates with

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27 ICCPR, Article 25 (a). UNHRC, General Comment 25, para. 15.

28 UNHRC, General Comment 25, paras. 15-17.

29 Article 52 of the 1986 Constitution.

30 "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties." ICCPR, General Comment 25, para. 17.

31 For presidential candidates, US\$2,500; for vice presidential candidates, US\$1,500; for House of Representatives, US\$500.

32 For presidential candidates, US\$2,500; for vice presidential candidates, US\$1,500; for House of Representatives, US\$500.

33 Requirements for the House of Representatives independent candidates are less onerous: requiring a minimum balance of US\$5,000 and an insurance policy of US\$10,000.

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minimal support among the electorate, these additional requirements might unduly disadvantage people wishing to stand as independent candidates.

The 2014 National Code of Conduct put additional limitations on the right to stand for those currently serving as public officials (see Candidate Registration section below).

### **Campaign Finance**

While the law and related regulations provide a sufficient framework for the accounting and reporting of campaign finances and sets reasonable limits on campaign contributions and expenses, it does not establish a structure for the monitoring and enforcing of the regulations. The NEC currently lacks the capacity for monitoring campaign finances, in particular the sources of campaign donations, and limits on campaign contributions and expenditures. The NEC also has not established a practice of enforcing violations of campaign finance reporting requirements, including for these elections.

### **Participation Requirements for Political Parties**

Among new amendments to the electoral law passed in 2014 was the introduction of a

requirement that parties must earn at least 2 percent of the valid vote in the constituencies in which the party had candidates in order to contest the next two elections for the same office.

The constitution and the election law already include requirements that a party have offices in at least six counties with no fewer than 500 eligible voters as members in each. To participate in the House election, a political party must nominate candidates from half of Liberia's legislative constituencies.<sup>34</sup> These requirements are likely intended to prevent the fragmentation of the party system and avoid political parties' being dominated by single ethnicities, consistent with arguments of some electoral experts, particularly regarding divided post-conflict societies.<sup>35</sup>

With these requirements in place, the additional requirement for political parties to obtain 2 percent of the votes in the constituencies they contest in or be prohibited from participating in the next two elections is an undue restriction on the right to participate in political life, contravening Liberia's commitments under the ICCPR. This is especially the case given the long terms of office, and that barring parties from two consecutive elections unduly restricts the participation of political parties that may have been in the early stages of developing or may change political direction or geographical focus.<sup>36</sup>

Future legal framework reviews should carefully reconsider the 2 percent requirement, its applicability, and any unintended consequence on the right to stand for public office, and should evaluate international best practices and other available options to strengthen political parties.

*Future legal framework reviews should carefully reconsider the 2 percent requirement, its applicability, and any unintended consequence on the right to stand for public office, and should evaluate international best practices and other available options to strengthen political parties.*

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34 In advance of the 2017 elections, this condition was the subject of court challenges. The registration of 11 political parties was challenged because they only successfully registered candidates for less than half of the constituencies. The NEC found that the law only requires a party to nominate candidates for at least half of the constituencies; they do not have to be successfully registered. On appeal the Supreme Court upheld the NEC decision.

35 The intended goals of promoting political parties that are more representative of a population, cross-regional, and encouraging positive mergers that overall strengthen the role political parties play in democratic societies are already addressed in the existing party registration and election participation requirements.

36 Useful sources on the study of thresholds include the following: Arendt Lijphart. (1994). *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. Oxford: Oxford University Press. pp. 25-56; International IDEA. (2008). *Electoral System Design. The New IDEA International Handbook*. Eds. Andrew Reynolds, Ben Reilly and Andrew Ellis; Elections and Conflict Management in Africa. (1998). Eds. Andrew Reynolds and Timothy Sisk. Washington, D.C.: United States Institute of Peace Press; Thomas Carothers *Confronting the Weakest Link*. (2006). *Aiding Political Parties in New Democracies*. Washington: Carnegie Endowment for International Peace.

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## **Electoral Dispute Resolution, the Right to an Effective Remedy, and the Timing of Elections**

Liberia's constitution and electoral law provide for the right to an effective remedy consistent with international and regional treaties.<sup>37</sup> The right to an effective remedy is fundamental to ensuring the fulfillment of all other human rights and is applicable throughout the electoral process.

Following the first round of voting, a complaint filed by the Liberty Party (LP) and Unity Party (UP) alleged widespread and systematic fraud in the polling process and requested a rerun of the elections. The Liberian constitution sets a strict timeline for the hearing of complaints that gives parties seven days to file a complaint following the announcement of results, which can occur up to 15 days after election day. After receipt of the complaint, the election commission has 30 days to investigate and rule on the merits of the complaint. The party then has seven days to appeal the decision to the Supreme Court, which will then have an additional seven days to decide the case. Given these legal limits, if the complainant and the relevant adjudicating bodies utilize all their available time, the dispute resolution process from the first round of voting would extend far beyond the constitutionally mandated date for the second round of the election.<sup>38</sup> While the hearing of the complaint by the Supreme Court in early December and ruling on Dec. 7 was in accordance with the legal timeline for electoral dispute resolution, the hearings resulted in a postponement of the second round from Nov. 7 to Dec. 26.

There were no complaints following the second round of voting, but the previous delay set the stage for the possibility of another lapse of the constitution, as it prescribes that the new president be inaugurated on the "third working Monday of January of the year immediately following the elections."<sup>39</sup> If a complaint had been filed regarding the results of the second round, the dispute resolution period might have delayed the finalization of results such that there would not have been a

president to inaugurate by the constitutionally mandated date.

A legal framework review should carefully consider the timeframes in the constitution and elections law regarding the electoral dispute resolution process, the timing of elections themselves, and the constitutional timeframes for the swearing-in of government and the president. Without a legal framework review, in future elections Liberia will continue to risk having to trade off between respecting the right to an effective remedy versus meeting constitutional deadlines for the swearing-in of a new president.

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The constitutional review process in Liberia considered the timing of elections, and in an effort to move elections out of the rainy season, proposed that elections be held in November. While moving elections out of the rainy season would be positive, pushing elections closer to the constitutional timeframes for the swearing-in of government would further compress the dispute resolution timeframes. Without a drastic streamlining of the hearing process, this would increase the likelihood that Liberia could face constitutional crises following future elections.

While the legal framework allows for appeals consistent with the right to an effective remedy, appellants must pay high fees—US\$5,000 in the case of appeals related to presidential elections and US\$42,000 with respect to elections to the House of Representatives.<sup>40</sup> While these fees may act as a barrier against frivolous cases, they pose

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37 U.N., ICCPR, Article 2; ACHR, Article 25; ECOWAS, Protocol Article 7; AU, AfCHPR, Article 7.

38 Liberian Constitution Article 58.

39 Liberian Constitution Article 50.

40 Section 12.6. NEC Regulations on Hearing Procedures.

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an arguably unreasonable barrier to access to an effective remedy, contrary to international best practice.

*While the establishment of an electoral court might resolve some of the independence and neutrality questions, it would require an equal if not greater investment in resources and training to ensure the court's functionality.*

Liberia's constitutional review process also suggested the establishment of an electoral court. Currently, electoral disputes are heard by district-level NEC magistrates and an NEC hearing office based in Monrovia. Decisions from the hearing office can be appealed to the NEC's Board of Commissioners. Decisions from the Board of Commissioners can be appealed to the Supreme Court. This system has been in place since the 2005 elections, and has raised questions about the NEC's neutrality in the dispute resolution process in situations where the NEC's actions are the subject of the complaint. The system also has put a strain on the country's legal system, which has few trained lawyers, and has created a dependence on the international community to provide legal and dispute resolution training for NEC magistrates and officials tasked with electoral dispute resolution responsibilities.

While the establishment of an electoral court might resolve some of the independence and neutrality questions, it would require an equal if not greater investment in resources and training to ensure the court's functionality. In addition, the overly formalistic legal culture in Liberia prevents the expeditious review of disputes, something which might not be resolved by shifting jurisdiction to a court. Consideration should be given to ways to strengthen electoral dispute resolution in Liberia, including further discussion of

strengthening the current system and the strengths and weaknesses of an electoral court system.

### **Citizenship**

Liberia's constitution restricts the right to citizenship based on race. Article 27(b) of the constitution restricts citizenship to persons "... who are Negros or of Negro descent..." The race restriction dates at least to the early 1800s in Liberia, when the American Colonization Society prohibited persons of non-Negro descent from living in the colony, with a few limited exceptions. This race-based component of citizenship was carried over to Liberia's first constitution in 1847 and was unchanged in the 1986 constitution. The restriction of citizenship based on race contradicts Liberia's international human rights commitments that prohibit discrimination based on race, sex, or religion.<sup>41</sup> The Carter Center recognizes the sensitivity of this issue and encourages further national discussion on the question of citizenship and Liberia's international human rights commitments.

Liberia's constitution also prohibits dual citizenship (Article 28). Questions of citizenship and the applicability of this clause have arisen repeatedly in Liberian elections, particularly since the civil war increased the size of Liberia's diaspora. Other ECOWAS countries have struggled with the question of dual citizenship, and currently more than half of ECOWAS countries allow dual citizenship. Liberia should give careful consideration to this issue and its impact on political rights.

In his inaugural address in January 2018, President George Weah raised citizenship as an issue that will be on the table for discussion in his administration.

### **LGBTI Rights**

Liberia's legal framework includes anti-gay legislation that promotes discrimination based on sexual orientation or gender identity and limits the meaningful political participation of some citizens. Liberia's legal framework criminalizes homosexuality<sup>42</sup> and directly contradicts Liberia's international human rights commitments.<sup>43</sup>

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41 U.N., UDHR, ICCPR.

42 Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

43 U.N., UDHR, ICCPR.



The National Election Commission's headquarters is located in the Sinkor neighborhood of Monrovia.

Current legislation makes homosexual conduct a misdemeanor, though it can be punished by up to a year in prison. The existing criminal statute makes LGBTI individuals vulnerable to human rights violations, exploitation, and violence.

In recent years, attempts have been made to strengthen anti-gay legislation in Liberia. In 2012, then-Senator Jewel Howard-Taylor introduced a bill that would have made same-sex marriage a felony. The bill was passed by the Senate in July 2012 but did not pass the remainder of the legislative process. That same year Representative Clarence Massaquoi introduced a bill that would have criminalized “acts that arouse or tend to arouse another person of the same gender to have sexual intercourse.” Although both bills failed to pass the House of Representatives, according to Liberian human rights organizations, the bills “still remain in the upper house and could be revived in the future.”<sup>44</sup>

During the 2017 campaign period, anti-gay discourse was prevalent, and most candidates promoted increased discrimination of Liberia's LGBTI community (see pre-election section of this report). The Carter Center urges the repeal of all discriminatory legislation.

## Electoral System

Liberia is a presidential republic with three branches of government—the executive, the legislative, and the judicial—following the principle of separation of powers and a system of checks and balances. The president and vice president are directly elected on the same ticket for six-year terms. To be elected, a presidential ticket must receive the absolute majority of the valid votes cast (50 percent plus one vote). If an absolute majority is not obtained in the presidential election, a runoff is held between the two tickets with the highest number of votes received.

44 Human Rights Violations Against Lesbian, Gay, Bisexual, and

Transgender (LGBT) People in Liberia, SAIL et al, April 2017, p. 3.

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The 73 seats of the House of Representatives are elected by a simple majority vote, first-past-the-post system, from single-mandate districts for a six-year term.<sup>45</sup>

## Boundary Delimitation

According to international standards, constituency boundaries should be drawn in such a way that the principle of equal suffrage is preserved, so that every voter has roughly equal voting power.<sup>46</sup> For the elections to the House of Representatives, Liberia is currently divided into 73 electoral districts, each one electing one representative. Constituencies were last demarcated before the 2011 elections and were not adjusted for the 2017 elections.

*There are significant deviations in the constituency sizes for house districts, in contravention of international standards and the principle of equality of the vote.*

Liberia's constitution requires that the delimitation of constituencies be conducted on the basis of census data following the principle of equal suffrage and allows for the creation of up to 100 seats in the House of Representatives. Liberia is overdue for a census, and the next census could take place as early as 2018. Ideally, a new census should be conducted in advance of future elections. Following a census, legislative districts should be demarcated with respect for the principle of

equal suffrage and reducing the variation between districts to less than a 10 percent deviation, consistent with international standards.<sup>47</sup>

When House districts were last demarcated in advance of the 2011 elections, there was a protracted struggle within the legislature and between the legislature and executive over setting the threshold number for constituency demarcation. Articles 80(d) and (e) of the constitution state that each constituency shall have an approximately equal population of 20,000 persons, or a number of citizens designated by the legislature following a census to keep up with population movement and growth. Liberia has been unsuccessful in passing a bill to establish an appropriate threshold. Without a recent census in place that captures Liberia's post-war population, district boundary demarcation has been done based on voter registration figures, not census data. In advance of the 2011 elections, the number of House seats was increased from 64 to 73 as a result of a political compromise, and not on a census and legislative review of a threshold to ensure equality of the vote.

There are significant deviations in the constituency sizes for house districts, in contravention of international standards and the principle of equality of the vote.<sup>48</sup>

Between 2011 and 2017 the deviation between districts increased. The electoral district with the largest number of registered voters (Montserrado 4) has six times as many voters as the district with the lowest number of registered voters (River Gee 3), with 63,290 and 10,615 voters, respectively, contrary to the principle of equal suffrage and international best practice.<sup>49</sup> (See Table 2 for a list of voters by county over time.)

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45 A 2011 referendum changed the electoral system for legislative seats from an absolute majority system to a simple majority system to avoid the need for runoff elections in legislative elections. In 2010 the number of House seats was increased from 64 to 73.

46 "The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely." ICCPR. General Comment 25. Article 21.

47 Code of Good Practice in Electoral Matters, Council of Europe, para. 15. (2002).

48 Article 80(d) of the Constitution: "Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred."

49 Code of Good Practice in Electoral Matters, Council of Europe, para. 15. (2002).

**Table 2: Boundary Delimitation: Number of Registered Voters per County**

Counties	Number of Electoral Districts	Number of Registered Voters, 2017	Average Number of Voters per Electoral District	Number of Registered Voters, 2011	Average Number of Voters per Electoral District	Number of Registered Voters, 2005	Average Number of Voters per Electoral District
Bomi	3	61,022	20,341	47,586	15,862	38,526	12,842
Bong	7	208,123	29,732	171,595	24,514	146,338	20,905
Gparpolu	3	48,650	16,217	37,811	12,604	22,503	7,501
Grand Bassa	5	145,523	29,105	124,280	24,856	100,601	20,120
Grand Cape Mount	3	66,389	22,130	56,472	18,824	37,327	12,442
Grand Gedeh	3	63,202	21,067	49,680	16,560	31,730	10,577
Grand Kru	2	35,531	17,766	28,394	14,197	18,897	9,449
Lofa	5	167,427	33,485	156,929	31,386	87,136	17,427
Margibi	5	154,108	30,822	121,904	24,381	98,269	19,654
Maryland	3	57,140	19,047	47,900	15,967	39,009	13,003
Montserrado	17	778,291	45,782	630,367	37,080	473,229	27,837
Nimba	9	279,601	31,067	230,146	25,572	190,270	21,141
River Gee	3	35,191	11,730	29,401	9,800	22,000	7,333
Rivercess	2	35,540	17,770	28,569	14,285	18,809	9,405
Sinoe	3	47,891	15,964	37,896	12,632	28,086	9,362
<b>Totals</b>	<b>73</b>	<b>2,183,629</b>	<b>29,913</b>	<b>1,798,930</b>	<b>24,643</b>	<b>1,352,730</b>	<b>18,531</b>

## Election Management

A critical factor in enhancing the transparency of an electoral process and facilitating the active participation of citizens in the democratic process is an independent and impartial election management body. A transparent, accountable, and professional body is regarded as an effective means of ensuring that domestic and international obligations related to the democratic process are met.<sup>50</sup> The election management body should provide accountable, efficient, and effective public administration of elections, and should ensure that the electoral process is in compliance with Liberia's national laws as well as its regional and international obligations for democratic elections and human rights.<sup>51</sup>

### NEC Structure

The current NEC was established in 2004 and is directed by a board of seven commissioners with

regional and functional areas of responsibility. The Board of Commissioners is appointed by the president with the consent of the Senate. The Board of Commissioners provides policy direction for the NEC and oversees the work of the Secretariat. The Secretariat is the technical and administrative structure that manages the day-to-day general administration and implements the policies, programs, projects, and activities of the NEC. Each county has at least one magisterial office, headed by a magistrate appointed by the NEC. Larger counties have two magisterial offices.<sup>52</sup>

During the constitutional review process, a recommendation was made for NEC commissioners to be elected, rather than appointed by the president with Senate consent. While considering alternatives to the current appointment system to increase the independence of the NEC is commendable, pluses and minuses of various appointment mechanisms should be weighed.

50 United Nations, International Covenant on Civil and Political Rights, General Comment 25, para. 20.

51 Venice Commission, Code of Good Practice in Electoral Matters, Section II.3.1.c.

52 There are 15 counties in Liberia and 19 magisterial offices.

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Consideration should also be given to whether greater independence can be assured within the current structure through the introduction of additional safeguards.

In Liberia's highly politicized environment, it is possible that electing NEC commissioners would have the unintended result of increasing the politicization of the NEC. The current system of presidential appointment with legislative consent is practiced in many countries, and is intended to promote input from a range of political voices as a means to promote the independence of the body. Liberia should strive to ensure that the independence of the NEC is protected and that the appointment process results from genuine consultation and input. One alternative would be to consider requiring a supermajority for consent, or other methods to ensure that the NEC is composed of persons who enjoy the confidence of a range of political actors.

Although the structure of the NEC as an independent commission without other government oversight is consistent with international standards, its dependence on the government for budget approvals and procurement procedures impacted NEC decisions and logistical preparations.

Another point to remember is that between the first and second round of elections, and during the electoral dispute resolution process, a senatorial committee was established to focus on electoral matters. Although it is not clear whether the committee was intended to play a formal oversight role, it is important to highlight that the independence of any election management body (EMB) from the government, including the legislature, is critical to the implementation of democratic elections.

### **Political Party and Stakeholder Interactions**

During the electoral process, the NEC took concerted steps toward increasing transparency and keeping election stakeholders and the general public informed about election preparations. While NEC sessions were not open to observation and

its decisions were not consistently published, the NEC held weekly press conferences during the pre-election period to share information with political parties and the public.

Regular meetings were conducted with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the national level and were an important part of the overall transparency of the process. At the national level, the IPCC was a valuable contribution to promoting peaceful relations between the parties and improved the transparency of the process. Although the IPCC meetings were intended to be replicated at the county level, ultimately this was unsuccessful. At the national level, IPCC meetings and other informative sessions on election disputes and polling day operations provided political parties with the opportunity to learn about election procedures and familiarize themselves with election preparations, including trainings, ballot printing, and voter registration developments. The meetings also provided an opportunity for dialogue between political parties.

Importantly, prior to the Oct. 10 elections, the majority of the presidential candidates with whom the Carter Center mission met did not express concerns about the NEC's impartiality. Relations between the political parties and the NEC magistrate offices in the counties also seemed to be cordial, but meetings with political parties and election stakeholders were not consistently held at the county level.

However, confidence in the NEC diminished during the period following the first round and the hearing of the Liberty Party and Unity Party complaint. During the dispute resolution process, both the LP and UP requested the recusal of the NEC chairperson and aggressively questioned the NEC's impartiality and competence during the period leading up to the presidential runoff election. As a consequence of the contentious dispute resolution process, the NEC did not engage constructively with primary stakeholders in advance of the presidential runoff election.

# I Pre-election Period

The Carter Center deployed three pre-election assessment delegations to Liberia in 2016 and 2017, including a delegation that observed the voter registration period. In August 2017 a core team of experts and long-term observers arrived and visited Liberia's 15 counties in advance of elections. Carter Center observers met with key stakeholders at the national, county, and district level, including political party leaders, civil society representatives, members of the judiciary, the security sector, the media, and the international community.

## Voter Registration

In order to meet the obligation of universal suffrage, it is incumbent on countries to ensure that the broadest possible pool of persons entitled to vote are able to exercise that right and that if voter registration is required, it should be facilitated with no obstacles imposed.<sup>53</sup> The rights of universal and equal suffrage are fundamental international obligations for democratic elections. International standards provide that voter lists should be prepared in a transparent manner and that voters should be provided free access to

review and correct their registration data as the need arises.<sup>54</sup>

## Right to Vote

The 1986 Constitution provides that every Liberian citizen 18 years of age and over has the right to vote in public elections and referenda and to be registered as a voter.<sup>55</sup> The law restricts this right for persons who have been disenfranchised as a result of a conviction for an infamous crime.<sup>56</sup> The legislation also excludes persons who have been declared legally incompetent or of unsound mind, which may not be consistent with the provisions in the Convention on the Rights of Persons with Disabilities (CRPD) and related jurisprudence.<sup>57</sup>

Persons in prison who have been accused of a crime but not yet convicted have the right to register and vote according to the constitution and laws of Liberia. For the 2017 elections, provisions were not made to ensure the enfranchisement of pretrial detainees. Although it is difficult to verify the number and location of pretrial detainees across the country, The Carter Center heard reports that some may wait as long as three years

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53 ICCPR, Article 25(b); and UNHRC, General Comment 25, para. 11.

54 "The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises." Article 5, ECOWAS Protocol on Democracy and Good Governance (2001).

55 Article 77(b), 1986 Constitution.

56 Article 3.1, New Elections Law.

57 The Convention on the Rights of Persons with Disabilities (CRPD) Committee's interpretation of CRPD Articles 12 and 29 states that mental incapacity should not serve as a basis for the deprivation of the right to vote and to be elected, under any circumstances: "A person's decision-making ability cannot be justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election and the right to serve as a member of a jury." Draft Comment on Articles 12 and 29, CRPD. Also, CRPD Committee, 2013, *Zsolt Bujdosó and others v. Hungary*.

NEC staff wait to register voters in Monrovia.



Carlos Valenzuela

for a trial. In January 2017, the legislature of Liberia conducted public hearings to consider the issue of voting rights and pretrial detainees. While international human rights law and the laws of Liberia support the enfranchisement of pretrial detainees, providing the opportunity to register to vote would require cooperation between the NEC and Ministry of Justice. This did not happen during the registration process.<sup>58</sup>

The constitution and laws of Liberia also provide that all persons 18 years of age should be allowed to vote. During voter registration, staff allowed those who are 18 as of the date of their registration to register. Youth organizations and some political parties raised the issue that those who turned 18 between the end of the registration period and the date of elections did not have an opportunity to participate in the process. Further, since the same voter register will be used in the by-elections expected in 2018, all those who

turned 18 since the end of the voter registration period in March 2017 were disenfranchised.

### **Determining Eligibility**

In Liberia, NEC staff need to determine both the citizenship and eligibility of voter registration applicants. The law provides that eligibility can be established by production of a valid Liberian passport, birth certificate, original certified copy of a certificate of naturalization, evidence of renunciation of a second nationality, or other means established by the NEC. For the 2017 registration process, the NEC established that voter registration cards from 2011 and the 2014 update also could be used to establish eligibility since most Liberians lack identification documents.

Where documentation is unavailable, eligibility can also be established by the sworn statements of two other registered voters who appear in person and confirm an applicant's citizenship, or by a Liberian traditional leader who appears before

58 The Carter Center International Election Observation in Liberia. Statement on the Voter Registration Process. March 3, 2017. <https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf>

[cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf](https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf)

NEC officers to attest to a person's Liberian citizenship. Carter Center observers noted additional forms of social knowledge being used to establish the citizenship and eligibility of prospective registrants, including asking persons in the queue if they knew a registrant, and asking the applicant to specify their location of residence or to name a local elder. This practice generally was seen as credible by stakeholders. In many voter registration centers observed by The Carter Center, officials from the Bureau of Immigration and Naturalization (BIN) were present and played a role in determining citizenship and eligibility of prospective registrants.

Additional information about the process of determining eligibility can be found in the Carter Center's full statement on the voter registration process, included among the appendices of this report.<sup>59</sup>

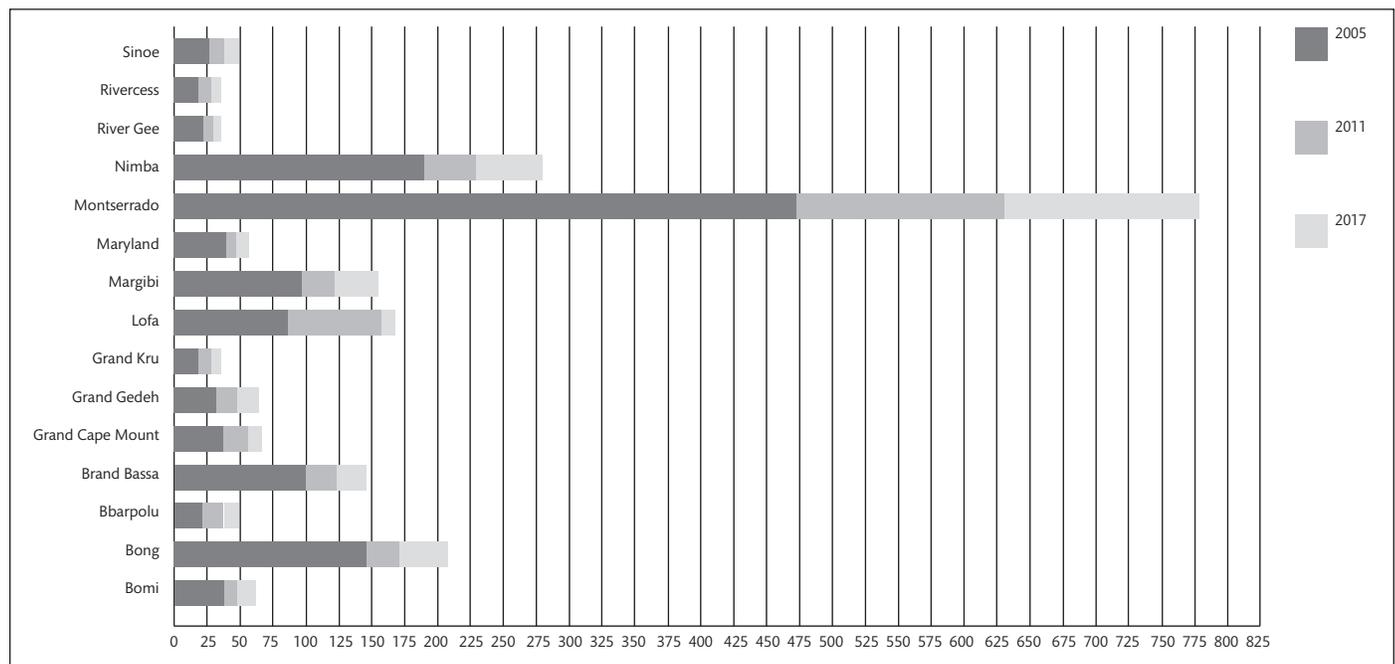
### Voter Registration Activities

In order to ensure a voter register that is accurate and updated, and taking into consideration

demographic fluctuations in postwar Liberia, it was decided to engage in a process to create a new voter list for the 2017 elections. The voter registration process was originally scheduled to be conducted from Feb. 1 to March 7 but was extended by the NEC through March 14 to allow additional time for eligible citizens to register. An exhibition and challenge period was subsequently conducted June 12-17 to allow citizens to scrutinize the voters list and make corrections.

Ultimately the NEC registered 2,183,629 people to vote, an increase from the 2011 registration process that registered 1.8 million and a significant increase over the 2005 elections, when 1.3 million were registered. The NEC attributed the increase to its outreach to first-time voters, and the Liberia Institute of Statistics and Geo-Information Services noted that the figure is within the range of its projection for the eligible voting population. There was also a noted increase in the percentage of women registered for the 2017 election. (Figure 1 provides a snapshot of voter registration by county in 2005, 2011, and 2017.)

**Figure 1: Voter Registration in Liberia by County in 2005, 2011, and 2017**



59 The Carter Center International Election Observation in Liberia. Statement on the Voter Registration Process. March 3, 2017. <https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf>

[cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf](https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf)

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The NEC registered voters at 2,080 voter registration centers across the country. This represents an increase of about 300 centers, or almost 17 percent, to reduce the distance citizens must walk to register to vote and to address the increase of population in some urban areas, including Montserrado. In a press conference on Feb. 27, in the final days of the registration process, the NEC announced its intention to create mobile registration centers to further accommodate voters. Women faced extra obstacles to register because of domestic chores and security challenges they may face in walking long distances.

*Operational issues were reported at the beginning of the registration process, particularly in relation to camera malfunctions (concentrated in Montserrado and the southeast) and a lack of materials in some areas.*

In urban areas observed by The Carter Center, applicants were processed in an average of 25 minutes, or a projected issuance of 12 voter registration cards per hour. In other cases, particularly in rural areas, applicants sometimes had to wait for hours, or return the following day, to complete the registration process because staff could only print photos in batches of four at a time, which slowed the pace of issuing cards.

Upon entering a registration center, most registrants were asked to verify their citizenship and eligibility, including age, and their fingers were checked for ink to ensure that they had not already registered. Following the interview, registrants' details were collected by staff, and forms shaded for later scanning at the data center in Monrovia. Photos were taken and printed in duplicate for a registrant's card and the registration form. Thumbprints were also recorded on both the card and the registration form to assist in detecting and removing any duplicate registration forms.

Registrants' fingers were placed in indelible ink to indicate that they had registered. The protections in place against the potential for multiple registration at both the level of the registration center and the national data center in Monrovia are substantial and exceeded international good practice.

The 2017 voter registration process included some improvements upon past processes, including changes to the voter card itself. The orientation of the card was changed to help avoid potential for confusion with old cards, and additional security features were added.

Election law amendments in 2014 affected the process for the registration of voters, including provisions that a person must register and vote in the location where they ordinarily reside. This change was intended to guard against the trucking of voters to influence the results of any election. However, the law fell short of a comprehensive definition of what constitutes a residence for the purposes of voting.<sup>60</sup> Carter Center long-term observers received reports of trucking activities in a number of counties around the country. During the voter registration process, NEC officials at the national, county, and registration-center level applied a broad interpretation of the "ordinarily resident" clause, so as to take into account family and historical ties to a particular locality.

### **Carter Center Voter Registration Mission**

The Carter Center delegation that visited during voter registration deployed from Feb. 20 through March 1, 2017, and met with key stakeholders. The delegation visited 40 voter registration centers in 21 electoral districts across eight of Liberia's 15 counties: Bomi, Bong, Grand Bassa, Grand Cape Mount, Lofa, Margibi, Montserrado, and Nimba. The delegation released a public statement on March 3 with a summary of the team's observations as the voter registration process continued. The Center found the NEC to be open and responsive to issues that arose during voter registration.

Operational issues were reported at the beginning of the registration process, particularly in relation to camera malfunctions (concentrated

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<sup>60</sup> Article 1.2(n) of the New Elections Law defines residence as "the place

where a voter lives," without additional requirements or proof.

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in Montserrado and the southeast) and a lack of materials in some areas. Stakeholders reported that the NEC reacted promptly and efficiently to resolve those issues. The Center's delegation found no significant problems with materials or equipment, and reported that operations were conducted without major difficulties. Registration staff generally performed in a dedicated and professional manner, and procedures were followed in a relatively consistent manner in the VRCs observed.

The NEC faced some difficulties regarding the procurement of voter registration materials and the format of the voter registration forms used to capture voter data. Some of these procurement and distribution challenges stemmed from late budget allocations that slowed preparations. The quality of the paper procured for the forms created some difficulties in the scanning of forms and creation of the voters list. In addition, the procurement schedule resulted in some VRCs receiving voter registration forms with identification numbers that were not always sequential. This created some difficulties on election day on Oct. 10, when the wide range of voter ID numbers assigned to some polling centers created challenges in finding the right polling place and contributed to long lines.

The majority of stakeholders told the Center's delegation that voter awareness and information efforts were not sufficient for voter registration, particularly in rural areas. This contributed to repeated calls for an extension of the period, to which the NEC ultimately agreed.

Despite these operational challenges, the NEC was responsive throughout the voter registration process. While the NEC took commendable steps to address key problems, stakeholders increasingly expressed concerns over the accuracy and quality of the voter list.

### **Exhibition and Challenges, Card Replacement, and Verification**

Following the voter registration period (Feb. 1–March 14, 2017), citizens were given the opportunity to review the voter list, in line with international and regional standards.<sup>61</sup> Citizens

could request changes, rectify omissions, and object to the inclusion of ineligible voters. The exhibition period was held June 12–17, 2017, a relatively short period of time.

During the exhibition period, a number of issues were identified, including the misallocation of voters to polling places as well as missing, duplicate, or inaccurate entries on the roll. In most cases, these issues were attributable to problems related to procurement, including printing and scanning equipment and paper. The nature and extent of issues discovered impacted voter and stakeholder confidence in the integrity of the list.

Following the first round of voting and in response to complaints from political parties, an ECOWAS technical team reviewed the Final Registration Roll (FRR) and the voter registration process. The ECOWAS team suggested that the NEC did not take sufficient time to properly clean and check the voter list before printing the provisional list.

Between Aug. 7 and 12, voters were able to replace lost, spoiled, or poor-quality voter registration cards in the 90 replacement centers established by the NEC around the country.<sup>62</sup> According to the NEC, a total of 5,044 voters replaced their cards in this period.

In late August, the NEC conducted a second verification of the provisional registration roll prior to the printing of the Final Registration Roll (FRR). As part of this verification, the NEC brought in voter registration experts from Ghana and conducted manual checks of voter registration forms with the help of the magistrates. However, the NEC did not provide figures on the number of errors or duplicates that were identified, and did not take sufficient steps to explain to the general public the efforts it made to rectify deficiencies. This lack of communication hampered stakeholder confidence.

### **SMS, NEC Website, and Use of Technology**

Voters had the opportunity to see if their names appeared correctly in the voter list and confirm the location of their assigned polling station

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61 Article 5. ECOWAS Protocol on Democracy and Good Governance. (2001).

62 NEC regulations require that the replacement period should take place at least three months before the election. Article 16.4 of the Voter Registration Regulations.

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through the NEC's website or by SMS messaging. The Carter Center observed that the SMS system worked sporadically in the capital but that large portions of the country do not have cell service or internet access. The Center's observers reported that the NEC and its civic and voter education partners did not conduct widespread voter information efforts regarding the tool. For the first round the SMS system and the NEC hotline were supposed to be used to verify the validity of voters with a voter registration card but who could not be found on the printed voter list. Voters who were verified would then be added to the supplemental voter lists and allowed to vote. On election day in October, Carter Center observers noted that the verification procedures had not been used widely, and voters were inconsistently added to the supplemental lists.

*The procurement and distribution of voter registration forms in batches created a wide variation in the sequencing of voter identification numbers at each polling place, which led to confusion on election day on Oct. 10, particularly in larger polling precincts and urban areas.*

### **The Final Registration Roll (FRR)**

Following extensive efforts to address deficiencies identified during the exhibition period and manually verify entries in the register, the NEC announced the release of the Final Registration Roll (FRR) on Sept. 12, 2017, about one month before polling day, with 2,183,629 registered voters. Partially addressing recommendations to inform the public about their efforts, the NEC announced that 4,567 duplicate entries were identified and corrected. In these cases, the NEC kept the data of the last place the voter registered, in line with best practices.

Following the requirements of the law, the NEC distributed the FRR to political parties that requested it.<sup>63</sup> The parties were given electronic copies of a PDF file of the voters list.<sup>64</sup> While more information could have been provided regarding how the NEC resolved issues concerning missing names, misallocated voters, and mismatched photos, the Center acknowledges NEC's positive efforts to provide information to the public and the contesting political parties.

### **Conclusions**

Although stakeholders expressed confidence in the voter registry and the NEC during much of the pre-election period, as election day approached interlocutors at the national level and in the counties began to express concerns about the quality and accuracy of the roll. Many of the concerns were based on issues identified during the exhibition of the provisional voter lists, including duplicate entries, incomplete voter data in the lists, assignment of voters to incorrect polling precincts, missing entries, and poor voter card quality. These concerns were exacerbated by what many perceived as a delay in the release of the final voter lists. Although the NEC complied with the legal deadlines for the finalization of the lists, it could have increased public confidence by providing more information on what has been done to address the deficiencies and by releasing the lists to political parties earlier in the process.

The procurement and distribution of voter registration forms in batches created a wide variation in the sequencing of voter identification numbers at each polling place, which led to confusion on election day on Oct. 10, particularly in larger polling precincts and urban areas. The confusion, which led to long lines and discretionary use of the supplemental voter lists, became the basis of the Liberty Party and Unity Party's challenge to the election. As the appeal was being heard, the NEC brought in a technical team from ECOWAS to conduct an assessment of the FFR. As part of the Supreme Court's ruling on the appeal, the NEC

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63 The NEC distributed pen drives containing the Final Registration Roll in PDF format to seven parties, including UP and CDC, whose candidates participated in the runoff.

64 Political parties later used the fact that they received a PDF electronic version of the list to claim that there were multiple lists and that the NEC could have manipulated the list after giving it to the parties (see Election Disputes and Runoff Preparations below).

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was instructed to take specific actions to rectify remaining errors in the list and to post the list at all polling precincts prior to the runoff election day (see Election Disputes and Runoff preparations below). Carter Center observers found the posting of the FRR for a few days before election day very useful and reported that many interlocutors hope it will become a regular practice.

### **Biometric Voter Registration**

In 2016, there was discussion in Liberia about the possibility of introducing a biometric voter registration system for the 2017 elections. A decision was ultimately made against the introduction of such a system. In a July pre-election statement, the Center noted that there was insufficient time or need to introduce a biometric system for this registration process. The Center's observations of the 2017 registration of voters reinforced this opinion. The voter registration system in Liberia and protections against multiple voting at the level of the VRC and data center processing are robust. In addition, the active and neutral approach of the Liberia National Police and NEC to address any electoral offenses or criminal activity during the registration process are strong. The decision not to introduce biometric voter registration, although not without controversy, was appropriate, as there was not sufficient time or need to implement such a process.

Going forward, Liberia should carefully weigh the strengths and weaknesses of the use of biometrics for the identification of voters.

### **The National Identification Registry (NIR) and Elections**

In 2011, an act of legislation was passed that established a National Identification Registry (NIR) as an autonomous agency of government with responsibility for the design, establishment, administration, and maintenance of a national biometric identification system, or a civil registry and distribution of national identification documentation. In November 2017, between rounds of elections, the NIR began its civil registration process.

Although the National Identification Registration Act does not discuss voter registration

nor a link between a civil registry and the voter registry, the government and NIR officials reported to The Carter Center an intent to extract the voter registry from the civil registry for future elections. Further, NIR officials have discussed with the NEC the mechanisms for providing free voter registration cards to those who have yet to receive a biometric national ID.

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*Going forward, the Carter Center recommends that careful consideration be given to the pros and cons of linking the voter registry to the civil registry.*

Civil registries and voter registries collect inherently different information for different purposes. While a civil registry requires a broader set of data, a voter registry requires a simpler subset of data related exclusively to a person's eligibility to vote and identification. To maintain a civil registry in ways that would make it adequate for the extraction of a voters list will require substantial resources, development and implementation of new systems, and the recruitment and training of additional staff at both the NIR and the NEC. The registry would require technical and financial resources for ongoing maintenance and updates of data, including registration of deaths and updates to changes in residency within the country.

Extraction of a voters list from the civil registry would likely present challenges regarding greater numbers of dead persons on the list and the related need for protections against fraud, multiple voting, and inflation of the voter list. A voter list that is extracted from a civil registry should be considered as a preliminary list. Such a preliminary voters list could be finalized through an extensive exhibition and challenge period during which a majority of eligible voters have an opportunity to review the preliminary list and file for any inclusions or objections.

Going forward, the Carter Center recommends that careful consideration be given to the pros and cons of linking the voter registry to the civil registry. A realistic assessment should be undertaken well in advance of future elections regarding

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alternative mechanisms for registering voters. The ultimate aim should be to ensure enfranchisement of as much of the voting age population as possible, to minimize the strain on resources and to instill greater public confidence. The goal should be to develop a permanent voter roll that can be periodically updated with sufficient opportunity for scrutiny.

## Voter Education

Voter education is an essential part of the electoral cycle and is recognized as an obligation to ensure that an informed electorate is able to effectively exercise the right to vote without obstacles in order to ensure universal and equal suffrage.<sup>65</sup> Effective voter education is crucial to ensuring that an informed electorate can properly exercise the right to vote.

In Liberia, high rates of illiteracy and low levels of access to the media outside of the capital make voter education programming particularly challenging. In past elections in Liberia, the Center has consistently recommended that voter education activities be intensified, particularly in rural areas. Although it must be acknowledged that the NEC has limited resources at its disposal, voter education efforts for these elections were again minimal at each stage of the electoral process. Following the highly publicized “launch” of the NEC’s voter education campaign on Aug. 11, 2017, just two months before election day, the Center’s long-term observers saw few voter education activities firsthand and found voter education programs to be fairly limited. This already low level of activity deteriorated further before the second round, in part due to the stay order on preparations for the second round and delays in the runoff.

The United Nations Development Program, International Foundation for Electoral Systems, and the National Democratic Institute supported the NEC’s civic and voter education programming by giving small grants to support the efforts of

approximately 17 nongovernmental organizations. However, most of these efforts started after the commencement of voter registration, lessening their impact.

Despite the late start, the Carter Center noted higher levels of civic and voter education during the voter registration process than at other stages of the electoral process. Carter Center observers found that posters educating voters about the registration process were widely posted in major towns and villages, as well as near voter registration centers. Public service announcements were also made via radio programs. The NEC reported that it fielded 438 civic educators and another 219 gender mobilizers during the first quarter of 2017, when the voter registration process was held.

Prior to the first round of elections, the NEC made an effort to reach women, persons with disabilities, and religious communities with its civic and voter education campaigns. Some organizations representing persons with disabilities and the Mandingo community expressed regret that they were not selected to assist the NEC in these efforts and called on the NEC to intensify its voter education.

In advance of the presidential runoff election, the Supreme Court ordered all preparations for the runoff to be suspended during the dispute resolution process. As a consequence, voter education came to a halt as well. The Center’s observers reported it did not appreciably resume after the stay order was lifted. The NEC relied primarily on media coverage of the complaint process to communicate the new election date to the public, and to inform voters about the opportunity to check the FRR to identify their polling place in advance.

Overall, Carter Center observers found voter education efforts to be extremely limited. Many interlocutors told the Center that the rate of invalid ballots in the first round (just over 5 percent) was due to a lack of voter education.<sup>66</sup>

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65 ICCPR, Article 25 (b); UNHRC General Comment 25, para. 11: “the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access in Public Service.”

66 It is unclear if this is the case. While Carter Center observers did occasionally see ballots that were incorrectly marked, it is also likely that

overly strict rulings by polling staff concerning which ballots should be considered valid also contribute to the high rates of invalidity. Similarly, the procedure adopted by the NEC for adjusting Records of the Count could also inflate the number of invalid ballots.



Posters are a key form of campaign in Liberian elections.

## Candidates, Parties, and Campaigns

Equitable treatment of candidates and political parties during elections and the maintenance of an open and transparent campaign environment are important to protecting the integrity of democratic elections and the right of every citizen to be elected. The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restriction. Under international law, genuine, democratic elections also require that candidates and political parties be able to campaign free from interference or undue restrictions.

Liberia's constitution and its international and regional commitments create obligations related to the nomination of candidates, parties, and campaign periods. These include, among others, the right to be elected, to freely express opinions, and to participate in public affairs.<sup>67</sup>

This section discusses observations and key findings of the extent to which these rights were upheld during the candidate nomination and

campaign periods. Additional discussion of the legal framework and the right to stand can be found in the earlier legal framework section of this report.

### Candidate Registration

The NEC oversaw an inclusive candidate nomination and registration process and registered a total of 1,024 candidates (20 each for the presidential and vice presidential race and 984 for the House of Representatives). The official candidate registration period was from June 19 to July 11. In response to requests from political parties, the NEC ordered a 10-day extension of this period to address the low participation rates from the parties, a decision that reflected NEC's commitment to ensuring an inclusive election process. The provisional candidate list was published on July 24 and was followed by a three-day period for challenges.

Candidates for presidential and legislative elections can be nominated independently or by political parties. Out of the 26 registered political parties, 23 fielded candidates for the legislative

<sup>67</sup> ICCPR, Article 19(2); ACHPR, Article 13(2).

aces and 17 for the presidential race. There were three tickets with independent candidates for the offices of the president and vice president, and 90 independent candidates participated in the legislative elections.

On the basis of this provision, the participation of 11 political parties that had fewer than 37 candidates successfully registered was chal-

*Almost all of the final party lists fell short of the provision to “endeavor to ensure” that at least 30 percent of candidates were women.*

lenged based on a legal provision that parties must nominate candidates in at least half of the 73 constituencies. The NEC found that the law does not require the successful registration of candidates for 50 percent of constituencies, but rather just their nomination, and therefore rejected the challenge. The NEC explained that all 11 parties submitted lists with at least the required 37 nominees; however, some of the listed nominees

failed to complete the registration process. While acknowledging this as a sign that these nominees lacked a genuine intention to run, the NEC rationalized its decision to allow these parties to participate as a means for ensuring a more inclusive process.

Almost all of the final party lists fell short of the provision to “endeavor to ensure” that at least 30 percent of candidates were women. Only two out of the 23 contesting parties, the Liberian Restoration Party (LRP) and the New Liberia Party (NLP),<sup>68</sup> met the 30 percent gender recommendation. There were 156 women who ran for the House of Representatives, totaling 15.8 percent of the 984 candidates. One woman ran for president, and six stood as vice presidential candidates. (See Tables 3 and 4.)

While the Center commends the LRP and NLP for their successful compliance with the objectives of the law, the Center regrets that most of Liberia’s other political parties, including those currently represented in the Senate and House of Representatives, were unable to make a similar effort to comply with the intent of the law.

**Table 3: Percentage of Female Candidates**

	Political Parties			Independent Candidates			Total Candidates
	Male	Female	Total	Male	Female	Total	
<b>House of Representatives</b>	752 (84.1%)	142 (15.9%)	894	76 (81.6%)	14 (15.5%)	90	<b>984</b>
<b>President and Vice President</b>	28 (78.6%)	6 (21.4%)	34	5 (80%)	1 (20%)	6	<b>40</b>
<b>Total Candidates</b>	<b>780 (81%)</b>	<b>148 (19%)</b>	<b>928</b>	<b>81 (81.5%)</b>	<b>15 (18.5%)</b>	<b>96</b>	<b>1,024</b>

68 Eleven of the 37 LRP candidates for the House are women. In the case of the NLP, which is only fielding three candidates for the House of

Representatives, one of them is a woman.

**Table 4: Candidate Figures by Gender and Party**

Party	Abbreviation	Candidates for House of Representatives				Candidates for President			
		Female	Male	Total	% women	Female	Male	Total	TOTAL
All Liberian Party	ALP	9	52	61	14.8	0	2	2	63
Alternative National Congress	ANC	15	54	69	21.7	0	2	2	71
Change Democratic Action	CDA	2	10	12	16.7	1	1	2	14
Congress for Democratic Change	CDC	7	60	67	10.4	1	1	2	69
Coalition for Liberia's Progress	CLP	10	31	41	24.4	0	0	0	41
Democratic Justice Party	DJP	1	12	13	7.7	0	2	2	15
Grassroot Democratic Party of Liberia	GDPL	2	25	27	7.4	0	0	0	27
Liberia Restoration Party	LRP	11	26	37	29.7	1	1	2	39
Liberia Transformation Party	LTP	9	44	53	17.0	1	1	2	55
Liberia National Union	LINU	2	23	25	8.0	0	0	0	25
Liberian People's Party	LPP	7	29	36	19.4	0	2	2	38
Liberia for Prosperity Party	LFP	0	2	2	0.0	0	0	0	2
Liberty Party	LP	7	61	68	10.3	0	2	2	70
Movement for Democracy and Reconstruction	MDR	4	34	38	10.5	1	1	2	40
Movement for Economic Empowerment	MOVEE	8	54	62	12.9	0	2	2	64
Movement for Progressive Change	MPC	5	29	34	14.7	0	2	2	36
New Liberia Party	NLP	1	2	3	33.3	0	2	2	5
People's Unification Party	PUP	4	36	40	10.0	0	0	0	40
Redemption Democratic Congress	RDC	1	10	11	9.1	1	1	2	13
True Whig Party	TWP	6	24	30	20.0	0	0	0	30
United People's Party	UPP	17	45	62	27.4	0	2	2	64
Unity Party	UP	10	46	56	17.9	0	2	2	58
Victory for Change Party	VCP	3	19	22	13.6	0	0	0	22
Vision for Liberia Transformation	VOLT	1	24	25	4.0	0	2	2	27
<b>Total Parties</b>		<b>142</b>	<b>752</b>	<b>894</b>		<b>6</b>	<b>28</b>	<b>34</b>	<b>928</b>
<b>Total Independent</b>		<b>14</b>	<b>76</b>	<b>90</b>		<b>1</b>	<b>5</b>	<b>6</b>	<b>96</b>
<b>TOTAL</b>		<b>156</b>	<b>828</b>	<b>984</b>		<b>7</b>	<b>33</b>	<b>40</b>	<b>1024</b>

## The Code of Conduct for Government Officials and Candidate Registration

In 2014, Liberia's legislature passed a code of conduct for government employees aimed at preventing the misuse of administrative resources and the abuse of office. The code of conduct includes a provision that officials appointed to positions in the executive branch must resign from their positions two or three years (depending on the level of the position) prior to an election if they wished to run for elected office. Although the code of conduct had been in force since 2014, the 2017 elections were the first national elections to be conducted following the passage of the code of conduct.

While the code's requirements that appointed public officials step down from office prior to participating in an election is intended as a protection against abuse of state resources in campaigns, these limitations unnecessarily restrict

the right to stand for elections, contrary to the International Covenant for Civil and Political Rights (ICCPR).<sup>69</sup>

In March 2017 and in advance of the candidate nomination period, the Supreme Court ruled on the constitutionality of the code of conduct, and in particular, the limitations on the right to stand for elections. Despite criticisms that the provision is overly discriminatory and therefore not in line with the ICCPR, the court found the code's requirement to resign well in advance of an election to be in line with the Liberian constitution, with two of the five justices dissenting.

For the presidential elections, the court's decision particularly impacted Liberia's newest political party, the Movement for Economic Empowerment (MOVEE) and its standard bearer, Mills Jones, former head of Liberia's Central Bank.<sup>70</sup>

On the basis of the Supreme Court ruling, during the candidate nomination period the NEC

ANC supporters ride on the back of a truck to rally support for their presidential candidate.



Scott Umstair

69 To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and nondiscriminatory. UNHRC, General Comment 25, paras. 15–17.

70 Due to the protracted controversy around the code of conduct issue in the pre-election period, the MOVEE party was hindered from being able to

move forward with normal party activity, and the party argued that the code of conduct controversy created an uneven playing field. The party earned less than 3 percent of the vote in the presidential election in October, and in December 2017 the party suspended Mills Jones around allegations of assault, theft, and vandalism of party property.

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rejected candidates who had not resigned in time to comply with the code of conduct. Upon appeal of the NEC rejections, the Supreme Court ruled that those who resigned after the deadline but prior to the Supreme Court's ruling on the constitutionality of the requirement, or upon learning of the ruling, should be registered, as their noncompliance was not egregious. Those who were still in public office at the time of submitting candidacy documents were found to have egregiously violated the code of conduct and therefore could not be registered.

The NEC had initially rejected the candidacy of 24 applicants for not complying with the code of conduct requirement. Following the Supreme Court's decision, the NEC overturned 22 of the 24 rejections. Had the Supreme Court interpreted the code of conduct's requirement to resign as a prerequisite for being registered, potentially one presidential candidate, two vice presidential candidates, and 22 candidates for the House of Representatives would have been ineligible to run. Two candidates remained ineligible because they still held appointed public positions at the time of applying to be candidates.<sup>71</sup>

The Supreme Court found that not resigning by the deadline is a violation of the code of conduct, for which a penalty should be imposed—for egregious violations, disqualification; for non-egregious violations, the imposition of a fine.<sup>72</sup>

The Supreme Court ruling sparked a controversy between the court and the national legislature that dominated political discourse throughout the first month of the campaign. A group of senators and representatives requested the initiation of impeachment proceedings for three of the five Supreme Court justices. The Supreme Court justices refused to appear when summoned before the House Judiciary Committee, stating that the threat of impeachment violated the constitutional protections that Supreme Court justices enjoy. The two bodies remained at an

impasse until interventions by multiple national and international mediators resulted in the House of Representatives voting to drop all discussion of impeachment proceedings against Supreme Court justices.

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*To make sure the other provisions of the code will be applicable for future elections, and to ensure that the general protections in the code against corruption are effective, the code of conduct for government officials should be amended or a new code of conduct passed.*

While criticism of the Supreme Court's decision continued, there appeared to be widespread acceptance that the ruling resulted in a more inclusive process and contributed to a peaceful election. The controversy over the code's application to candidate registration, however, precluded the code's application to other aspects of the election process, including those aimed at preventing the misuse of administrative resources in general and in the context of an election, since stakeholders considered the code null and void following the Supreme Court's ruling.<sup>73</sup>

To make sure the other provisions of the code will be applicable for future elections, and to ensure that the general protections in the code against corruption are effective, the code of conduct for government officials should be amended or a new code of conduct passed.

### **The Campaign Period**

Under international law, genuine, democratic elections require that candidates and political parties be able to campaign free from interference or undue restrictions.

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71 Those candidates were Abu Kamara, who applied to be a candidate for the House of Representatives but had yet to resign from his post as assistant minister of post and telecommunications, and Dr. Michael P. Slawon, who denied holding a presidential appointee position when applying for registration.

72 Supreme Court ruling in the case of Karnwea and Liberty Party v. NEC from July 20, 2017.

73 The Liberty Party complained about the political activities of Unity Party leaders who did not resign from executive positions, alleging this is a violation of the code of conduct. The NEC Hearing Office rejected the complaint, finding that it was not in its authority to review a matter related to the code of conduct.

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Building upon the foundation established by the IPCC consultative meetings, Liberia's opposition political parties gathered in Ganta, Nimba County, in September 2016, and signed the "Ganta Declaration," "in furtherance of an informal dialogue held amongst some members of the Inter-Party Consultative Committee" and committing to "taking all necessary steps... to ensure violence-free election [sic] in 2017." This was followed in turn in June 2017 by a meeting at the Farmington Hotel outside Monrovia convened by the Liberian government—with support from UNMIL, the AU, ECOWAS, and the Inter-Religious Council of Liberia—that included 20 of the then 22 parties certified to contest the elections. The Farmington River Agreement that emerged from this conference recognized that "the Ganta declaration of the political parties in Liberia clearly sets the framework for free, fair, transparent and nonviolent election [sic] in Liberia in 2017" and committed all the signatories, including CDC and UP, to "an orderly and peaceful election process."

responsibility to maintain public order in exemplary fashion.

Campaign activity in the counties seemed more limited. The Center's mission directly observed campaign events for both legislative and presidential races staged by 10 parties and three independent candidates in nine counties. Large events were organized mainly around visits of parties' presidential candidates, an indication of the extent to which campaigning and electoral politics continue to be based on individual personalities. Most campaigning was reportedly carried out door to door, with small groups of "foot soldiers" going from village to village. The modest scale of much of the campaign may have been a function of the limited availability of funding for most parties' activities. Both firsthand observation and secondhand reports from the Center's interlocutors confirmed that the campaign was largely peaceful and that parties and candidates were able to exercise their democratic rights without undue interference.

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*Although the campaign period was overall peaceful, there were a small number of isolated incidents of election-related violence.*

Against the backdrop of the commitments to peace in the Ganta and Farmington declarations, and a clear anxiety over whether those commitments would be upheld, the campaign period was officially declared open by the NEC on July 31 and concluded on Oct. 8. With few exceptions, campaign activities were civil and orderly. The Carter Center is not aware of any events that were subject to undue restrictions. Larger political parties organized major rallies in Monrovia. In contrast to previous elections, these rallies were notably free of tensions and proceeded peacefully. The Liberian National Police (LNP) fulfilled their

### **Election-Related Violence**

The right to security of the person includes the protection of voters, candidates, polling officials, and observers from coercion, intimidation, and violence.<sup>74</sup>

Although the campaign period was overall peaceful, there were a small number of isolated incidents of election-related violence. The most serious disturbance of the otherwise pacific character of the campaign occurred on Sept. 20, when a violent clash took place in Nimba between partisans of the Liberty Party (LP) and the Coalition for Democratic Change (CDC). The incident occurred when CDC's presidential campaign convoy was passing through Sanniquellie, the county capital, where an LP rally was taking place for which that party had reportedly received prior permission. Multiple people were injured in the ensuing melee.

The day after the incident in Sanniquellie, on Sept. 21, a CDC campaign vehicle bearing a

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74 ICCPR, Articles 9 and 25; UNHRC, General Comment 25: "People entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of

any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

PA system and large digital screen was passing through a Monrovia suburb called Pipeline when the accompanying CDC partisans entered into a confrontation with supporters of a local Unity Party candidate. Both sides threw stones, but no serious injuries were reported. The Carter Center reviewed video footage of the clash. The Liberian National Police investigated both these incidents but did not make the results of these investigations public.

In a meeting with the Center's mission days later, the CDC's presidential candidate stated that despite the incident, his party continued to subscribe to the Farmington Declaration and was committed to running a peaceful campaign.

Several other smaller-scale incidents occurred in Montserrado County, mostly scuffles between candidates for the House and their supporters. Earlier in the campaign period, before the incidents in Sanniquellie and Pipeline, supporters of another UP candidate for the House went to the home of an ANC supporter who had allegedly torn down their candidate's campaign banner, where they attacked both the ANC supporter and his mother. In early August, Vice President Joseph Boakai was reportedly barred from attending a campaign event in Clara Town by angry young people. None of these incidents escalated to a level that threatened the process as a whole.

Throughout the election period, multiple interlocutors warned about the use of "hate speech" and incitement. The Center was not able to identify any instances of hate speech per se. In the Center's determination, the rhetoric cited was better understood as inflammatory language. Frequently it referred to negative rhetorical campaigning that bordered on insults (though never ethnically based) or statements by candidates that they would not or might not accept the result of the elections. Overall this proved to be a minor issue that did not feed more serious problems.

### Use of State Resources

According to international standards, government resources—including vehicles and fuel—should not be abused in support of a particular party or candidate. Article 5(c) of the Liberian constitution calls for the elimination of "such abuses of power

Scott Umstattd



A poster promotes All Liberian Party presidential candidate Benoni Urey.

as the misuse of government resources.”

All opposition candidates with whom the Carter Center mission met prior to the first round alleged the misuse of state resources by the ruling party. Using administrative resources for campaign purposes, or denying political parties equal access to public space, have been issues in previous Liberian elections. In particular, candidates and political party officials alleged the ruling party used government vehicles and fuel to campaign, particularly in Margibi, Montserrado, Lofa, and Sinoe. These allegations were supported by scant evidence.

Some presidential candidates and party officials alleged they were unfairly denied access to public space. The Center's observers in the counties received five reports of political parties being denied the use of public space in three counties (Grand Cape Mount, Maryland, and Lofa). These allegations went largely unsubstantiated. In Lofa, the issue was part of a formal complaint filed by the Liberty Party to the NEC magistrate. In Grand Gedeh, Vice President Boakai reportedly chose not to use the city hall in Zwedru so as to avoid the perception that he was enjoying privileged access to public space.

UP party supporters  
prepare to rally.



Scott Umstattd

## Ethnicity and Heritage in the Campaign

The Carter Center observed candidates emphasizing their indigenous background in presenting themselves to the Liberian people. The distinction between “Americo-Liberians” and indigenous peoples—however much it may be the product of cultural practice and politics—is as old as the republic itself, and its prevalence in the

campaign testified to its continued relevance.

The 2008 Liberian census identified 17 ethnic groups that compose the population of the country. As of 2008, the two largest groups were the Kpelle (20 percent) and the Bassa (13.4 percent). These two groups both call the center of the country home. The so-called “Kpelle belt” runs from the north of Bong County through Margibi County. The Bassa can be found primarily in Bong, Grand Bassa, and Rivercess counties. Bong, Grand Bassa, and Margibi are three of the six largest counties in the country in terms of registered voters, making the Kpelle and Bassa communities strategically significant.

Liberian politics have frequently been marked by ethnic rivalries, but this campaign saw them injected into the presidential contest to a greater degree than in the recent past, with multiple presidential tickets being formed based on these considerations. In the counties, local populations used language that bordered on divisive, speaking about electing “one of their own” or putting “one of their men in office.” While this can be seen as part of the normal political process of building support, it ran the risk of aggravating historical tensions. Interlocutors in Bong County in particular expressed concern to the Center’s observers

In the context of elections, state resources also include public office. According to good international practice, administrative officials should not use their office to support or show favor to a particular political party.

Carter Center observers received allegations in several counties that superintendents and other local administration officials were openly supporting the ruling party (Margibi, Nimba, and Lofa). Two local administration officials for Margibi County told the Center’s observers that they felt pressure to do so as well. Chiefs in Grand Bassa and Grand Cape Mount candidly informed the Center’s observers that they were supporting the vice president and urging their communities to do the same. After the first round a number of chiefs and traditional leaders in Nimba also publicly broke with Sen. Prince Johnson, who endorsed CDC, and declared their support for the vice president.

Allegations of the misuse of state resources are often difficult to substantiate, particularly in the absence of a formal complaint. Parties consistently shied away from filing formal complaints, limiting the authorities’ ability to properly address these issues.

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about postelection reconciliation as well as the importance of ensuring that all Liberians accepted the results of a credible process.

### **Campaign Finance**

The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.<sup>75</sup> International best practice requires that financing of political parties be fully transparent. To this end, accounts of all income and expenditures should be kept. To ensure transparency and the voter's ability to make an informed choice, campaign finance reports should be published before election day. Reasonable limitations on campaign expenditures may be justified to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of a candidate or party.<sup>76</sup>

The campaign finance rules contained in Liberia's constitution and regulations adopted by the NEC are detailed and lay a solid foundation for the regulating of campaign finances. However, there is currently no mechanism for monitoring campaign expenses, auditing campaign reports, and enforcing campaign finance rules. Liberia's constitution requires yearly reporting by political parties of the party's liabilities and assets, and campaign finance regulations published by the NEC provide further detail on campaign finance rules and reporting requirements. Political parties are required to submit these reports to the NEC and to publish the reports.

Liberia's constitution provides that campaign contributions can only be made by Liberian citizens. Foreign donations are prohibited. NEC's campaign finance procedures prohibit contributions from any corporations, business entities, or labor unions. Reports must note the source, date, and amount of contributions. Campaign finance regulations also require that in-kind gifts are to be considered donations and must be recorded at a reasonable market value. Candidates are allowed to incur expenses from their personal funds, but they must be accounted for, and expenditures

from personal funds should be considered within a candidate's applicable expense limits. Campaign expenditure limits are reasonable, and are set at \$2 million for president, \$1 million for vice president, and \$400,000 for House of Representatives candidates.<sup>77</sup> The NEC regulations further define what constitutes an election offense in terms of campaign finance regulations and the procedures for holding violators accountable.

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*Liberian politics have frequently been marked by ethnic rivalries, but this campaign saw them injected into the presidential contest to a greater degree than in the recent past, with multiple presidential tickets being formed based on these considerations.*

When candidates submit their nomination papers, candidates are required to state their assets and liabilities. In the year of an election, every political party and independent candidate must submit and publish the statements of assets and liabilities no later than 30 days before election day. In addition, for the campaign, all candidates are required to submit statements of funds and expenses incurred up until election day.<sup>78</sup> In the postelection period, candidates are only required to submit one report after the elections on all their campaign contributions and expenses.

While the law and related regulations provide a sufficient framework for the accounting and reporting of campaign finances and sets reasonable limits on campaign contributions and expenses, it does not establish a structure for effective monitoring and enforcing of the regulations. The NEC currently lacks the capacity to monitor campaign finances, in particular the sources of campaign donations and limits on contributions and expenditures. The NEC also has not established a practice of enforcing violations of campaign finance reporting requirements.

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75 UNCAC, Article 7.

76 ICCPR, General Comment 25, para. 19.

77 Although no Senate seats were up for election, the limit for senatorial candidates is \$600,000.

78 Article 83.d, 1986 Constitution.

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In the pre-election period, 19 of the 26 registered parties did not submit their statements on assets and liabilities and reports on party contributions and expenditures up until the start of the campaign, as required by law. The seven parties that met or came close to meeting the Sept. 1 deadline were UP, CDC, ALP, ANC, MPC, UPP and VFRC.<sup>79</sup> At the time, the NEC said that in order to “strike a balance between peaceful elections and the legal requirements,” it considered several options, including proceedings to disband parties that did not comply either in part or in full with the law.<sup>80</sup>

*The lack of pre-election publication requirements limits transparency and the voter’s opportunity to make an informed choice about the candidates.*

As of Jan. 10, 2018, only 14 of the 984 House of Representatives candidates and only one of the 20 presidential candidates had submitted campaign finance reports. According to its regulations, the NEC should withhold certificates of any candidates that fail to submit reports, and the NEC has the discretion to bar losing candidates from participating in future elections until they fully comply with the reporting requirements. Despite not receiving reports from a single winning House candidate, the NEC did not withhold any certificates. As of the deadline, Jan. 10, 2018, the NEC had not received campaign finance reports from either of the presidential or vice presidential candidates who participated in the runoff election held on Dec. 26, 2017.

NEC regulations provide for publication of the itemized campaign contribution and expenditure

reports and summaries of each campaign finance report after the election and require the NEC to make the asset and liability statements available to the public for review in the NEC office. The lack of pre-election publication requirements limits transparency and the voter’s opportunity to make an informed choice about the candidates. In advance of future elections, the NEC should build its capacity to review and analyze campaign finance reports and to monitor and enforce campaign finance regulations.

## Media

The media play an indispensable role during elections by giving voters access to information that will allow them to make an informed decision. Respect for freedom of expression and of the press is protected in the Liberian Constitution<sup>81</sup> and international law.<sup>82</sup> The AU Charter on Democracy, Elections and Governance, to which Liberia is a signatory, requires that states “ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections.”<sup>83</sup> International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.<sup>84</sup>

While the Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remain largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties or that media offer equal terms to all political parties for political advertising. Further, there are no requirements that media outlets set prices for campaign advertising and publish those prices. Many candidates The Carter

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79 Article 83.d, 1986 Constitution.

80 Although a 2014 Supreme Court ruling established a legal precedent for the de-registration of political parties that fail to submit campaign finance reports, the legal grounds for de-registration of parties for failure to submit campaign finance reports were debated in these elections, with the NEC ultimately favoring inclusion.

81 Article 15 of the 1986 Constitution states, in part, that “every person shall have the right to freedom of expression...This right shall not be curtailed, restricted, or enjoined by government save during an emergency declared in accordance with this Constitution...[The right] includes freedom

of speech and of the press...This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.”

82 International Covenant on Civil and Political Rights, Article 19.

83 African Charter on Democracy, Elections and Governance, Article 19.3 (2007).

84 ICCPR, Article 19. UNHRC, General Comment 25, para. 25.

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Center spoke with claimed that they felt they were being charged differently than their opponents depending on the media outlet.

The Center's mission did not conduct systematic monitoring of the media. However, over the course of the elections it did make a number of observations on the media environment. The 2017 electoral cycle saw a greatly reduced volume of print advertising by campaigns in Monrovia's newspapers relative to previous elections. Candidates instead relied heavily on the radio to reach the electorate. This came at a cost: The Center's mission was informed by every political party with which it met that radio airtime—even appearances on talk shows—required payment. There is no legal framework in place to make these costs transparent, nor to ensure that all parties are charged the same fees.

Posing a further challenge for free and equal access, many of the country's smaller radio stations are often owned by either incumbent candidates or aspirants for office. This is particularly the case for county-based local radio stations. In some areas, these stations are the only source of news, which contributes to accusations of bias in the media. The Center's observers heard complaints about political bias in many of Liberia's 15 counties.

The Center heard allegations from most political parties, in both the capital and in some counties, that the state radio station, ELBC,<sup>85</sup> was biased in favor of the ruling party. ELBC is one of only two radio stations in Liberia that have close to countrywide coverage, with the other being UNMIL Radio. Given the dependence of most Liberians on the radio for news and information, this makes balanced programming more critical to the process. The Center's mission met with the acting head of the Liberian Broadcasting Service, which oversees ELBC. He defended the station's coverage and insisted that if opposition candidates wished to appear on the air they could do so. At least one significant opposition figure was

subsequently interviewed on one of the station's programs, and the station aired advertisements by several others. While ELBC aired several presidential debates organized by the Deepening Democracy Coalition, the station did not provide free airtime for candidates to reach the public.

The Ministry of Information, Cultural Affairs, and Tourism has nominal oversight of non-state media, including the authority over assigning frequencies to radio stations. However, the ministry does not have the power to control or manage editorial content. At times during the Sirleaf era, relations between the government and the media have been tense, and the ministry has used claims of nonpayment of taxes to force the closure of media institutions. This occurred most recently in 2016, when the ministry closed LIB 24, a radio station owned by opposition presidential candidate and government critic Benoni Urey. Unlike during the 2011 elections, when the government closed a number of media outlets, in the 2017 election media were free from any interference by the government during the campaign period.

The Press Union of Liberia, a voluntary, membership-based association that includes both individual journalists and media outlets, published a code of ethics with a section dedicated to elections. In 2017, it established a National Media Council, whose nine members are drawn from civil society and the media. The council is charged with investigating complaints brought before it related to the media, and can call for the retraction of a story, levy fines against reporters or publications, and suspend members from the Press Union of Liberia. Ten election-related complaints were filed with the council, including three complaints by journalists alleging they had been physically attacked by members of different political parties. The council found there was not enough evidence to support these allegations.<sup>86</sup>

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85 According to the acting head of the Liberian Broadcasting Service, the law states that the government is to provide 60 percent of the institution's budget, while LBS must provide the other 40 percent. Due to the government's limited financial resources, in practice LBS has provided more and has had to develop other sources of revenue.

86 The National Media Council was new for these elections, replacing the PUL's Media Complaints Committee. The council's mandate during the electoral period was to hear cases and make decisions in accordance with the journalism code of ethics. The council has no power to take action against any actors that are not members of the Press Union of Liberia.

# Participation of Women, Minorities, and Marginalized Groups

A woman casts her ballot for the House of Representatives.



Scott Umstaid

According to the principle of universal suffrage, international standards require that countries must ensure that all people entitled to vote are able to exercise that right. Further, states should consider “taking appropriate measures to encourage publicly and promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies on participation in political and public affairs.”<sup>87</sup> Women, LGBTI, religious and ethnic minorities, and persons with disabilities faced a range of legal and social challenges that hindered their full realization of the right to political participation.

## Women

Liberia is a signatory to a number of international treaties that obligate the government to take specific positive action to ensure the equal participation of women in political life.<sup>88</sup> As a party to CEDAW, Liberia is also committed to eliminating discrimination against women in the political and public life of the country, and to ensuring that

87 Para. 4.d of the UNHRC Resolution 27/24 (2014). United Nations Human Rights Committee. 1996. General Comment 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service).

88 The United Nations. (1953). Convention on the Political Rights of Women. Treaty Series, 2, 1–28. African Union. (2003). Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. Maputo: African Union. “State Parties shall take specific positive

action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.”

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women have the right to vote, to be candidates, to participate in public policy, and to participate in nongovernmental organizations, all on equal terms with men.<sup>89</sup>

Regrettably, however, attempts at legislation to promote women's political participation have languished in the legislature. While the 2008 census found the population evenly divided between the sexes, only 48 percent of registered voters are women. Women accounted for a mere 15 percent of the candidates for the House of Representatives, due in part to the absence of quotas or other positive measures in the election law that would guarantee the representation of women in elected office.

In general, majoritarian-single member constituency election systems like Liberia's can be a barrier to efforts to expand the representation of women in legislative bodies. Barely 12 percent of the outgoing House of Representatives and 10 percent of the Senators were women. The 2017 elections did not increase women's representation in the legislature. In the House, women's representation remained the same, and the Senate's representation of women may decrease when Sen. Jewel Taylor's seat is filled.<sup>90</sup> As discussed earlier in this report, the legal framework does not include the use of quotas or other positive measures in candidates lists that would guarantee the representation of women in elected office, as encouraged under CEDAW. The election law only requires parties "to endeavor to ensure" that 30 percent of their candidates are women. The NEC interpreted this as aspirational rather than compulsory. (See the legal framework section of this report for additional discussion.)

Advocates for women, female candidates, and other interlocutors consistently cited the high cost of candidate registration and campaigning as prohibitive for most women interested in running for office. Although the NEC urged parties to reduce political party fees by 50 percent for

women, this was not compulsory, and the vast majority of parties did not do so. The only parties that reduced political party candidate fees were the Alternative National Congress (ANC) and the Liberian Restoration Party (LRP, the only party on whose line a woman, MacDella Cooper, ran for president), both of whose presidential candidates reportedly paid the party registration fees of their parties' female candidates. In addition, the NEC itself did not waive its own registration fees for female candidates.

Similarly, although political party officials consistently stated that they encouraged women's participation, the Center's observers found that party leadership at the county and national levels was frequently entirely male. Apart from candidates, the Center's observers noted that women did not feature in campaign events, and candidates did not target women in their messaging. Although some civil society organizations provided training for women candidates, the funding for these programs was finalized very late, and the training didn't have an opportunity to affect women's political participation.

Women's participation within the NEC should be improved in advance of future elections. The NEC's Gender Department aimed to increase the participation of women and other disadvantaged groups in political life and developed a set of Guidelines for Disability-Inclusive Elections in Liberia. While three out of the seven members of the NEC Board of Commissioners are women, including the co-chairperson, at the executive level the presence of women is limited. Eight out of 11 NEC departments are headed by men, with female directors in the gender, field coordination, and operations departments. Women are more visible in clerical and administrative positions of the NEC. Similarly, there are few women among the NEC's permanent staff at the county level. Just one out of 19 magistrates is a woman. While many county NEC officials communicated their intent

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89 "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies." Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

90 Sen. Jewel Howard Taylor was sworn in as Liberia's vice president, and a by-election will be held to fill the vacancy. Nine women were elected to the House of Representatives, equaling 12 percent of the seats, the same proportion as in the previous House. The introduction of the "endeavor to ensure" requirement did not result in increased representation of women.

Following years of armed conflict, Liberia has a large number of persons with disabilities. The Carter Center's election observation mission was designed to assess access for persons with disabilities to the electoral process.



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to hire women as polling staff, these efforts appear not to have achieved gender parity. Carter Center observers reported that the proportion of trained female poll workers varied from 10 percent to 27 percent in the observed trainings.

## Persons with Disabilities

Regional human rights instruments require state parties to adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, persons with disabilities, refugees and displaced persons, and other marginalized and vulnerable social groups.<sup>91</sup> An inclusive election process requires that all voters be entitled to vote, unimpeded by physical barriers at the polling stations. Likewise, reasonable accommodation measures should be put in place to ensure that the secrecy of the vote is guaranteed for voters with disabilities.<sup>92</sup>

NEC made some efforts to ensure the political participation of persons with disabilities, including the re-introduction of tactile ballot guides nationwide for both the presidential and legislative elections. Tactile ballot guides allow blind voters

to enjoy the secrecy of the vote and cast their ballot in private without assistance. While it is commendable that the tactile ballot guides were reintroduced for these elections, it would have been beneficial if the decision had been made earlier and additional voter and civic education could have been provided to ensure that visually impaired voters knew how to use the guides, and knew in advance of polling day where candidates were placed on the ballot.

Although the NEC made attempts to ensure that persons with physical disabilities were able to vote in polling places on the ground floor, the structures used for polling precincts are insufficient to allow independent access for persons with disabilities in the majority of polling precincts observed by The Carter Center. In future elections, this accommodation could be made during the voter registration process to ensure that eligible voters with physical disabilities are assigned to polling precincts and places that are accessible. In addition, persons with disabilities were not adequately incorporated among NEC staff or within political party structures. Overall, while NEC made efforts to accommodate persons with

91 African Charter on Democracy, Elections and Governance, Article 8.2.

92 U.N. CCPR, General Comment 25.

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disabilities, it fell short of Liberia’s international commitments to ensure persons with disabilities have the opportunity to exercise their political rights on an equal basis to others.<sup>93</sup>

In polling places observed by The Carter Center, procedures for assisted voting, including the use of tactile ballot guides by voters who requested them, were adequately implemented. Domestic observers reported that the tactile ballot guides were utilized. However, poll workers were not proactive in informing voters of their availability.

In May 2017, the House of Representatives amended the Public Health Law to include a specific provision on the right to vote for persons with mental disabilities. Partially fulfilling Liberia’s international and regional human rights commitments, the recently adopted legislation on mental health reiterates the right of such persons to vote unless declared incompetent as provided for in the election law. Under the ICCPR and the European Convention for Human Rights and in accordance with good practice, disenfranchisement for incompetency must be adjudged on a case-by-case basis and legislation should not include the blanket disenfranchisement of all found incompetent. Further, the Convention on the Rights of Persons with Disabilities states that “persons with disabilities should enjoy legal capacity to vote and stand as candidates on an equal basis with others, without any exceptions. The focus has moved from the removal of rights to the provision of necessary assistance through supported decision-making.”<sup>94</sup>

## LGBTI Community

Liberia’s legal framework criminalizes homosexuality (see above legal framework section of this report).<sup>95</sup> Carter Center observers noted that the

political participation of the LGBTI community in the 2017 elections was minimal. The LGBTI community was the target of inflammatory and homophobic speech by several politicians, including during presidential debates.

According to local LGBTI civil society organizations, the campaign increased the level of anti-gay language in the political discourse. No political party incorporated gay-related issues in their agenda or proposed to amend or repeal the existing legislation against homosexuality. To the contrary, in debates, candidates took stances against LGBTI rights. This was one of the few issues discussed throughout the two rounds of the election.<sup>96</sup>

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*The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.*

The Carter Center regrets that the existing anti-gay legislation and homophobic speech prevents members of the LGBTI community from meaningful and open participation in the political life of the country. The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.

## Ethnic and Religious Minorities

The protection of religious and ethnic minorities is critical to a democratic society. The freedom from discrimination and right to equality before the law are important rights that should be protected during an electoral process and the voter registration period.<sup>97</sup>

Muslims in Liberia represent 12 percent or more of the population.<sup>98</sup> Prior to the elections,

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93 See Article 9 of the Convention on the Rights of Persons with Disabilities, according to which states need to ensure “appropriate measures to ensure to persons with disabilities access, on an equal basis with others...to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas” and Article 29 prescribing that states “shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.”

94 OSCE/ODIHR Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities, p. 40 (2017).

95 Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

96 For example, the front page of the Dec. 11, 2017, issue of The Parrot, a Monrovia newspaper, was dominated by a large-type headline reading: “Weah’s gay friend endorses CDC.” A subheading suggested some Liberians “express fear” that Weah would adopt a “homosexual style leadership.”

97 UNGA ICCPR, Article 26.

98 Source: 2008 Population and Housing Census. Liberia Institute of Statistics and Geo-Information Services (LISGIS). Other sources estimate that Muslims in Liberia account for 20 percent of the population.

Children play a game of soccer on the beach in Monrovia.



Scott Umstatt

the National Muslim Council reported that out of the 73 members of the House of Representatives, six are Muslims (one of whom was Mandingo), while there are no Muslims in the Senate. The sole incumbent from the Mandingo community in the legislature lost his seat in a closely contested House race that was the subject of a subsequent legal complaint. Other candidates representing the Mandingo community ran for seats in the House but did not win election. There were several Muslim candidates for the House, but only one Muslim among the 40 registered presidential and vice presidential candidates.<sup>99</sup> Groups representing the Mandingo and Muslim communities also expressed concerns regarding the limited representation of their members among election workers.

According to the National Muslim Council, the limited presence of Muslims as candidates stems from a long-term alienation from the country's political and social life. This limited participation could be further compromised if a proposition of the Constitutional Review Committee to officially declare Liberia a Christian nation materializes (see earlier legal framework section in this report).<sup>100</sup>

## Youth

The African Charter on Democracy, Elections and Governance requires Liberia promote the young people's involvement in governance.<sup>101</sup> By one estimate, more than 65 percent of Liberia's population is under the age of 25. Youth were highly active in the campaign, turning out in large numbers at the major political rallies in Monrovia. The CDC in particular has historically been identified with the youth vote. This association presented a challenge in a country recovering from a civil war often fought by child soldiers.

On Dec. 15, 11 days before the presidential runoff and three days after the official start of the campaign period for the second round, the U.N. Mission in Liberia organized a forum attended by the youth leaders of 26 political parties. All but two of these leaders signed a joint declaration committing to recognizing the rule of law and refraining from electoral violence. The Liberian Youth Peace Declaration cited the Farmington River Declaration and pledged the signatories to "refrain from making statements that undermine peace and stability" and to "refrain from and discourage electoral violence."

99 William Knowlden, vice presidential candidate for the Movement for Progressive Change (MPC).

100 In March 2015, the CRC approved 25 recommendations to set an agenda for amending the current 1986 Constitution. One of the recommendations was to include in the text a reference to make Liberia a

Christian nation. President Johnson-Sirleaf expressed opposition to such an amendment.

101 African Charter on Democracy, Elections and Governance, Article 31.1: "State Parties shall promote participation of social groups with special needs, including Youth and people with disabilities, in the governance process."

# I Civil Society

International obligations for democratic elections require that all people have the right to participate in the public affairs of their country.<sup>102</sup> This includes the right of citizens to participate in nongovernmental organizations.<sup>103</sup>

Overall, the Center's long-term observers found that civil society activity related to the elections was somewhat limited. Even the most high-functioning civil society organizations with which the Center's observers met indicated their activities were constrained by a lack of funding and resources. The most active organizations included the Catholic Justice and Peace Commission, Liberia's oldest human rights organization and a partner of the Carter Center's Access to Justice program; the National Youth Movement for Transparent Elections (NAYMOTE), which has worked to develop youth and traditional leaders as well as raise awareness of the elections; the Institute for Research and Democratic Development (IRD), a watchdog organization that monitored the use of state resources; the West Africa Network for Peacebuilding (WANEP), which issued regular reports on political rhetoric and election-related violence; and the Southeastern Women's Development Association (SEWODA), dedicated to empowering rural women. These organizations all contributed to the

election process and did not report any restrictions on their work.

## Civil Society and Election Observation

The transparency provided by election observation is an important component of electoral integrity. The right of citizens to participate in the public affairs of their country is a key international obligation for democratic elections. Election observation is an established form of citizen participation in public affairs and is a crucial transparency measure to promote confidence in the electoral process. Liberian law provides for citizen and international observation, in line with best international and regional practice.<sup>104</sup> The Elections Coordinating Committee (ECC) and the Liberian Election Observation Network (LEON) were the most prominent civil society election observation organizations. These elections saw large numbers of domestic and international observers as well as party and candidate agents, reinforcing the transparency and credibility of the process. For the Oct. 10 elections, the NEC accredited over 5,000 citizen observers, primarily from two national coalitions, LEON and the ECC.

LEON is supported by the Carter Center's Democracy Program independent of the

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102 U.N., International Covenant on Civil and Political Rights, Article 25(a); AU, African Charter on Human and Peoples' Rights, Article 13(1); U.N., Universal Declaration of Human Rights, Article 21(a).

103 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, Article 7; African Charter on Democracy, Governance and Elections, Articles 12 and 27.

104 African Union, Declaration on the Principles Governing Democratic Elections in Africa (2002).

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international election observation mission. Four Liberian civil society organizations pooled their resources to form LEON: the Catholic Justice and Peace Commission (JPC), Liberia Crusaders for Peace (LCP), Federation of Liberia Youth (FLY), and the National Union of Organizations for the Disabled (NUOD). Beginning in June 2017, LEON placed 133 long-term observers around the country, two in almost all of Liberia’s House districts. LEON utilized an electronic reporting system to collect and analyze over 16,000 reports from observers across the country on different aspects of the electoral process.<sup>105</sup> During the pre-election period, LEON’s LTOs contributed to public reports on the electoral process, including a person-to-list audit of the voter registry and systematic observation of political party primaries and the candidate nomination period. LEON’s observers were more than 50 percent women and included persons with disabilities.

*Overall, the Center’s long-term observers found that civil society activity related to the elections was somewhat limited.*

The ECC, which also observed the 2011 elections, was supported by the National Democratic Institute. The ECC is composed of 30 organizations, including the Center for Media Studies and Peacebuilding, the Institute for Research and Democratic Development, the National Youth Movement for Transparent Elections, the West Africa Network for Peacebuilding, and the Inter-Religious Council of Liberia. The ECC deployed about 89 LTOs, just over 2,000 STOs for the first round, and just over 1,000 STOs for the second round.

The Center’s long-term observers met with LEON’s LTOs and regional supervisors regularly in all 15 counties. They had less frequent contact with ECC observers, only encountering ECC observers in four of Liberia’s 15 counties, mostly in

the days immediately preceding and succeeding the first round of the election.

## **Civil Society and Candidate Debates**

Two separate coalitions of civil society organizations convened debates between candidates in the elections, giving substance to the right to participate in public affairs and enhancing the capacity of the electorate to make meaningful, informed choices.

The Ducor Debates were organized by the Liberia Media Development Initiative and Public Trust Media Group. The first of the presidential debates in this series was held in Ganta on Aug. 14, 2017; the second in Tubmanburg on Sept. 7, 2017; and the third and final debate at the University of Liberia’s Fendell Campus (outside Monrovia) on Sept. 23, 2017. These debates, to which all presidential candidates were invited, gave Liberians outside Monrovia greater access to the candidates and the electoral process.

The Deepening Democracy Coalition was formed by the Angie Brooks Center, the Center for Media Studies and Peacebuilding (CEMESP), the Center for Transparency and Accountability in Liberia (CENTAL), the Liberia Media Center (LMC), the Liberia Women Media Action Committee (LIWOMAC), and the Press Union of Liberia (PUL). Supported by the Open Society Initiative for West Africa, this coalition also organized two presidential debates, both of which were held in Paynesville (a suburb of Monrovia), the first on Aug. 17, 2017, and the second on Sept. 26, 2017. These debates featured some of the presidential candidate frontrunners, and therefore received more attention from the media, though the selection process was somewhat controversial.

The Ducor Debates also organized the first vice presidential debate in Liberian history, in Kakata on Sept. 15, 2017. A series of legislative debates was also convened by the Ducor Debates; the Liberia Media Development Initiative held debates between candidates for 53 of the House’s 73 seats, in the corresponding districts. All of the debates held by both the Ducor Debates and

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<sup>105</sup> LEON observers used the Carter Center’s open-source data collection and reporting system, ELMO (Election Monitoring). More at

[www.getelmo.org](http://www.getelmo.org).



A member of the Liberian Election Observation Network's (LEON) data center team reviews observer reports from over 1,000 short-term observers deployed on election day.

the Deepening Democracy Coalition—the presidential debates in particular—were rebroadcast repeatedly via radio, enabling them to reach a much wider audience.

These debates represented a significant improvement in Liberia's democratic discourse. Those candidates who participated submitted to questions, articulated policy positions, and took policy positions on issues.

Some of the parties' standard bearers raised concerns with The Carter Center regarding the method by which candidates were selected to participate in the Deepening Democracy

Coalition's debates. Members of the Coalition informed the Center that based on their own polling, they invited the six most popular candidates. This meant that nearly three-quarters of the candidates for president were excluded. Vice President Joseph Boakai participated in the first of the debates organized by the Deepening Democracy Coalition. Unfortunately, the CDC standard bearer, George Weah, declined to attend any of the debates. The debates nonetheless represented an important step forward for Liberia's democracy.

# I Electoral Preparations

The voting process is the cornerstone of the obligation to hold genuine, periodic elections that express the will of the people.<sup>106</sup> The quality of voting operations on election day is crucial to determining the degree to which an election is consistent with its democratic obligations.

*The 2017 national elections were Liberian-led and conducted with significantly less financial and technical support from the international community than the 1997, 2005, or 2011 elections.*

The 2017 national elections were Liberian-led and conducted with significantly less financial and technical support from the international community than the 1997, 2005, or 2011 elections. This put unprecedented pressure on the NEC's 300 staff members. In the pre-election period political parties and other interlocutors expressed confidence in the NEC's capacity and neutrality. However, as elections grew nearer, tensions rose and criticisms increased.

At various stages in the preparation for elections, the NEC struggled to adhere to the election timeline, in part due to challenges related to funding and procurement time frames. In advance

of the first round of elections there were delays in the procurement and delivery of materials, including ballots for some legislative elections.<sup>107</sup> At times these delays were related to budgetary approval and availability of funds, government procurement processes, and the coordination of procurement roles between the NEC and international support.

Certain procedures were finalized late in the process, which meant that training for polling staff was delayed. This was particularly the case with tabulation procedures (see Tabulation in Postelection Developments section). In spite of these and other challenges, for both rounds of elections on Oct. 10 and Dec. 26, materials and over 29,000 polling staff were in place, polls opened on time, and Carter Center observers noted that staff performed their duties largely according to procedure.

In advance of the first round of elections, district-level election supervisors were hired on a temporary basis to support the work of the county-level magistrates and liaise with the polling station staff. In the beginning of September, the NEC conducted a mass recruitment for nearly 29,000 staff to work in the 5,390 polling stations. For the first round, each polling station had five poll workers, including a presiding officer. For the runoff elections, additional queue controllers were hired.

106 ICCPR, Article 25.

107 There were difficulties in the printing of ballots for some legislative elections in which there were many candidates that necessitated long ballot

papers. In those cases, the NEC struggled to find a printer that could print the ballot as designed, inclusive of all candidates as well as the necessary serial number information at the top of the ballot paper booklets.

Carter Center observers report that stakeholders in the counties were generally satisfied with the transparency and fairness of the recruitment process. Lists of the people selected as polling station staff were posted so that the names could be scrutinized by the community. In trainings of the polling staff observed by the Carter Center, observers reported that there were thorough explanations of procedures. However, Carter Center observers reported that trainees would have benefited from a more interactive approach and from more specific content on tabulation procedures. Trainings for the runoff election addressed a number of the issues identified in the first round and contributed to a more efficient and orderly electoral process for the runoff.

In advance of the first round of elections, the NEC printed more than 3 million ballots for both the presidential and legislative elections. In addition, contingency ballots were printed equal to 3 percent of the total for the presidential race and 5 percent for the legislative races. The difference in the number of ballots printed and the number of registered voters (about 2.2 million) was due to the fact that for logistical reasons, each polling place was given 550 ballots regardless of the number of registered voters. A number of political parties,

including the ruling party, expressed concern about the number of extra ballots that were in circulation, and this was one basis for the Liberty Party and Unity Party complaint following the first round.

While The Carter Center noted the protections in place against multiple voting, including the use of indelible ink and the punching of voter cards, additional measures to account for ballots, both by the NEC and magistrates and through enhanced procedures in the polling stations, would contribute to greater confidence in the elections. Adjustments to logistical and distribution procedures in advance of elections also could reduce the total number of ballots needed.

The Oct. 10 elections took place in the rainy season in Liberia, complicating logistical arrangements and the delivery of materials and movement of polling staff. Ballots were delivered primarily by road, and in some areas, the NEC needed to use porters and canoes. After the need became apparent, UNMIL agreed to provide air support for the delivery of election materials. Still, the NEC acknowledged challenges with the delivery of materials in remote locations due to rainy season conditions, which led to several cases of delayed voting.

Jennifer Phillips



Voter education messages were disseminated around the country on posters, through radio, and via door-to-door campaigns.

# I Election Day

The quality of voting operations on election day and secrecy of the ballot are crucial to determining the degree to which an election is consistent with its democratic obligations. All citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations.<sup>108</sup>

The Carter Center's mission for the Oct. 10 presidential and legislative elections was led by H.E. Catherine Samba-Panza, former president of the Central African Republic; Jason Carter, chair of The Carter Center Board of Trustees; and Jordan Ryan, vice president of peace programs for The Carter Center. The mission included 50 observers from 17 countries and visited approximately 145 polling stations in all 15 counties to observe voting and counting. On Oct. 11, observers began observation of the tabulation process across the 15 counties. Following the Oct. 10 election, the Center's long-term observers and core team remained deployed across Liberia to observe the ongoing tabulation process, aspects of the electoral dispute resolution process, and initial preparations for the presidential runoff election.

On election day, the Carter Center observers reported a calm and peaceful voting atmosphere, and that the opening, polling, closing, and counting process were generally conducted according to procedures. Overall, Center observers assessed the process inside the polling places

as "very good" or "reasonable" in 92 percent of polling places visited.

## Opening

The Carter Center observed the opening of the polls in all of Liberia's 15 counties. The atmosphere at the opening of the polls was energetic. Liberians came to the polls early and long lines were formed in most places by the time polls opened. In more urban areas with larger precincts, it quickly became apparent that voters lacked information to identify their polling station, and precinct queue controllers were unable to properly direct them. In larger polling precincts Carter Center observers also noted a large security presence.

In polling stations observed by The Carter Center, the overall assessment of the polling staff's compliance with opening procedures was very good or reasonable in all cases. With the exception of a few cases, the NEC delivered materials to all polling precincts before the opening of the polls. In all but one of the polling places observed by the Carter Center, staff adequately complied with procedures for the opening of stations, and most polling places opened either on time or within 30 minutes. Over the course of election day, Carter Center observers visited a few polling places where there were reports that stations opened late. In these instances, the delay was attributed to the slow action of polling place staff, missing

108 U.N., ICCPR, Article 25; U.N., HRC, General Comment 25; U.N., UDHR, Article 21; IPU Declaration on Criteria for Free and Fair Elections, Article 2;

U.N., Convention on the Rights of Persons with Disabilities, Article 29.



Voters wait in line at a polling place.

equipment, missing poll workers, or missing party agents. However, there were no locations where the late opening of a polling location threatened the ability of eligible voters to vote.

The presence of party agents and observers at the opening of polls contributed to the transparency of the process. Party agents were noted at 99 percent of stations visited and observers at 70 percent of locations observed by the Center.

## Polling

Carter Center observers made generally positive assessments of the implementation of voting procedures by NEC staff inside of polling places observed. However, observers across most counties reported that voters had difficulty locating their names on the Final Registration Roll (FRR) in several polling places. In what appeared to be a related problem, observers reported that ineffective queue management, mainly in large precincts, affected the orderly flow of polling, creating confusion among voters and long lines throughout the

day. In several precincts, particularly in urban areas, it was difficult for voters to find the correct queue based on their voter ID number, and poll workers were not prepared to inform voters of their polling place. In several precincts observed, queue controllers were overwhelmed, and were only able to assist voters at the front of the lines, rather than assisting voters in finding the right line to avoid spending hours queuing in the wrong line. In 10 percent of cases, observers reported ineffective queue management or significant disorder. A few polling places visited by the Center's observers were chaotic and tense, and observers saw voters aggravated by the long waits. Voters on average waited more than an hour and a half in line to vote at precincts observed by the Carter Center.

Carter Center observers' overall assessment of adherence to procedures and the election environment were positive in 92 percent of 152 polling places visited, and voters were able to cast their ballots in secret. However, Carter Center observers noted instances of the following problems: ballots were missing or incorrect in 3 places observed;



Scott Umstattd

A poll worker inks the finger of a voter who had just cast his ballot. In accordance with best practices, NEC guidelines require that all voters have their fingers inked after voting to protect against multiple voting.

ink was inadequately checked or not checked at all in 22 percent of observations; compliance with voter identification procedures was inadequate in 6 places observed; and ballot issuers were inadequately instructing voters in 10 percent of polling places observed.

At polling places observed by The Carter Center observers noted that the NEC failed to meet its goals regarding representation of women among polling staff. In places observed by the Center, only 20 percent of polling staff were women, and only 22 percent of presiding officers were women.

### **Addition to the Final Registration Roll (FRR)**

In the Oct. 10 elections, a supplemental voters list called the “Addition to the FRR” (Final Registration Roll) was provided at polling places to allow the enfranchisement of voters who had valid voter identity cards for the precinct but could not be located on the voter list. In such a case, a voter could be added to the Addition to the FRR form (sometimes called the supplemental list) and issued a ballot. The use of the Addition to the FRR form was intended to ensure universal suffrage and prevent errors in voter registration or voter identification from disenfranchising voters.

In polling stations observed by The Carter Center, poll workers were inconsistently adding voters’ names to the supplemental list. In polling places observed by the Center, 9 percent of the total number of voters were persons not found on the FRR who had been added to the supplemental voter list.<sup>109</sup> As a result of the subsequent electoral dispute resolution process, the supplemental list was not used for the presidential runoff election.

### **The SMS Voter Verification System**

Carter Center observers reported that the SMS system for verifying voter registration data was not being widely used when voters were not found on the list. Further, although the NEC established a hotline for presiding officers to check voter data, this fact was not disseminated sufficiently, and observers did not see it being used.

On election day the NEC held a press conference to publicize the SMS hotline, announce that all voters with a valid voter registration card would be allowed to vote, and reassure voters that if they were in line at the close of the polls they would be allowed to vote. However, this press conference came late in the afternoon after a number of voters had already been disenfranchised because of confusion at the polls.

### **Gender Data Capture Sheet**

Information on the gender of the voters that turned out to vote on election day was gathered through a gender data capture sheet. Poll workers were trained to mark the gender of each voter as they were processed. Carter Center observers reported that the gender capture procedures were fully followed in the majority of polling places, with inconsistencies in procedure reported only in 4 percent of polling places observed.

**Party Agents.** The Carter Center notes that in the vast majority of polling places visited there was a large number of party agents present, and they were given adequate access to observe. All the larger political parties (including ALP, ANC, CDC, LP, and UP) had observers in more than 50

<sup>109</sup> This data was collected by Carter Center observers at polling places where Carter Center observers witnessed the count. However, the record of the count form did not require the polling staff to note the number of

voters who voted through the Addition to the FRR. Therefore, there was no centralized accounting of how many voters voted through the supplemental voter lists.

percent of polling places visited. For each of the larger parties, there were less than half as many female party agents and in the case of CDC less than one-third of party agents were women.

### Access for Civil Society

According to public international law, all people have the right to participate in the public affairs of their country.<sup>110</sup> This includes the right of citizens to participate in nongovernmental organizations.<sup>111</sup> Other sources extend this to the right to take part in citizen observer organizations and to contribute to voter education efforts.<sup>112</sup>

For the first round of voting, the Liberia Elections Observation Network (LEON), the Elections Coordinating Committee (ECC), and the Council of Churches recruited and trained observers, among others. ECC said it had about 500 observers reporting on election day, and LEON deployed just over 1,000. Both the ECC and LEON issued reports on election day, contributing to the transparency of the process. The Carter Center noted the presence of citizen observers in the majority of polling places visited.

### Participation of Women and Marginalized Groups

The Carter Center was pleased to see women exercising their democratic rights and expressing their will through the ballot box as voters. Unfortunately, for the first round of elections women made up only 39 percent of polling staff at polling places observed by The Carter Center, and only 22 percent of presiding officers. Political party agents were also predominantly men at polling places observed by the Carter Center; where only 31 percent of party and candidate agents were women.

While efforts were made by the NEC to accommodate persons with disabilities in polling places on the ground floor, the vast majority of structures used for polling precincts were insufficient to allow

independent access for persons with disabilities. While assisted voting procedures were followed in all cases observed, the tactile ballot guide was not consistently provided when requested or needed. In general, Carter Center observers found that polling station staff should have been more proactive in informing voters of the tactile ballot option and offering it without the voter requesting it.

### Closing and Counting

Accurate and fair vote counting plays an indispensable role in ensuring that the electoral process is democratic and reflects the will of the voters. International commitments require that votes be counted by an independent and impartial electoral management body. The counting process must be public, transparent, and free of corruption.<sup>113</sup>

The Carter Center observed the closing of polling places and subsequent process of counting of ballots in all 15 counties. With the exception of a few isolated instances, the closing and counting processes were peaceful, calm, and orderly at places observed by The Carter Center.

A man casts his ballot for president in Monrovia.



110 U.N., International Covenant on Civil and Political Rights, Article 25(a); AU, African Charter on Human and Peoples' Rights, Article 13(1); U.N., Universal Declaration of Human Rights, Article 21(a).

111 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, Article 7.

112 EISA, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 19.

113 U.N., Human Rights Committee, General Comment 25, para. 20; U.N. Convention Against Corruption, Article 18.

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As a result of the long lines that persisted throughout the day, particularly in urban areas, some polling places had lines of voters waiting to vote at the close of polls. The NEC made multiple announcements on radio and in their afternoon press conference reassuring voters that if they were in line at 18:00 they would be allowed to vote. Despite these announcements, there was uncertainty about what would happen to voters who were at the right precinct but in the wrong line at the close of the polls. This was the case in a number of precincts in larger urban areas, particularly Montserrat.

The implementation of closing and counting procedures was assessed as “very good” or “reasonable” at 88 percent of polling places visited, and the overall assessment of the environment and process was assessed positively at 100 percent of 16 polling places observed. However, the reconciliation of used, unused, spoiled and discarded ballots was negatively assessed in 18 percent of polling places observed. Further the reconciliation of the ballots was observed as inadequately or not adhering to procedures in 19 percent of observations.

Carter Center observers noted that the counting process was conducted with transparency in the presence of political party agents and national observers and that in the polling stations visited there were no reports of anyone refusing to sign the record of the count form. However, polling places were often poorly lit and party agents had to sit some distance away from the table where ballots were counted, limiting their ability to assess the process.

Carter Center observers also reported in some places that polling staff had difficulties in making the calculations required on the Record of the Count form.<sup>114</sup> In future elections, training of polling staff and presiding officers should include greater emphasis on the counting process, including procedures for completing the record of the count forms.

In future elections, the NEC should consider requiring polling staff to count the number of voters crossed off the voter list, and compare that with the number of used ballots, recording this data on the record of the count form. This reconciliation step would add an important safeguard to the electoral process.

Polling staff begin the counting process.



Scott Umstaid

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114 This general assessment that polling staff struggled to accurately complete Record of the Count forms was further supported by observations

during the tabulation phase, where observers reported corrections that were required at the tally centers and a number of incomplete forms submitted.

# I Postelection Developments

Following the Oct. 10 polls, the Center's long-term observers and core team of experts remained deployed across Liberia to observe the tabulation process, immediate postelection period, electoral dispute-resolution process, and initial preparations for the presidential runoff.

A Carter Center leadership team visited Monrovia in November to meet with key stakeholders and assess the ongoing electoral dispute resolution process. The Carter Center issued two public statements commenting on that process on Oct. 30 and Nov. 6.

## Tabulation

Tabulation of results is an integral phase of the electoral process that ensures the will of voters is accurately and comprehensively reflected in final results.<sup>115</sup> The tabulation of results should be verifiable and transparent at all levels of the election administration, and the publication of results should be accessible to all as a means of building confidence in the process and the results.<sup>116</sup>

Carter Center observers assessed the tabulation process in Liberia's 15 counties. The tally began on Oct. 11 and concluded on Oct. 19 when the NEC announced the results of the first round and the two leading presidential tickets that would go on to the runoff.

Carter Center observers assessed tabulation following the first round as very good or reasonable

in tabulation center reports from all counties. Observers reported that Record of the Count forms frequently contained problems with arithmetic, but that all corrections were made according to procedures. Importantly, observers noted that the tabulation process was conducted with transparency, and that political party agents and domestic observers had adequate access and were well represented.

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*Procedures for the tabulation process were adopted by the NEC less than two weeks before election day and were not well publicized.*

Overall the process was assessed as conducted adequately according to procedure, although observers noted a number of areas where procedures either weren't clear or were implemented inconsistently. This included variation in procedures across counties in how to handle quarantined ballot boxes, including variations in criteria for when a ballot box should be quarantined, and how to handle materials once in quarantine. Carter Center observers also noted that recounts were made on an ad hoc basis, upon request from parties or when the record of the counts or the presiding officers worksheets showed inconsistencies beyond mathematical mistakes.

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115 U.N., International Covenant for Civil and Political Rights, Article 25(b); African Union, Declaration on the Principles Governing Democratic Elections in Africa, Article 1.

116 OSCE, Election Observation Handbook (fifth edition), p. 63.

Polling staff begin counting as party agents and others observe.



Scott Umstatt

In future elections, clear tabulation procedures should be developed and publicized earlier in the process, including detail on quarantine procedures, as well as criteria for when a recount should be conducted, and the specific procedures that should govern recounts.

### **Late Adoption of Tabulation Procedures**

Procedures for the tabulation process were adopted by the NEC less than two weeks before election day and were not well publicized. As the training of magistrates had already taken place, the tabulation procedures were distributed to magistrates but no training was provided. However, limited training was provided for data entry clerks who were recruited in Monrovia and deployed to the 19 magistrate offices around the country.

The adoption of the tally procedures so close to election day also limited the understanding of civil society leaders and political parties who had insufficient time to familiarize themselves with the procedures and train their agents on the observation of the tally process.

### **Tabulation Process**

Upon completion of the count in the polling places on Oct. 10, procedures called for the presiding officer to hand over the packed tamper-evident envelopes, sealed ballot boxes, and other sensitive materials to the NEC election supervisor responsible for the district. The election supervisor and security personnel were to transport the material to the county-level magistrate's office for tallying at the county level. Tally centers with a large number of precincts in their area had multiple tally teams. Results were entered in a database and periodically transmitted to the national tally center at the NEC in Monrovia. In most tally centers, projectors and photocopiers were provided so that the work of data entry clerks could be projected and visible to party agents and observers and copies could be made available. These measures greatly contributed to the transparency of the process.

Once the envelopes were received at the tally center, they were checked for tampering. When an envelope was received unsealed, procedures called for counting the results from the envelope

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in question once it was confirmed that all contents were present with no signs the results had been tampered with. Envelopes with visible signs of tampering (torn or otherwise damaged) were to be quarantined.

The envelopes were then opened and a copy of the record of the count made for all political party and candidate agents present. The count reading officer read out loud the results for the polling places as the data entry clerk entered the information in the results database projected so that the data entry was visible to observers. These measures greatly enhanced the transparency of the tally process.

The tally was well observed by political party agents and citizen and international observers, who were seen in every tally center observed by The Carter Center. In some instances, the size of the building in which the tally was being conducted was not large enough to accommodate all the agents and observers wishing to observe, such that observers from the same organization had to rotate.

The tally procedures require the count reading officer to cross-check the unused and used ballot information from the presiding officer's worksheet and make corrections if necessary. Corrections can also be made to the total valid and invalid votes if the poll workers made mathematical errors in the record of the count. Carter Center observers noted that corrections were frequently needed and discrepancies were often resolved by votes being added under the "invalid votes" line. In no instance did The Carter Center observe any adjustments made to a candidate's vote total.

During the tabulation processes observed by The Carter Center, corrections were generally made with the agreement of the party agents present, and all errors appeared to be errors in arithmetic or misunderstanding of some fields in the record of the count form. The Carter Center did not observe any instances of errors that appeared to represent intentional manipulation of election results. However, the frequency of the need for corrections indicates insufficient training of the poll workers, especially presiding officers.

According to the tally procedures, there are instances when the database software will "perform several validation checks of the data entered." For

example, if the discrepancy between the total valid and invalid votes and the total ballots taken out of the ballot box is more than 2 percent, the records must be rechecked. If the discrepancy cannot be resolved following an additional check, the matter is to be communicated to the party agents and the NEC.

### **Strengthening Tabulation Procedures**

While the tabulation procedures are overall sound, some improvements could be made in advance of future elections. The procedures should include clear guidelines on quarantine procedures, including information regarding the circumstances in which results should be quarantined (for example, when the total number of valid votes exceeds the number of registered voters) and how these results should be processed. Consideration should be given to specifying triggers for quarantine or mandatory recounts, including if the turnout is greater than 100 percent, if the number of ballots used exceeds the number received, or if the results per candidate are otherwise suspicious. The lack of explicit procedures for quarantine or recount triggers limited the transparency of the process and confidence in the integrity of the results.

In addition, the tally procedures are silent on who can request a recount, on what basis, and how to conduct a recount. The procedures could also specify whether there are conditions where a recount should be automatically conducted, such as a small difference in the votes received per candidate. Tabulation procedures should be updated to include elaboration on the process for recounts, and stakeholders should be given adequate time to familiarize themselves with the regulations.

In future elections, the quality and accuracy of the tabulation process would be enhanced if the record of the count form were adjusted to include the total number of voters who voted according to the ticks on the Final Registration Roll (FRR). The counting procedures do not require poll workers to count the number of voters who were checked as having voted on the voter list. Currently, there is no mechanism for knowing how many voters voted through the supplemental lists.

## Results for House of Representatives and First Round Presidential Election

The NEC utilized a rolling results announcement process, announcing election results periodically throughout the tabulation process, in regular NEC press conferences and simultaneously uploaded on the NEC's website, broken down by county. In accordance with international best practice, the results were made available by polling station, contributing positively to the transparency of the electoral process and ensuring that results could be cross-checked against copies of the records of the count that party agents received and against copies posted at polling places and tabulation centers.

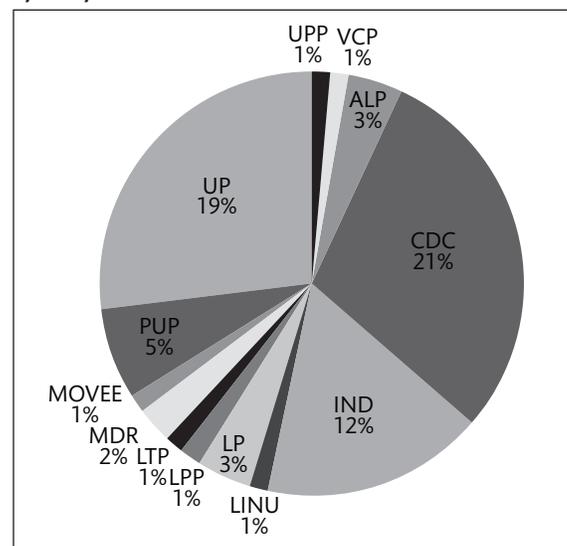
On Oct. 19, the NEC announced the official results of the first round of the presidential election and the House of Representatives election. For the presidential election, Ambassador George Weah received 596,037 votes (or 38.4 percent) and Vice President Joseph Boakai received 446,716 votes (or 28.8 percent) and advanced to a presidential runoff election. Charles Brumskine of the Liberty Party placed third with 149,495 votes (or 9.6 percent), followed by Prince Johnson of the MDR with 127,666 votes (or 8.2 percent).<sup>117</sup> Also on Oct. 19 the NEC announced the results for all but two House of Representatives races.<sup>118</sup> The winning candidates were ultimately certified, following the presidential runoff on Jan. 4, 2018. (See Figure 2.)

Turnout in the first round was 75.2 percent (or 1,641,922 votes). This represents an increase over the 2011 elections, in which first round turnout was 1,288,716 votes (or 71.6 percent).

Across the country there were 88,574 invalid votes in the first round for the presidential elections, or about 5 percent. The percentage of invalid votes has been a concern in Liberia's post-conflict elections, but has decreased since 2005, possibly due to the electorate gaining voting

experience. The nationwide total of 5 percent, however, conceals wide disparities across counties. Montserrado, home to the capital, had the lowest share of invalid votes with 3.6 percent, while Grand Kru had the highest percentage with 9.1 percent. The five counties in the southeast had three of the five highest rates of invalid votes. While this seems to correlate with education levels, it is not clear that this alone explains the high rates of invalid votes. Many Liberians cite a lack of voter education as the source of the problem. Other factors may include variations in procedures for determining the validity of votes, as well as procedures adopted by the NEC during the tally process to correct inaccurate records of the county by adding to invalid vote totals.<sup>119</sup>

**Figure 2: House of Representatives Election Results by Party**



Note: CDC = Congress for Democratic Change; UP = Unity Party; IND = Independents; PUP = People's Unification Party; ALP = All Liberian Party; LP = Liberty Party; MDR = Movement for Democracy and Reconstruction; LINU = Liberia National Union; LPP = Liberian People's Party; LTP = Liberia Transformation Party; MOVEE = Movement for Economic Empowerment; UPP = United People's Party; VCP = Victory for Change Party

<sup>117</sup> Prince Johnson's results were similar to the 2011 elections, when he won 139,786 votes (11.6 percent) in the presidential race as the NUDP candidate.

<sup>118</sup> Although results for the House of Representatives were announced, they were not certified until after the presidential runoff elections. Nimba County's District 8 and Grand Cape Mount County's District 3 were not announced on Oct. 19. Nine women were elected to the House of Representatives, equaling 12 percent of the seats, the same number of

women that were in the previous House. The introduction of the "endeavor to ensure" requirement did not result in increased representation of women. See the women's representation section earlier in this report.

<sup>119</sup> In the presidential runoff election, invalid votes decreased to just 2.3 percent of the total. This may be in part due to the experience of the first election, the shorter ballot paper with just two candidates, and a smoother tabulation process.

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## Electoral Dispute Resolution

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process, and ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process. According to international standards, individuals are entitled to have decisions affecting fundamental rights taken up by a competent, independent, and impartial tribunal in a fair and public hearing.<sup>120</sup> Expedient hearings for election matters are necessary to ensure an effective remedy, particularly given the relatively compressed time frame of electoral processes.

In Liberia, complaints about the electoral process are heard by the NEC, with the possibility of appeal to the Supreme Court. Most electoral complaints are first heard by the county-level NEC magistrate, and then can be appealed to the Monrovia-based NEC Hearing Office. Decisions by the NEC Hearing Office can be appealed to the NEC's Board of Commissioners, and a decision of the commissioners can be appealed to the Supreme Court. This NEC-centered dispute resolution process is established in the election law, which along with the Liberian Constitution contains detailed timelines for the filing and review of post-election complaints and appeals.

To build capacity, the NEC organized specific trainings and recruited additional staff for the hearing offices. NEC also provided trainings for political parties, civil society organizations and lawyers.

### Pre-election Cases

A total of 55 pre-election cases were reviewed by the NEC's Hearing Office. The cases were related, among others, to candidate registration (35), party primaries (nine), voter registration (five) and the campaign (six).<sup>121</sup>

In hearings of pre-election complaints and appeals observed by The Carter Center, the adjudicating bodies provided all sides with ample opportunities to present their cases in line with

Liberia's regional commitments and questioned arguments with equal tenacity. Where ambiguities in the law existed, the NEC and the Supreme Court decided in favor of an inclusive and participatory process.

However, the time frames and deadlines for resolution of pre-election disputes are unclear in the legislation, and in practice the NEC did not enforce deadlines for submitting appeals. This,

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*The percentage of invalid votes has been a concern in Liberia's post-conflict elections, but has decreased since 2005, possibly due to the electorate gaining voting experience.*

along with delays in consideration of the appeals often due to ill-prepared lawyers, compromised the process's efficiency.

The election law lacks clarity on the deadlines for submission of pre-election complaints and is silent on the time for NEC to review. This mainly affected complaints on candidate registration, as cases were still pending during the campaign and when the printing of the ballots began.

### Challenges to Candidate Registration

Of the 35 pre-election complaints regarding the registration of candidates, 23 were made on the basis of the code of conduct, four regarding citizenship, four regarding residency, and four were related to other alleged violations of election legislation. Eleven cases related to candidate registration were appealed to the NEC Board of Commissioners.<sup>122</sup>

Upon publication of the provisional candidate list on July 24, challenges to candidate registration could be filed within three days. The final list was published on July 31, just prior to the start of the campaign. At the start of the campaign, the majority of the 35 challenges to candidate registration were still pending. Further, one month into

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120 See Article 2.3 of the ICCPR, Article 8 of the UDHR, and Article 7 of the African Charter on Human and Peoples' Rights.

121 Including an LP case against CDC for the incidents between party supporters in Nimba.

122 Source: NEC Matrix of Cases as updated on Aug. 29.

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the campaign period, final reviews of challenges to six candidates were still pending, with the last candidate registration case being ruled on appeal on Sept. 23, when the ballot papers were already being printed.<sup>123</sup> Such delays in the resolution of appeals potentially limits the opportunity for the candidates to campaign and imposes unfair costs on candidates whose eligibility is successfully challenged. When explaining why deadlines for filing and review of candidate registration complaints had been waived, NEC commissioners emphasized the need for everyone to be heard and for due process to be fully respected, stating that Liberia must be considered to still be in a period of “transition.”

The NEC tendency to favor inclusiveness and greater participation in the process sometimes came at the expense of consistency in the implementation of legal provisions, especially on the geographical requirements for candidate registration. On the other hand, the NEC was consistent in cases related to domicile requirements, despite the absence of clarity in the legislation as to what constitutes a domicile for prospective candidates.

### **Complaints Regarding the Oct. 10, 2017, Elections**

Following the Oct. 10 elections, the NEC received 89 complaints on results. Two of them were submitted at the national level with the remaining being filed at the level of county magistrates. In the majority of cases, challenges referred to campaigning at the polling places during the voting and counting procedures, attempts to influence voters by either candidates or poll workers, and inconsistencies in the records of the counts. As a result, partial and full recounts were ordered in several districts in Montserrado, Nimba, Bong, Grand Kru, Gbarpolu, and Grand Gedeh counties.

The Carter Center observed postelection complaint hearings at the magisterial and central

levels and found that appellants were given sufficient time to prepare their cases, arrange witness appearances and present evidence, often to the detriment of the efficiency of the process. Carter Center experts observed that some of the cases brought to the NEC and appealed to the Supreme Court were not sufficiently substantiated. In some instances, lawyers lacked sufficient preparation and the best evidence was frequently not presented. Legal tactics were misused to delay the process by filing motions.

In postelection cases, both the NEC rulings and the Supreme Court judgments are in line with international best practice of linking decisions to annul elections to evidence that problems would have a clear impact on election results.

Liberia’s election law suggests that complaints filed with the NEC should be able to demonstrate that the issues they are alleging resulted in the unwarranted defeat of a candidate, and that “harmless errors” are not a foundation to void an election if those errors cannot be proved to have affected the result of an election.<sup>124</sup> However, complainants were not required to establish the impact of their complaint on the election results as a foundation for bringing the complaint. Had the election commission enforced this provision in the law, the number of legitimate postelection complaints would have been significantly lower.

The two postelection complaints submitted at the national level were filed by the All Liberian Party (ALP) and the Liberty Party (LP). The LP complaint was later joined by the Unity Party (UP).

### **ALP Complaint**

On Oct. 16, ALP, the party led by Benoni W. Urey, filed a complaint requesting the annulment of the Oct. 10 elections and the resignation of the NEC Board of Commissioners, alleging several irregularities such as the disenfranchisement of

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123 The Supreme Court confirmed on Sept. 23 the NEC’s decision to register candidates from 11 political parties whose registration was objected to for failure to comply with registration geographical requirements. The objection was submitted on Aug. 1 to the NEC Hearing Office.

124 The New Elections Law, as amended in 2014 and codified in 2016, Chapter 6, 6.1 reads, “Any political party or candidate who has justifiable reasons to believe that the elections were not impartially conducted and not

in keeping with the Elections Law, which resulted in his defeat or the defeat of a candidate shall have the right to file a complaint with the Commission.” (italics added). Article 6.2.3 is titled “Harmless errors not to vitiate election” and reads, “No election shall be declared void on account of any delay of nominations; the polling or return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.”



A political party agent records his observations during the counting process at a polling place in Monrovia.

voters, the late arrival of election materials, and a low vote for ALP in areas that they considered strongholds. The complaint was dismissed by the NEC hearing officer on grounds that ALP did not produce sufficient evidence or testimonies to sustain their claims. The Board of Commissioners confirmed the hearing officer's ruling on Oct. 31.

### LP/UP Complaint

On Oct. 23, the last day to file complaints, the second national-level complaint following the first round was filed by the Liberty Party (LP), led by Charles Brumskine, requesting the annulment of the elections for gross constitutional violations, fraud, and irregularities. Brumskine placed third in the presidential elections with 9.6 percent, and the complaint did not provide evidence that the sum of the party's allegations would have had any impact on the election results. The top two vote-getters were CDC with 38.4 percent of the vote and UP with 28.8 percent.

The Liberty Party's complaint included a request that all preparations leading up to the

runoff be stopped until the complaint was fully disposed of. The petition to halt all preparations for the runoff was provisionally granted on Oct. 31 and confirmed by the Supreme Court on Nov. 6. In its decision, the Supreme Court interpreted Article 83(c) of Liberia's constitution to mean that the time frame for the holding of the second round of the presidential elections should start not at the announcement of the election results, but at the end of the postelection complaint period. The implications of this decision regarding electoral dispute resolution time frames in the overall election calendar and the time frames for swearing in of new governments should be carefully considered before Liberia's next elections. Constitutional and electoral reforms are needed to avoid potential constitutional crises following future elections.

One day after the LP complaint was submitted, and after the deadline to submit complaints had expired, the Unity Party (UP) filed a motion with the NEC to be allowed to join the LP complaint. UP placed second in the first round and was poised to advance to the runoff election. In its

request to join the LP complaint, UP also alleged irregularities, including voters not listed on the Final Registration Roll (FRR) on election day. UP requested either the annulment of the first round of elections or the holding of the runoff under certain conditions, including a revision of the FRR. The motion to join the LP complaint was initially rejected by the NEC hearing officer, but later granted on appeal by the Board of Commissioners.

The LP/UP complaint reshaped the political landscape and dominated political discourse in the time between the two rounds of elections. The ANC of fifth-place candidate Alexander Cummings and the All Liberian Party (ALP) of distant sixth-place candidate Benoni Urey both aligned themselves with the complaint. On Oct. 29 the chairmen of the four parties (LP, ANC, ALP, and UP) held a joint press conference at which the UP's chairperson read a joint statement alleging the first round had been undermined by "widespread and systematic fraud" and accusing President Ellen Johnson Sirleaf of "direct interference" in the election. Political discourse between

rounds shifted from a previous focus on who would endorse which presidential candidate to who did and didn't support the complaint and calls for a rerun.

On Nov. 1, 2017, a mediation delegation arrived in Monrovia led by President Alpha Condé of Guinea, current chair of the AU, and President Faure Gnassingbé of Togo, head of authority of ECOWAS. In addition to political discussions, a separate ECOWAS technical team assessed aspects of the electoral process, including the FRR.

After UP joined the complaint, hearing sessions resumed at the NEC where complainants presented evidence and testimonies to support the allegations in the complaint. However, in several instances, witnesses did not provide firsthand testimony, and instead relayed stories that were told to them. Frequent onerous requests from complainants, for example demands for the production of documents from the NEC, the calling of numerous witnesses, and procedural motions resulted in a protracted dispute resolution process. Legal procedure and practice in Liberia allow for the appeal of rejected individual motions throughout the hearing process,

On Oct. 11, 2017, voting precinct kits arrive at the tally center housed at the SDK Sports Complex.



Scott Umstattd

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which contributed to the length of the process. In future electoral dispute resolution processes, Liberia should consider methods to improve efficiency, such as the appeal of motions in bulk rather than individually.

On Nov. 20, the NEC Hearing Office ruled against the LP/UP complaint on the grounds that the complainants could not produce sufficient evidence to warrant a rerun. In its ruling, the Hearing Office also mandated the NEC to take remedial actions to address deficiencies alluded to in the complaint. The NEC had already begun to implement some of the remedies identified prior to the stay on electoral preparations. The ruling of the Hearing Office was upheld on appeal by the Board of Commissioners on Nov. 23, and then appealed by the parties to the Supreme Court.

Liberia's Supreme Court heard the appeal on Dec. 1 and confirmed the NEC ruling in an oral decision on Dec. 7. The decision was released in writing the following week. In its final decision, the Supreme Court lifted the stay order and allowed the runoff to proceed. The decision included a number of "modifications" to the NEC ruling, including the following: a "full clean-up" of the FRR should be conducted; the FRR should be available in published hard copies at the polling place level; use of the supplemental list should be limited; and the NEC chairperson, commissioners and staff were prohibited from making public comments on any complaints filed. The Supreme Court's judgment acknowledged that there were instances of fraud, but that there was no evidence that this fraud was widespread and impacted the results. The Supreme Court also said that the NEC chairperson should have recused himself from the appeal following remarks that were made about the case to the media.

Although the ruling prescribed a number of actions to be taken by NEC, the ruling also indicated that the NEC should call elections for the second Tuesday following the decision, which was Dec. 26.

### **Election Complaints and Fears of a Constitutional Crisis**

During the 2017 electoral period, the incongruence of the election calendar with the timeline for hearing election complaints threatened to cause a constitutional crisis and forced the NEC to prepare the second round of voting under extraordinary conditions.

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*During the 2017 electoral period, the incongruence of the election calendar with the timeline for hearing election complaints threatened to cause a constitutional crisis and forced the NEC to prepare the second round of voting under extraordinary conditions.*

Following the first round of voting, a complaint filed first by the Liberty Party (LP) and later joined by the Unity Party (UP) alleged widespread and systematic fraud in the polling process and requested a rerun of the elections (the complaint is summarized in a section above). Liberia's constitution gives parties seven days to file a complaint following the announcement of results, which can occur up to 15 days after election day. After receipt of the complaint, the election commission has 30 days to investigate and rule on the merits of the complaint. The party then has seven days to appeal the decision to the Supreme Court, which will then have an additional seven days to decide the case. Given these legal time limits, if the complainant and the relevant adjudicating bodies exhaust their available time, the dispute resolution process from the first round of voting would extend far beyond the last feasible election date that would allow for a similar complaints period prior to the constitutionally mandated inauguration on the "third working Monday in January."<sup>125</sup>

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125 Liberian Constitution, Article 50.

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A Supreme Court ruling early in the dispute resolution process issued a stay on preparations for the runoff election while disputes from the first round were being heard, causing a delay in the presidential runoff election. Ultimately the dispute resolution process resulted in a postponement of the second round from Nov. 7 to Dec. 26. This meant that if there were to be electoral disputes following the runoff election, Liberia might have had to choose between respecting the right to an effective remedy and meeting constitutional deadlines for the swearing-in of a new president.

To avoid this difficult conflict of time frames in future elections and to avoid the potential for a constitutional crisis, a legal framework review should carefully consider the time frames for the electoral dispute resolution process to ensure that they are well synchronized with other areas of law, including the timing of elections, expiration of terms, and swearing-in of government.

As noted above, the constitutional review process in Liberia proposed that elections be held in November. While moving elections out of the rainy season would certainly be positive, pushing elections closer to the constitutional time frames for the swearing-in of government would further compress the dispute resolution time frames,

increasing the likelihood that Liberia could face a constitutional crisis in future elections.

Liberia's constitutional review process also suggested the establishment of an electoral court. The current NEC-centered system, which has been in place since the 2005 elections, has raised questions about the neutrality of the dispute resolution process where the NEC is required to resolve disputes about its own work. The system also strains the country's legal system since there are few trained lawyers, and it has created a dependence on the international community to provide dispute resolution training for NEC magistrates and others.

While the establishment of an electoral court might resolve some of the independence and neutrality questions, it would require significant investment in resources and training. Further, the overly formalistic legal culture in Liberia prevents the expeditious review of disputes; the timing problem may not be resolved by shifting jurisdiction to a court.

Consideration should be given to possible options to strengthen electoral dispute resolution in Liberia, including further discussion of strengthening the current system and the strengths and weaknesses of an electoral court system.

# I Presidential Election Runoff

With the conclusion of the first round, the two leading contenders began competing for the endorsements of the 18 other presidential candidates and Liberia's more than 20 other political parties. Several of these quickly threw their support to CDC. The most significant of these endorsements came on Oct. 26, when Nimba Sen. Prince Johnson endorsed Sen. George Weah for the presidency. Johnson finished fourth in the first round, with 127,666 votes. While not quite as strong as his third-place finish in the 2011 elections, Johnson's base of support in Nimba County made his endorsement a coveted prize.<sup>126</sup> However, a number of traditional chiefs in Nimba broke with Johnson and declared they would not follow his lead. Given historical tensions between Nimba and Grand Gedeh, the latter of which has provided staunch support for Weah, Johnson's endorsement presented a promising opportunity for a measure of reconciliation.

Following the resolution of the LP/UP complaint, several leaders of the Liberty Party (LP) broke from party leader Charles Brumskine and threw their support to the CDC. Both Brumskine and Alexander Cummings chose not to endorse a candidate in the runoff.

Separately, Vice President Joseph Boakai held a press conference on Dec. 14 at which he declared that if elected he would only serve a single term. This did not ultimately seem to have the anticipated galvanizing effect.

## Runoff Campaign

Due to the extended electoral dispute resolution process, campaign activity was reduced to a bare minimum.

Not long after the Supreme Court ordered the NEC to suspend preparations for the runoff, the NEC sent a letter to the CDC and UP instructing that they should similarly suspend campaigning. Although both parties continued to host occasional gatherings of 200-300 partisans at their respective headquarters in Monrovia and small-scale campaign events in several counties, the parties largely seem to have complied with the campaign pause. Once the new date for the runoff was set, the parties were given just under two weeks to campaign. The time allotted is in line with national legislation, but the interruption significantly impacted the momentum of the campaign. However, fundamental political rights were respected, and the campaign was peaceful.

Other than an impromptu rally on Oct. 27 celebrating Johnson's endorsement of Weah for president, not a single mass rally was held between that date and Dec. 12, when the NEC announced campaigning could resume. CDC then launched a whirlwind campaign tour of the center and south-east of the country. This culminated in another major rally in Monrovia, which transpired without incident.

Although the campaign during the first round was relatively more substantive and policy-focused than the previous two elections, the campaign

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<sup>126</sup> In the 2011 presidential elections, Johnson was third with 139,786

votes.

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prior to the runoff was focused more on personalities. There were no debates held in advance of the runoff, and no other serious efforts to provide the electorate with a means to learn about the candidates and their platforms.

## Runoff Preparations

In advance of the runoff, the NEC was proactive in addressing issues from the first round, including steps to address long lines and difficulties with voters finding the correct polling place. The NEC recruited and trained additional queue controllers, increased the signage at polling precincts, and equipped precinct staff with devices for checking the voter list.

*In advance of the runoff, the NEC was proactive in addressing issues from the first round, including steps to address long lines and difficulties with voters finding the correct polling place.*

As noted above, following the Dec. 7 Supreme Court ruling, the NEC was mandated to take additional steps to improve confidence in the integrity of the process. These steps included, among others, a “full clean-up” of the Final Registration Roll (FRR) to remove duplicate registrations and identical voter ID numbers, public display of the roll at each polling center in advance of the elections, and new restrictions that limited the use of the supplemental voter list so that only those mentioned in the NEC’s procedures could vote at a polling center other than their place of registration (i.e., poll workers, police/security personnel, and drivers of international observer missions).

With the assistance of a technical team from ECOWAS, the NEC undertook a further review of the FRR, after which 361 entries were deleted and 420 new IDs were issued to persons registered with

duplicate voter ID numbers.<sup>127</sup> The NEC was able to post the voter lists for public review at polling places across the country, although incidents of lists being torn down or damaged were observed. Carter Center observers reported that voter lists were posted at all but two of the 139 polling precincts they visited on the day before the runoff.

Although the Supreme Court instructed the NEC to consult with the two political parties regarding its planned steps to clean up the voter roll, the NEC’s efforts in this regard were insufficient. Greater transparency and consultation could have increased the level of trust among stakeholders.

The postponement of the runoff election significantly hindered civic and voter education activities on key topics, including the runoff procedures, the NEC’s efforts to address deficiencies in the voter lists, and the new restrictions on the use of supplemental voter lists.

In addition, the delay in the elections forced the NEC to halt, and then restart, training efforts for polling staff, and procedures had to be adjusted multiple times to reflect the Supreme Court instructions.

## Runoff Election Day

The quality of voting operations on election day and secrecy of the ballot are crucial to determining the degree to which an election is consistent with its democratic obligations. All citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations. Accurate and fair vote counting plays an indispensable role in ensuring that the electoral process is democratic and reflects the will of the voters.<sup>128</sup>

The Carter Center’s observation mission for the Dec. 26 presidential runoff election was led by Dr. Aminata Touré, former prime minister of Senegal, and Jordan Ryan, vice president of Carter Center peace programs. The mission included 45 observers from 24 countries who visited 171 polling stations

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<sup>127</sup> As presented by the NEC and the ECOWAS at an Inter-Party Consultative Committee meeting on Dec. 19 attended by Carter Center observers.

<sup>128</sup> U.N., ICCPR, Article 25; U.N., HRC, General Comment 25; U.N., UDHR, Article 21; IPU Declaration on Criteria for Free and Fair Elections, Article 2; U.N., Convention on the Rights of Persons with Disabilities, Article 29; U.N., Convention Against Corruption, Article 18.



A polling place prepares for the presidential runoff.

in all 15 counties to observe voting and counting. On Dec. 27, they began observation of the tabulation process. Several Carter Center representatives remained in Liberia to observe the announcement of results and postelection period.

### Opening

Carter Center observers reported that the atmosphere at the opening of the polls was calm, and the polls opened in an orderly manner.

The measures the NEC implemented to address the difficulties in the first round were reported to have improved queue management and the flow of voters at opening and throughout the day. The management of the queue was assessed as effective in 90 percent of the polling precincts observed for opening. Polling staff, particularly queue controllers, were instructed to spend the night at the polling precinct to ensure they were in place when voters started to line up. Extra precinct queue controllers were observed in 79 percent of polling precincts visited at poll opening in precincts with more than two polling stations.

Police and security were also present and visible in almost all precincts observed, reflecting an effort by the police to ensure officers wore their uniforms and could be clearly identified.

In all polling precincts observed by the Carter Center, staff adequately complied with procedures

for the opening of stations, and almost all polling places opened on time or with short delay. In the few places observed to have opened more than 30 minutes late, Carter Center observers attributed the delay to the slow action of polling place staff.

The overall assessment of the polling staff's compliance with opening procedures and the environment was very good or reasonable in all precincts observed by the Carter Center. Procedures for recording ballot serial numbers and ballot box seal numbers were adequately followed in all but one polling place observed at opening.

The presence of party agents at the opening of polls contributed to the transparency of the process. UP was present in all polling places and CDC in all but one observed. However, domestic and international nonpartisan observers were not present during the opening process in 47 percent of polling places visited.

### Polling

Turnout for the second round was lower than the first round (55.8 percent compared to 75.2 percent in October), possibly as a result of a combination of the timing of the elections the day after Christmas, a sense of exhaustion with elections that developed during the protracted dispute resolution process, and limited use of the supplemental list that was originally intended to ensure

enfranchisement.

While lower turnout contributed to the efficient flow of voters, the NEC also put in place changes that improved the efficiency of the process compared to Oct. 10. The NEC proactively added more queue controllers (observed in 81 percent of larger precincts visited by The Carter Center), better signage (present in 94 percent of larger precincts visited by The Carter Center), and devices for checking the voter roll (present in one-third of larger polling precincts visited by The Carter Center). The posting of lists of voter ID numbers outside the polling places enabled queue controllers to direct voters to the correct polling place with few difficulties. Queue management was assessed positively in 97 percent of polling precincts observed. However, only 36 percent of precincts observed with more than two polling places were equipped with devices to check the voter list.<sup>129</sup>

Liberians wait to vote in the presidential runoff.



Jordan Ryan

The average time spent in line by voters at polling places visited was just over six minutes, a significant improvement in efficiency compared to the 110-minute average observed by The Carter Center in the first round.

Despite the late changes made to election day procedures following the Supreme Court ruling and the lack of a fully updated training manual distributed to all polling places, Carter Center observers assessed the poll workers' compliance with procedures positively during the runoff. The implementation of procedures and the overall environment were assessed as "very good" or "reasonable" in almost 98 percent of polling places observed by The Carter Center. However, Carter Center observers reported that in 21 percent of polling places poll workers did not adequately comply with procedures for checking for ink and that 4 percent of the ballot issuers did not adequately instruct voters or fold ballots.

Five incidents were noted where the new restrictions limiting the use of the supplemental voters list weren't followed.<sup>130</sup>

Party agents from both CDC and UP were observed in 100 percent of polling places visited by Carter Center observers, helping to ensure transparency. In two cases, Carter Center observers noted agents inappropriately communicating with voters. Complaint forms were present in all polling places, and no party agent claimed to have been denied a complaint form—which was an issue of concern in the first round. Carter Center observers learned of two complaints filed at polling places. Isolated incidents of misconduct were promptly addressed by election officials and the relevant authorities.

129 For the second round, smartphones with an application developed by the NEC were meant to be provided to all polling precincts with more than two polling stations to aid staff in finding the correct polling place for each voter.

130 A Supreme Court ruling at the conclusion of the electoral dispute resolution process following the Oct. 10 elections limited the use of the

supplemental voters list to polling place staff and security officials posted to the polling place as well as drivers of international observers. In the Oct. 10 elections, the supplemental list was utilized to enfranchise a larger number of persons, including domestic observers and political party agents. The change meant that some who successfully voted in the first round would be disenfranchised in the second round.

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## Access for Civil Society and Domestic Groups

For the runoff election, the Liberia Elections Observation Network (LEON), the Elections Coordinating Committee (ECC), and the Council of Churches, among others, recruited and trained observers. The ECC deployed about 500 observers on election day, and LEON deployed just over 1,000. Both LEON and the ECC issued reports on election day, contributing to the transparency of the process. The Carter Center noted citizen observers present in 42 percent of polling places visited.

## Participation of Women and Marginalized Groups

While the Center was pleased that women were exercising their democratic rights and expressing their will through the ballot box election, Carter Center observers noted a lower percentage of women participating during this round.

For the first round of elections, women made up 39 percent of staff at polling places observed by The Carter Center, and 22 percent of presiding officers. These percentages slightly increased in the second round, with women accounting for 43 percent of polling staff and 25 percent of presiding officers at polling places observed by the Center. Similarly, political party agents also were predominantly men at polling places observed by The Carter Center. Only 31 percent of party and candidate agents were women in the first round and 26 percent in the second at polling places visited.

While efforts were made by the NEC to accommodate persons with disabilities in polling places on the ground floor, the vast majority of structures used for polling precincts are insufficient to allow independent access for persons with disabilities. While assisted voting procedures were followed in all cases observed, Carter Center observers reported four instances where the tactile ballot guide was not provided when requested or needed. In general, Carter Center observers found that polling station staff could be more proactive in informing voters of the tactile ballot option and offering it without the voter needing to request it.

Michael Scholtens



Liberian voters gather outside of a polling place to review copies of the Final Registration Roll, posted as directed by the Supreme Court.

## Closing and Counting

The closing and counting process for the runoff election was assessed as “very good” or “reasonable” in all 18 polling places observed. As a result of shorter lines and more effective queue management throughout the day, very few voters remained in line at the close of polls.

While counting procedures should be reviewed before future elections to ensure greater accountability and additional safeguards against fraud, Carter Center observers found that poll workers adhered to procedures in almost all cases. In four of 16 observations, seal numbers were not properly recorded, and in two polling places observed, there were issues with the reconciliation of the ballots. Unlike in the first round, records of the count were completed in full in all polling places observed.

Despite a few incidents in which party agents raised concerns at the start of the counting process, Carter Center observers reported that the process was smooth and calm. Observers did not report inconsistencies in the determination of valid versus invalid votes, which was an issue at some stations during the first round.

Dr. Aminata Toure (center), former prime minister of Senegal; Jordan Ryan (left), Carter Center vice president of peace programs; and Meaghan Fitzgerald, observation mission director, hold a press conference to announce preliminary findings of the observation of the presidential runoff election between Senator Gerge Weah and Vice President Joseph Boaki.



Michael Scholtens

## Runoff Tabulation

Tabulation procedures remained the same for the runoff presidential election, and data entry clerks had a refresher training in between the two rounds.

Following the runoff election, the Carter Center observed the tabulation process in 12 of Liberia's 15 counties. Overall, The Carter Center found that the tally process was more efficient than in the first round, partly because of the single election and smaller ballot with just two candidates. The Center found that the tally process was conducted in general accordance with Liberia's obligations to ensure a transparent tabulation process.<sup>131</sup>

On the first day of the runoff tabulation process, observers assessed the implementation of procedures as very good or reasonable in all tally centers observed. No recounts were ordered and no unauthorized interference in the tally process was observed at tally centers visited.

Despite the observed improvements from the first round, a few issues were noted. In four cases the procedures for the receipt of materials were inadequately followed, including the opening of

sealed ballot boxes in the absence of party agents and without proper documentation. In two cases party agents were not given copies of the record of the count forms, because photocopiers were out of order. In 28 percent of cases observers reported that polling place results should have received further scrutiny but did not. However, in their overall assessment of compliance with the tally procedures and the display of results, Carter Center observers indicated that the procedures were fully or adequately followed in all cases.

Overall, Carter Center observers assessed the tabulation process as very transparent with a strong presence of party agents and citizen and international observers. Citizen observers were noted in all tally centers visited. CDC party agents were present in all tabulation centers observed, and UP was present in all but one center. However, the number of female party agents decreased compared to the first round. Tally centers were also noted as generally accessible for persons with disabilities and the elderly. Accessibility was noted positively in 72 percent of observations.

131 ICCPR, Article 25(b).

# I Presidential Runoff Election Results

As with the first round of elections, results were announced progressively in public NEC press conferences. Simultaneously, the results were updated on the NEC's website, broken down by county, and by polling station. This polling-station-level data was important, as it enabled parties and observers to cross-check it against copies of the records of the count from the polling places and the tabulation centers. By December 29, three days after polling, the tabulation of the results had concluded across the country and the results were announced by the NEC. There were fewer mistakes on record of the count forms, and the tabulation center staff had gained experience during the first round that seemed to improve the overall efficiency of the process for the runoff election.

Overall turnout was 55.8 percent (or 1,218,124 votes), a significant decrease compared to the first round turnout of 75.2 percent (or 1,641,922 votes). Several factors contributed to the lower turnout, including the fact that no legislative races were held, reducing interest driven by local races. Second, the runoff was held on the day after Christmas, a holiday widely celebrated in Liberia, and likely disproportionately affected female turnout. In addition, the delay in holding the runoff due to the protracted legal process, the limited voter information about the date, and residual frustration about difficulties voting in the first round also may have contributed to the lower turnout.

Sen. George Weah was declared the winner with 732,185 votes (or 62 percent), earning

136,148 more votes than in the first round despite the significantly lower turnout. Vice President Joseph Boakai received 457,579 votes (or 38 percent), only 10,863 more votes than in the first round of elections. (See Figure 3.) The vote total for George Weah was more than Ellen Johnson Sirleaf received in the 2011 runoff election (607,618), a race the CDC boycotted, and more than any other candidate has ever received in an election in Liberia.

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*The vote total for George Weah was more than Ellen Johnson Sirleaf received in the 2011 runoff election (607,618), a race the CDC boycotted, and more than any other candidate has ever received in an election in Liberia.*

Only 28,360 votes were declared invalid in the second round, or 2.33 percent. Variations between counties persisted, but were less than in the first round, from a high of 4 percent in Grand Kru to a low of 1.6 percent in Montserrado. (See Table 5 for a breakdown of votes by county.)

After the seven-day period for complaints and appeals was exhausted on Jan. 4, 2018, the NEC certified the winners of the presidential election (and also the House of Representatives election from the first round). The House convened on Jan. 15 and elected a new speaker, Rep. Bhofal Chambers (Maryland District 2). The presidential inauguration was held on Jan. 22.

Figure 3: Presidential Runoff Election Results

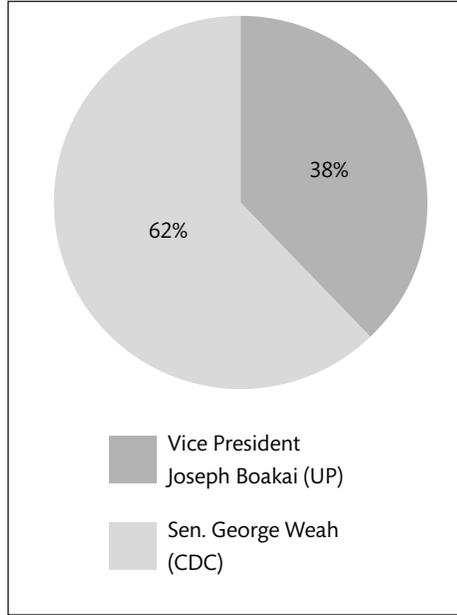


Table 5: Presidential Runoff Election Results by County

Votes Obtained by the Candidates																
Presidential Candidate	Bomi	Bong	Gbarpolu	Grand Bassa	Grand Cape Mount	Grand Gedeh	Grand Kru	Lofa	Margibi	Maryland	Mont-serrado	Nimba	River Gee	Rivercess	Sinoe	Total
<i>Polling Places Reported</i>	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
<b>BOAKAI, Joseph Nyuma</b>	13,268	39,371	9,126	14,437	13,818	3,402	1,753	79,258	30,509	5,271	185,184	55,083	2,644	1,966	2,489	457,579
<b>WEAH, George Manneh</b>	17,850	70,668	12,702	42,600	18,386	26,130	16,033	14,860	55,403	22,884	314,594	73,434	14,041	11,390	21,210	732,185
Total Valid Votes	31,118	110,039	21,828	57,037	32,204	29,532	17,786	94,118	85,912	28,155	499,778	128,517	16,685	13,356	23,699	1,189,764
Invalid Votes	615	3,478	613	1,978	1,021	828	745	2,565	2,043	936	8,302	3,771	415	422	628	28,360
Total Votes	31,733	113,517	22,441	59,015	33,225	30,360	18,531	96,683	87,955	29,091	508,080	132,288	17,100	13,778	24,327	1,218,124
Percentage of Votes Obtained by the Candidates																
Presidential Candidate	Bomi	Bong	Gbarpolu	Grand Bassa	Grand Cape Mount	Grand Gedeh	Grand Kru	Lofa	Margibi	Maryland	Mont-serrado	Nimba	River Gee	Rivercess	Sinoe	Total
<i>Polling Places Reported</i>	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
<b>BOAKAI, Joseph Nyuma</b>	42.60%	35.80%	41.80%	25.30%	42.90%	11.50%	9.90%	84.20%	35.50%	18.70%	37.10%	42.90%	15.80%	14.70%	10.50%	38.50%
<b>WEAH, George Manneh</b>	57.40%	64.20%	58.20%	74.70%	57.10%	88.50%	90.10%	15.80%	64.50%	81.30%	62.90%	57.10%	84.20%	85.30%	89.50%	61.50%
Invalid votes as % of total votes	1.90%	3.10%	2.70%	3.40%	3.10%	2.70%	4.00%	2.70%	2.30%	3.20%	1.60%	2.90%	2.40%	3.10%	2.60%	2.30%

# I Conclusions and Recommendations

Liberia's 2017 presidential and House of Representatives elections were a historic milestone that demonstrated the commitment of Liberians to peace and democratic development.

The elections resulted in the first democratic transition of power from one president and party to another. This alternation of power was not only the first since the country's devastating civil war, but also the first in the lifetime of most Liberians. The fact that it took place through a peaceful electoral process is a momentous achievement for Liberia and the region.

The first round of elections on Oct. 10 was orderly and transparent, despite long lines in some polling places, particularly in urban areas. The electoral dispute resolution process that followed the first round of voting posed an important test of Liberia's resilience. While the fundamental rights of justice and access to an effective remedy were broadly respected, elements of Liberia's electoral dispute resolution system should be reviewed to avoid the potential for constitutional crises in the future. The presidential runoff election that took place on Dec. 26 was technically sound and demonstrated some improvements over the first round, including identification of voters' polling places and a more efficient tabulation process.

The Carter Center's international election observation effort was a part of a long-term commitment to support democratic development and improve health in the country. The Carter Center plans to remain engaged in Liberia, working with the new government, civil society

organizations, the Liberian National Police, and community leaders to advance access to justice, access to information, and mental health.

Going forward, and in a spirit of respect and support, the Center's observation mission has identified several areas where steps can be taken to improve the conduct of future elections in Liberia, as outlined below.

## **Legal Framework Review**

To bring the legal framework in line with international standards for democratic elections, and to address gaps and inconsistencies, a full review of electoral legislation should be considered. The review should involve an inclusive consultative process with a broad range of electoral stakeholders, including civil society, and should address the following issues.

### **Promotion of the Political Rights of Marginalized Groups**

Liberia's legislature, electoral authorities, and other stakeholders should consider a range of steps to increase participation in public affairs of women, youth, persons with disabilities, LGBTI, and ethnic and religious minorities, as outlined below.

### **Increase Political Participation for Women**

The failure of Liberia's legal framework and electoral process to advance women's political participation in line with the country's international commitments is one of the greatest weaknesses of Liberia's democracy.

- *Create legislation to promote women’s political participation.* To address the low representation of women in office and in political party leadership, the government of Liberia should consider introducing proactive measures to increase the number of women in the legislature. Such measures could include the use of quotas, requiring political parties to waive fees for female candidates, and special access for female candidates to state media. The Carter Center strongly recommends that the legislature prioritize passage of legislation that will ensure equal political participation, and weigh carefully the strengths and weaknesses of quota and reserved-seat options.
- *Increase numbers of women in election administration.* The NEC should make an effort to increase the representation of women, particularly as magistrates and senior staff.
- *Waive fees for female candidates.* Political parties should consider waiving fees for female candidates.
- *Provide media access to female candidates.* To promote women’s political participation, state media should consider special access for female candidates.
- *Collect data.* The NEC should continue to proactively collect data on gender and minority representation, including continued use of the gender data capture sheet.

### **Increase Political Participation of Minorities**

Efforts should be made to ensure that no ethnic or religious groups are excluded from political participation. Considering Liberia’s commitment under Article 18 of the International Covenant on Civil and Political Rights, the Liberian constitution should continue to protect religious freedom and should not identify a preferred faith.

### **Remove Race-Based Citizenship**

Considering Liberia’s commitment to upholding international civil and political rights and eliminating discrimination, consideration should

be given to remove the race-based citizenship requirements.

### **Decriminalize Homosexuality and Increase LGBTI Political Participation**

In light of Liberia’s international commitments for nondiscrimination, the criminalization of homosexual acts should be removed and legislation be brought in line with international commitments for equal opportunities.

### **Review Restrictiveness of Certain Candidate Requirements**

The qualifications provided within Liberia’s constitution to serve as a candidate should be reviewed to determine whether they are overly restrictive and inconsistent with the ICCPR, including requirements of property ownership and references to mental health. Limitations in Liberia’s constitution on the right to stand for elections based on property ownership particularly impact women, as the legal framework does not guarantee spouses the right to joint ownership of property. These limitations should be reconsidered.

### **Review Candidate Registration Requirements and Fees**

Liberia should review candidate registration requirements and fees to ensure that political participation rights are respected, including removal of onerous registration requirements for independent candidates.

### **Electoral Dispute Resolution: Right to Due Process and a Fair Trial**

Consideration should be given to ways to strengthen electoral dispute resolution in Liberia, including further discussion of strengthening the current system as well as further discussion of the strengths and weaknesses of an electoral court system.

### **Review Time Frames for Dispute Resolution**

Legislative reform of the time frames for elections is needed to avoid the potential for constitutional crisis. To this end, a legal framework review

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should carefully consider the time frames for the electoral dispute resolution process to ensure that they are well synchronized with other areas of law, including the expiration of terms and swearing-in of government. While it's important to allow all sides sufficient opportunity to present evidence and state their cases, those considerations should not unduly delay the process. Review of the process should include consideration of methods to improve efficiency, such as the appeal of motions in bulk rather than individually.

### **Establish Procedures for Pre-election Complaints**

For pre-election complaints, the dispute resolution process should be clarified and specific time frames established. The NEC should ensure all candidate registration complaints and appeals are adjudicated prior to the start of the campaign period so that the right to due process and appeal does not negatively impact the right to participate in public affairs.

### **Require That Disputes Regarding Results Clearly Demonstrate Impact**

In line with international best practice, the legal framework for the resolution of election disputes should consistently require that disputes requesting an annulment of election results (either fully or partially) clearly demonstrate the impact of allegations on election results. While the current election law (Chapter 6) does suggest that only complaints that demonstrate a possible effect on election results should be filed, this standard was not consistently implemented and should be strengthened in future legal reform.

## **Election Administration**

### **Facilitate Political Participation of Persons with Disabilities**

To help persons with disabilities participate in elections, the NEC should increase access to polling precincts with temporary measures, including ramps. In addition, election officials should increase voter awareness of the availability

of physical accommodations and the tactile ballot guide and train poll workers to proactively offer the tactile ballot guide to visually impaired voters.

### **Maintain and Strengthen the Intra-Party Consultative Committee**

The Intra-Party Consultative Committee played a positive role building a relationship between the political parties and the NEC. This forum should be maintained outside the election cycle and, where possible, replicated at the county level through the magistrate offices.

### **Improve NEC Media Strategy**

To enhance public confidence in the election administration, the NEC's communication strategy should include greater efforts to inform election stakeholders and the general public regarding NEC actions, including information on corrective measures taken. Substantive meetings of the commission should be open to the public and agendas and decisions posted online.

### **Ensure Proper Training of Magistrates and Poll Workers**

To improve the consistent application of rules and procedures and ensure that all voters are treated equally and all votes counted in a consistent manner, training materials should be developed further in a timely manner in advance of election day and distributed to the magistrates, including for any runoff elections. Magistrates should be trained on all key aspects of the process, including tabulation.

### **Provide Comprehensive Voter Education**

All forms of media, particularly radio, should be used in addition to door-to-door and small community efforts. In the event of a runoff, additional voter education should be conducted to provide voters with updated information and inform them about any procedural changes. Greater emphasis should be given to informing persons with disabilities about the tools and options they have at their disposal, particularly the tactile ballot guide.

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### **Redraw Constituency Boundaries to Respect Equal Suffrage**

To ensure respect for equal representation, constituency boundaries should be redrawn to minimize the deviations in constituency size and reflect the current demographics of the country. In line with the constitution, this process should be conducted with the census as its base.

### **Consider the Timing of Elections**

Consideration should also be given to moving the election date out of the rainy season, which would require a constitutional amendment. When reviewing the timing of elections, consideration should also be given to the time frames necessary to complete any dispute resolution processes in time to meet deadlines for the inauguration.

### **Review Election Day Procedures**

To address issues that arose on election day and improve the integrity of the process, The Carter Center recommends the following:

- *Adjust structure of voter list.* Implement a voter list structure that allows voters to easily identify their polling place and polling officials to quickly find their names on the list, such as alphabetical.
- *Strengthen recruitment and training of queue controllers.* Continue the practice implemented during the second round of hiring better-qualified queue controllers and enhancing the training of queue controllers, providing them with electronic copies of the voter list.
- *Strengthen ballot handling procedures.* Ensure greater accountability and transparency of ballot handling, with procedures directing that all ballots be counted before the start of the polls and that the starting and ending ballot serial number be recorded.
- *Improve visibility of party agents and observers.* Structure the flow of the voters so that political party agents and observers can see the entire process, including the processes of checking for ink upon entry, checking voter identity cards, and inking voters' fingers.

### **Review Counting and Tabulation Procedures**

- *Strengthen training on counting procedures.* In future elections, training of polling staff and presiding officers should include stronger attention on the counting process, including procedures for correct completion of the Record of the Count forms.
- *Adjust Record of the Count form.* Improve the records of the count and related procedures to capture the number of voters who voted according to the marks on the voter lists as well as information from the gender data sheet. Should supplemental voter lists be used in future elections, the number of voters on the supplemental list who were issued ballots should also be recorded on the Record of the Count form.
- *Strengthen tabulation procedures and release them earlier.* Procedures for the tabulation process should be developed earlier in the process to allow adequate time for training polling staff and party and candidate agents. Tabulation procedures should include clear guidelines for determining what should be quarantined, how to handle quarantined results, and procedures for recounts. The legal framework for the counting and tabulation of results requires further elaboration regarding procedures for when mathematical errors are identified on record of the count forms during reconciliation.
- *Improve lighting during the count.* Provide additional lights for the polling station to allow all present to fully observe the count.

### **Review Voter Registration Procedures**

- *Ensure right to vote for youth, pretrial detainees, and the hospitalized.* Procedures to extend voter registration to those turning age 18 between voter registration and election day, as well as pretrial detainees and the hospitalized, should be established in order to prevent unlawful disenfranchisement of persons eligible to vote.
- *Careful avoidance of extraction of the voter registry from a civil registry in future elections.* The Carter Center cautions that careful consideration should be given to the pros and cons of linking

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the voter registry to the civil registry. This should be assessed well in advance of future elections so that alternatives to using the civil registry can be in place if needed. Regardless of the system used, the goals should be to ensure enfranchisement of as much of the voting-age population as possible to minimize the strain on resources, and to instill greater public confidence in a voter register that can be periodically updated.

## **Candidate Nomination Period and Campaign Finance**

Liberia's legal framework, including the constitution, Elections Act, and the National Code of Conduct, include overly restrictive regulations that undermine Liberia's commitments ensured by the ICPR and should be repealed.

### **Consider Candidate Nomination Requirements Under the ICCPR: Right and Opportunity To Be Elected and Participate in Public Affairs**

- *Review national code of conduct to ensure compliance with the international obligations.* The time frames within the National Code of Conduct requiring public officials to step down from their posts in advance of contesting elections should be carefully reviewed to ensure that they are not overly restrictive on the right of persons to contest as candidates. The legislature should ensure that the code establishes enforceable mechanisms for preventing the misuse of public resources and public office, and establishes institutions with the authority to oversee compliance with the code. In addition, allegations of the misuse of state resources should be promptly investigated and prosecuted.
- *Review the 2 percent requirement.* The necessity for political parties to obtain 2 percent of the votes in the constituencies where they contest or

be prohibited from participating in the next two elections is an undue restriction on the right to participate in public affairs and is inconsistent with Liberia's commitments under the ICCPR. A legal framework review should carefully reconsider this 2 percent requirement, its applicability, and any unintended consequence on the right to stand for public office, and should evaluate international best practices and other available options to strengthen political parties.

### **Strengthen and Enforce Campaign Finance Reporting Requirements**

To foster a level playing field and greater transparency, campaign finance regulations should be closely monitored and enforced, and NEC's capacity to monitor and enforce regulations should be bolstered. Further, consideration should be given to requiring campaign finance reporting before election day, and publication of the reports so that voters can make informed decisions at the poll.

### **Improve Regulation of Campaign Period Ensure Candidates Have Equal Access to Public Space**

Measures should be put in place to guarantee that requests for public space and access to roads for campaign purposes are treated on an equal basis.

### **Ensure Equal Access to Media**

In accordance with international standards, all candidates and parties should have equal access to the media for campaign purposes. All media outlets, especially state media, should publish advertisement rates, charge the same rates to all candidates, and provide balanced reporting. Further, consideration should be given to mandating that state media provide some free airtime for all contesting political parties and candidates.

## Acknowledgements

The Carter Center acknowledges the numerous individuals and organizations, whose contributions led to a successful observation of the 2017 general elections in Liberia.

The Center would like to thank the National Election Commission of Liberia for inviting the Center to observe the elections. The Center's observers reported that they received a warm welcome from NEC staff across the country, as well as political party representatives, civil society organizations, and the people of Liberia.

The Center deeply appreciates the leadership of the former President of the Central African Republic, Catherine Samba-Panza; the former Prime Minister of Senegal, Dr. Aminata Touré; the Vice-President of Peace Programs at The Carter Center, Jordan Ryan; and Chair of the Carter Center's Board of Trustees Jason Carter for the key role they played in the Center's observation. Their insight during the observation process was invaluable to the success of the mission.

The Center's observation mission was also made possible by the efforts of our Monrovia staff, including Meaghan Fitzgerald, Observation Mission Director; Nicholas Jahr, Deputy Observation Mission Director; Manuel Sanchez de Nogue, Legal Analyst; Andrew Jones, Security Manager; David Dean, Political Assistant; George

Thomas, Security Assistant; Benedictus Kun, Finance Officer; Varney Qualah, Communications Assistant; Charles Massaley, Driver; Boye Nimely, driver; Monretta Marleh, Cleaner; and Rita Yarkpah, Cleaner.

The Carter Center also acknowledges the efforts of all the international election observation organizations to support Liberia's electoral process, including the Economic Community of West African States, the African Union, the National Democratic Institute, and the European Union.

The Center offers its sincere thanks and gratitude to the observers whose reporting on the electoral process and engagement with Liberian stakeholders across the country were crucial to the success of the mission.

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The final report was drafted by Meaghan Fitzgerald, Nicholas Jahr, Manuel Sanchez de Nogue, and Brett Lacy with assistance from Michael Scholtens. Brett Lacy and David Carroll served as primary editors.

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### October 10, 2017

#### Presidential and House of Representatives Elections

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## Appendix C

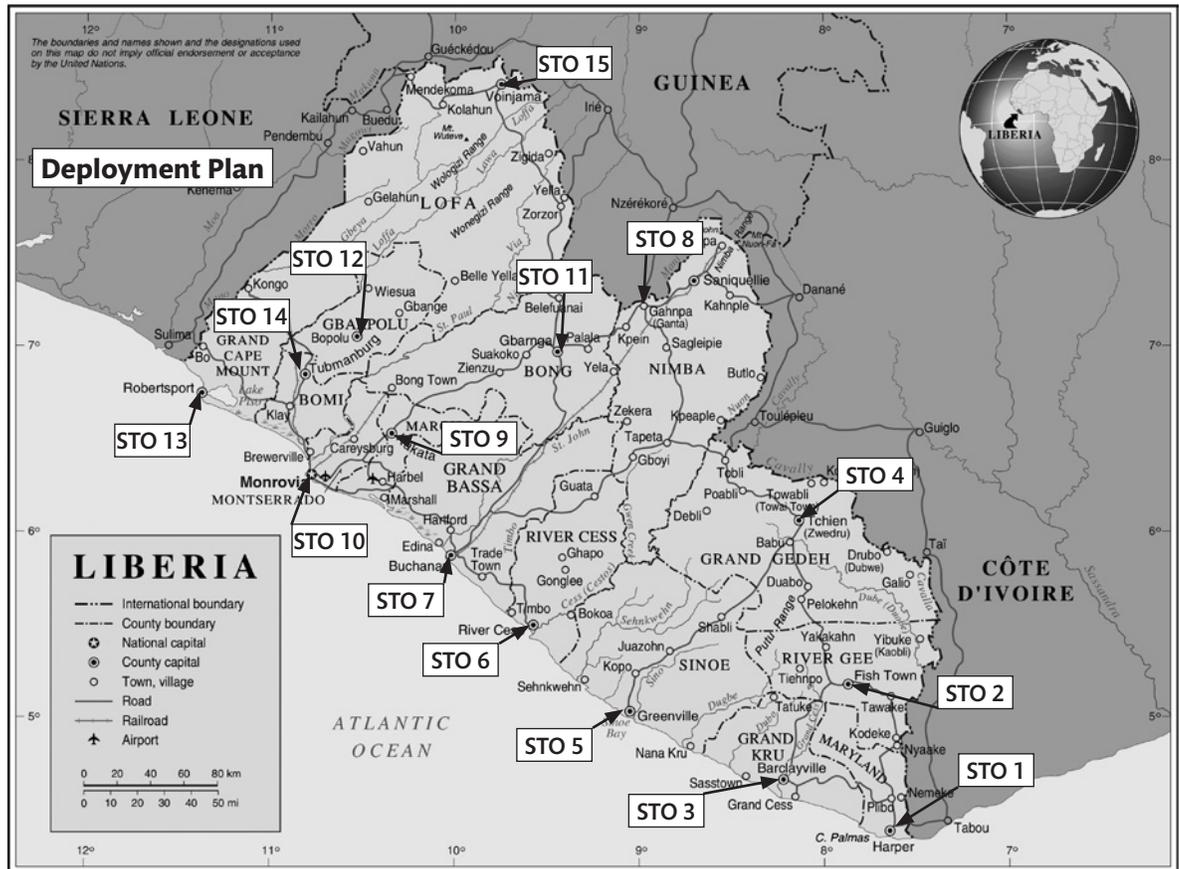
# Terms and Abbreviations

<b>ACS</b>	American Colonization Society	<b>IPCC</b>	Inter-Party Consultative Committee
<b>AU</b>	African Union	<b>LEON</b>	Liberian Election Observation Network
<b>BIN</b>	Bureau of Immigration and Naturalization	<b>LGBTI</b>	Lesbian, gay, bisexual, transgender, and intersex
<b>CDC</b>	Congress for Democratic Change	<b>LP</b>	Liberty Party
<b>CDC</b>	Coalition for Democratic Change	<b>MoJ</b>	Ministry of Justice
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women	<b>NDI</b>	National Democratic Institute
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination	<b>NEC</b>	National Election Commission
<b>CPA</b>	Comprehensive Peace Agreement	<b>NMC</b>	National Media Council
<b>CRC</b>	Constitution Review Committee	<b>NTGL</b>	National Transitional Government of Liberia
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities	<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>CVE</b>	Civic and Voter Education	<b>TBGs</b>	Tactile Ballot Guides
<b>ECC</b>	Elections Coordinating Committee	<b>TEE</b>	Tamper-evident envelope
<b>ECOWAS</b>	Economic Community of West African States	<b>TWG</b>	True Whig Party
<b>ERIS</b>	Electoral Reform International Services	<b>UNDP</b>	United Nations Development Program
<b>EVD</b>	Ebola Virus Disease	<b>UNMIL</b>	United Nations Mission in Liberia
<b>FRR</b>	Final Registration Roll	<b>UP</b>	Unity Party
<b>INN</b>	International Negotiation Network	<b>USAID</b>	United States Agency for International Development
		<b>VRC</b>	Voter Registration Center

Appendix D

# Deployment Map

## Locations of 15 Teams of Election Observers



STO = Short Term Observers



**Carter Center Issues Assessment of Liberia’s Pre-Election Environment**

July 18, 2016

FOR IMMEDIATE RELEASE

ATLANTA — In advance of 2017’s key national elections, The Carter Center today released an assessment of the pre-election environment that includes recommendations to help Liberia continue to strengthen its democracy.

“These elections present an historic opportunity for Liberia, and I call on all Liberians to commit to peaceful participation in the democratic process, consistent with the rule of law,” said Jordan Ryan, the Carter Center’s vice president for peace programs and a former United Nations Mission in Liberia deputy special representative.

In April and July, the Center’s Democracy Program sent delegations to Liberia to assess the current political environment and status of technical preparations in advance of presidential and legislative elections anticipated in October 2017. The delegations met with political parties, presidential aspirants, the National Elections Commission, Supreme Court officials, the Liberian National Police, the Press Union of Liberia, civil society leaders, and members of the international community to understand current dynamics and key challenges.

The 2017 national elections represent a critical moment in Liberia’s recovery from war and transition to a peaceful democracy, and the first post-war transition from one elected president to another through a democratic process. These will be the third presidential elections since the end of armed conflict, and a key test for Liberians to consolidate democratic governance through peaceful competition for political power at both the presidential and legislative levels.

There is a strong desire among all Liberians for the elections to proceed smoothly and peacefully. However, there are serious concerns about the post-election environment if the elections fail to meet international standards.

The Carter Center calls on Liberia’s leaders and citizens to commit to peaceful political participation to ensure violence-free elections, consistent with the law, and to continue the strengthening of democracy and development in Liberia.

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Among its recommendations:

- Strengthen campaign-finance regulations and their implementation
- Provide adequate funding to the National Election Commission
- Take immediate action to ensure the equal political participation of women

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**THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION  
IN LIBERIA PRE-ELECTION STATEMENT**

July 18, 2016

**Executive Summary**

In April and July 2016, the Carter Center’s Democracy Program deployed pre-election assessment delegations to Liberia to assess the current political environment and status of technical preparations in advance of presidential and legislative elections anticipated in October 2017. The delegations met with political parties, presidential aspirants, the National Elections Commission, Supreme Court officials, the Liberian National Police, the Press Union of Liberia, civil society leaders, and members of the international community to understand current dynamics and key challenges.

The 2017 national elections represent a critical moment in Liberia’s recovery from war and transition to a peaceful democracy, and the first post-war transition from one elected president to another through a democratic process. These will be the third presidential elections since the end of armed conflict and a key test for Liberians to consolidate democratic governance through peaceful competition for political power at both the presidential and legislative levels. There is a strong desire among all Liberians for the elections to proceed smoothly and peacefully. However, there are serious concerns about the post-election environment if the elections fail to meet international standards.

“These elections present an historic opportunity for Liberia,” said Jordan Ryan, the Carter Center’s vice president for peace programs and a former UNMIL deputy special representative, “and I call on all Liberians to commit to peaceful participation in the democratic process, consistent with the rule of law.”

The Carter Center will make additional pre-election assessment visits and issue reports in the coming months. These missions are separate from ongoing Carter Center programming in Liberia, which focuses on supporting access to justice, access to information, and mental health.

Should The Carter Center be invited to observe the 2017 elections, and depending on funding, The Carter Center would consider supplementing these short assessment visits with the deployment of a robust election observation mission, starting with the deployment of a team of long-term observers in January in advance of the voter-registration period. International observation can play a critically important role in helping to ensure the success of difficult elections and is most effective when long-term observers help identify potential problems early enough that they can be addressed well in advance of polling day.

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## Electoral Preparations

### *Election Management*

A critical factor in enhancing the transparency of an electoral process and facilitating the active participation of citizens in the democratic process is an independent and impartial election management body. A transparent, accountable, and professional body is regarded as an effective means of ensuring that domestic and international obligations related to the democratic process are met.<sup>1</sup> The election management body should provide accountable, efficient, and effective public administration of elections, and should ensure that the electoral process is in compliance with Liberia's national laws as well as its regional and international obligations for democratic elections and human rights.<sup>2</sup>

The current National Elections Commission (NEC) was established in 2004 and is directed by a board of seven commissioners with regional and functional areas of responsibility. The board of commissioners is supported by an executive director and an administrative division. The commission has offices in 19 magisterial areas covering the 15 counties.

The main Liberian stakeholders who met with the Center's delegation expressed reasonable confidence in both the neutrality and capacity of the NEC, though some voiced concerns about the NEC's ability to overcome anticipated challenges and distrust in the government. The NEC should ensure that its actions continue to be consistent with a professional, high-capacity, and impartial organization. The 2017 elections offer an important opportunity to advance the NEC's professionalism and neutrality and to position it to continue to be a foundational institution for a democratic Liberia.

At the county level, the NEC will need to take steps well in advance of the elections to reinforce staffing structures, assess training needs, and determine the status of equipment needed to administer the elections, including computers, printers, generators, and internet access. Early consideration should also be given to logistics, especially the transportation needs of county NEC offices and security personnel.

### *IPCC*

An Inter-Party Consultative Committee (IPCC) was established in Liberia to serve as a forum for communication between the NEC and political parties. The IPCC is currently meeting in Monrovia. The IPCC appears to be well-attended and is positioned to be an effective two-way channel for communication between the NEC and political parties. Senior members of political parties should attend the IPCC meetings, and corresponding outreach to the political parties should be held at the county level.

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<sup>1</sup> *United Nations, International Covenant on Civil and Political Rights General Comment 25 para. 20*: "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."

<sup>2</sup> Venice Commission, Code of Good Practice in Electoral Matters, sec. II.3.1.c.

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### *Funding for Elections*

The government of Liberia is facing a budget crisis, particularly following the costs of addressing the Ebola crisis and the decline in global raw material prices. The NEC, Liberia National Police, and others have submitted their budgets related to elections for consideration by the legislature and Ministry of Finance, and timely decisions regarding the best use of state funding must be made. Timely and sufficient funding for the elections needs to be available to the NEC – and where appropriate, to the magistrates – early in the process to enable it to undertake necessary procurements and contracting in accordance with best practices. Although the NEC’s budget for elections is currently under consideration, the law requires a bi-annual allocation of funds to ensure that the NEC is able to move ahead with key components, including preparations for the registration of voters and associated civic and voter-education campaigns. Ordering election supplies too close to an election can require costly air transport rather than less expensive ocean freight, for example. Questions regarding the extent of the mandate of the United Nations Mission in Liberia (UNMIL) and its ability to provide any necessary logistical support during elections will also require early answers (and funding) to facilitate planning for the elections.

### *Voter Registration*

Voter registration is an important means to ensure the rights of universal and equal suffrage and should be made available to the broadest pool of eligible citizens possible without obstacles.<sup>3</sup> The rights of universal and equal suffrage are fundamental international obligations and a critical part of democratic elections.

A new voter list will be created for the 2017 elections, and a voter-registration period is anticipated in February and March of 2017.

When planning the calendar and logistics for the voter-registration period, consideration should be given to ensuring that the voter registration centers are operational during the same time period for the same length of time so that citizens across the country have equal access to the process and an equal opportunity to register. In addition, adequate time should be given for the public inspection of the preliminary voter list, and adequate resources should be dedicated to raising public awareness of the registration process, including the opportunity to verify the quality and accuracy of the list and to seek any necessary changes.

Several amendments to the electoral law passed in 2014 will affect the voter-registration process, including that voters must now register at a center in the place where the voter ordinarily resides, and must vote at the place established for that center.<sup>4</sup>

The NEC has begun information sessions on the content of the 2014 amended elections act that is currently being codified by the Ministry of Justice. These

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<sup>3</sup> United Nations International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; United Nations Human Rights Council, General Comment 25, para. 11.

<sup>4</sup> An Act to Amend Certain Provisions of the 1986 Elections Law (September, 2014). Chapter 3.

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information sessions are welcome and should continue, and should provide clear guidance on the definition of “ordinarily resides,” any documentation requirements, and the level of address detail that should be recorded in each entry on the voter roll. Extensive public education should be conducted in the months before voter registration to ensure that all are aware of this requirement.

*Biometric Voter Registration.* The Carter Center understands that following extensive study and discussion among Liberians, a decision has been made not to introduce biometric voter registration (BVR) for the 2017 elections. The Carter Center believes this is a well-reasoned decision in light of the high cost (estimates as high as USD \$50 million) at a time when Liberia faces a budgetary crisis, and funding for other critical components of the elections has not yet been secured.

In past elections in Liberia, confidence in the voter register has generally been high. In 2005 and 2011, international observers reported sound procedures for the registration of voters in Liberia, with adequate protections in place broadly consistent with international standards. The 2017 elections provide an opportunity to strengthen elements of Liberia’s voter-registration process, for example by updating the voter-registration card to enhance its durability and security.

Implementation of BVR requires careful planning, preparation, and implementation over a period of time, and failure to adequately plan can have negative consequences for electoral integrity and credibility. Should Liberia want to consider BVR for future elections, comprehensive stakeholder consultations should be held with political parties, civil society organizations, the media, and others to share information and discuss the benefits and consequences. In addition, it should be understood that the use of BVR equipment is only one element of a voter-registration process and does not alone ensure a fully accurate and inclusive voter roll. Other components are equally important, such as legislation, procedures, implementation of eligibility and identification requirements, and the recruitment and training of staff. In addition, consideration needs to be given to international standards for privacy and security during the collection, storage, and use of biometric data.

If Liberians wish to consider BVR for the future, the 2017 elections could be an opportunity to test the extent to which BVR would be a positive contribution to the administration of elections through a carefully planned pilot in several locations.

### **Voter and Civic Education**

Voter education is an essential part of the electoral cycle and is recognized as an obligation to ensure that an informed electorate is able to effectively exercise their right to vote without obstacles, thereby ensuring universal and equal suffrage.<sup>5</sup>

Extensive voter-education campaigns should be conducted well in advance of the voter-registration period to ensure that all are aware of the importance of the registration period, when and where to register, details of the exhibition period, and other aspects of the law that impact registration and the elections.

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<sup>5</sup> U.N. ICCPR, Article 25(b); United Nations Human Rights Council, General Comment 25, “the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

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Likewise, a thorough voter-education campaign should start well in advance of elections to explain the election process to voters and to encourage peaceful elections and political participation. In addition, civic education should be tailored to reach the widest possible audience in ways that citizens can readily understand.

### **Legal Framework for Elections**

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Liberia's international commitments obligate it to take measures to promote core principles of the rule of law, including that laws must be consistent with international human rights obligations.<sup>6</sup>

In Liberia, the legal framework for the conduct of the 2017 elections includes the constitution, the elections law as amended by the Electoral Reform Laws of 2004 and the 2014 Act to Amend Certain Provisions of the 1986 Elections Law, the law on political parties, and regulations and decisions of the NEC.

New amendments to the electoral law were passed in 2014, including a call for political parties to include no less than 30 percent of any gender among their executives and staff, and the introduction of a threshold that requires that parties must earn at least two percent of the vote in order to contest the next elections.<sup>7</sup>

Although amendments to the elections law were passed by the legislature and signed by the president in September 2014, the Ministry of Justice has not yet codified the legislation to incorporate the changes and produce a new consolidated election law. The Carter Center understands that the Ministry of Justice is now prioritizing codification of the election law amendments and that it should be available soon. The NEC has begun to conduct information sessions on the new law. The Carter Center welcomes these steps and urges that information sessions continue both at the national and county levels.

It is possible that additional changes to the legal framework may be considered in Liberia's legislature in advance of elections, including changes that could affect the way election-related disputes are resolved and that could create reserved seats in the legislature for women, youth, and persons with disabilities. Consideration of any additional changes to the legal framework for elections should be expedited to ensure adequate time for debate, codification, dissemination, public education, and implementation in advance of elections. The Economic Community of West African States (ECOWAS) Protocol on Good Governance mandates that changes to the legal framework for elections should not be made within six months of an election.<sup>8</sup>

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<sup>6</sup> United Nations, International Covenant on Civil and Political Rights, Article 2; Universal Declaration of Human Rights, Article 21(3); International Covenant on Civil and Political Rights, Article 25 (b).

<sup>7</sup> An Act to Amend Certain Provisions of the 1986 Elections Law (September 2014). Chapter 4, Chapter 5A.

<sup>8</sup> ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security.

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## **Electoral Dispute Resolution**

The opportunity to seek timely and effective resolution of election-related disputes is a fundamental aspect of a democratic electoral process.<sup>9</sup> Liberia's constitution and the elections law establish a process for raising electoral disputes and provide the NEC with original jurisdiction over the elections law, regulations, and codes of conduct; they also grant the NEC the power to fine, suspend registration of political parties, and order corrective measures. Appeal on election-related matters is directly to the Supreme Court, which must issue a ruling within seven days.<sup>10</sup>

Following the 2014 senatorial elections, independent observers and others have raised concerns about the proper sequencing of the process between the NEC and Supreme Court in the resolution of election-related disputes.

In advance of elections, additional training should be provided for both the NEC and Supreme Court regarding the resolution of election-related disputes. At the county level, NEC magistrates should be provided with additional training in this area to ensure that they are able to fulfill their responsibilities. Additional training should also be considered for the national police regarding their role in resolving electoral offenses.

At present, the legal department at NEC is significantly understaffed. The recruitment and training of additional staff will be required so that the legal department can fulfill its key responsibilities.

Political party and independent candidate agents should also be thoroughly trained on the electoral process, electoral offenses, and procedures for filing complaints. Complaints must be submitted in writing no later than seven days after the offense or violation was witnessed. Witnesses must sign the complaint and submit any accompanying evidence. Complaints should be submitted to the NEC's national office, the office of the magistrate in the county where an alleged offense occurred, or to the presiding officer of the polling place in question.<sup>11</sup>

## **Political Parties and Candidates**

The right of individuals to participate in public affairs, including through the establishment of, and free association with, political parties and participation in campaign activities, is an international obligation and a fundamental electoral right. An open and transparent campaign environment with equitable treatment of candidates and parties is integral to protecting the integrity of democratic elections. In

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<sup>9</sup> ICCPR, Article 2; ACHPR, Article 7.

<sup>10</sup> Additional legislation may be considered that could impact the dispute-resolution system.

<sup>11</sup> An Act to Amend Certain Provisions of the 1986 Elections Law (September 2014). Chapter 5.

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addition, the right to be elected requires that states ensure that citizens have the opportunity to stand for elected office, free from unreasonable restrictions.<sup>12</sup>

The NEC will conduct a formal candidate nomination process in advance of the elections in 2017. Currently, political parties are planning party primaries in order to include their membership in the decision-making process of selecting candidates for presidential and legislative elections. For some political parties, presidential candidates are already known; for others, parties anticipate competitive primaries.

Although the formal campaign period for elections will not take place until next year, and regulations guiding the campaign period are not currently in effect, political party members, prospective candidates, and citizens should be able to exercise their rights of freedom of association and the right to stand for elected office. Consistent with best practices, persons should be allowed to campaign to be their party's candidate to ensure that members of political parties are able to make informed choices during party primaries.

The 2017 elections offer Liberia an opportunity to move beyond a history of political parties centered around individuals to a democracy with political parties based on issues. Competitive political party primaries that incorporate the voice of political party members in the candidate selection and nomination process are considered positive signs of a maturing democracy.

*Campaign finance.* The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.<sup>13</sup> The Carter Center's report on the 2011 national elections in Liberia noted a few important shortcomings, including the lack of any requirement that parties submit an interim financial report before election day, which would allow voters to evaluate contributions and spending by candidates and political parties before casting their votes. In addition, some political parties lack the capacity to prepare and submit a campaign finance report.<sup>14</sup> Addressing both of these measures in advance of the 2017 campaign period would help ensure greater transparency of political party financing.

The amendments to Liberia's 1986 elections law passed in 2014 give the NEC authority to make regulations in the area of campaign finance that specify the form, content, and timing of reports. To ensure that campaign-finance regulations are meaningful, the Carter Center encourages the NEC to establish further regulations that require reporting in advance of elections.

*Party and candidate agents.* Political party and candidate agents play an important role in ensuring the transparency of elections, building confidence in the process and providing peaceful mechanisms through which complaints can be registered. Although political parties and candidates have successfully deployed large numbers

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<sup>12</sup> U.N., ICCPR, Article 25(b); U.N., Convention on the Political Rights of Women, Article 2; U.N., Convention on the Rights of Persons with Disabilities, Art. 29 (a)(ii). Unreasonable restrictions include race, sex, religion, ethnic origin, language, and physical disability.

<sup>13</sup> UNCAC, Article 7.

<sup>14</sup> The Carter Center. "National Elections in Liberia. Fall 2011. Final Report."

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of agents to serve as their eyes and ears at the polls, Carter Center observers in Liberia's 2005 and 2011 elections noted that agents from the major parties were not present at many polling stations, and, in addition, many agents appeared not to fully understand the electoral process or their rights, especially regarding the procedure for filing formal complaints.

Although the NEC provides some training to agents, political parties and candidates are responsible for developing plans for the recruitment, training, and support of agents across the country. Agents should understand the electoral laws, the rules and regulations governing the voting and counting processes, and the rights and responsibilities of agents. It is critical that agents understand their role within the polling station and what electoral offenses are so that they can report any irregularities through the official complaint process. Agents are most effective when a standardized checklist is used as a reporting mechanism to enable them to efficiently collect information about the polling and counting processes across the country. Agents and political party leadership should be well-trained on the rights and procedures for filing electoral complaints. The international community should consider support for the training of political party agents.

### **Women's Participation in Politics**

Liberia is a signatory to a number of international treaties that mandate Liberia take specific positive action to promote the equal participation of women in political life.<sup>15</sup> To meet these obligations, Liberia should take steps to ensure that women participate equally in the electoral process as candidates, members of political parties, party agents, observers, poll workers, voter-education officers, and, ultimately, voters.

The underrepresentation of women in Liberia's government is among the greatest deficiencies in the country's democracy. A government should be representative of its people. Genuine democracy requires that all citizens be able to participate in political processes and meaningfully influence decision-making that affects their communities, free from obstruction or fear.

In many regards, the women of Liberia have long played a leading role in moving Liberia forward, including as critically important actors in ending the war and leading the reconstruction. Liberia enjoys the distinction of having Africa's first elected female president. Nonetheless, women remain underrepresented in political life and face significant challenges in post-war Liberia. Among the steps to build an inclusive, democratic society, it is essential that Liberia put an end to gender-based violence.

Following the 2005 elections, 14 percent of Liberia's legislative seats were held by women. That percentage dropped to 11 percent following the 2011 elections, and to

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<sup>15</sup> The United Nations. (1953). Convention on the Political Rights of Women. *Treaty Series*, 2, 1–28. African Union. (2003). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Maputo: African Union. "States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes."

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10 percent following the 2014 legislative elections.<sup>16</sup> Some stakeholders fear that women could lose further ground in the 2017 elections. It is incumbent on all Liberians to take action to reverse this threat and ensure that Liberian women enjoy political participation equal to men.

The amendments to Liberia's 1986 elections law passed in 2014 calls upon political parties and coalitions to "endeavor to ensure" that its governing body and list of candidates has no less than 30 percent of its members from each gender. Some political parties appear to have only limited awareness of this change.

The Carter Center calls upon all political parties to uphold the intent of Liberia's amended elections law that supports the rights of women to participate equally in political affairs in accordance with Liberia's international commitments. Furthermore, given that the existing laws are not proving effective, the Center urges Liberian leaders to consider legislation to ensure the equal political participation of women.

Although numerous attempts have been made within Liberia's legislature to pass a quota to support women's participation in politics, none has been successful, and to date Liberia has failed to meet international obligations in regard to women's political participation. Among the reasons for the failure of such legislation has been the unwillingness of male legislators to support legislation that they interpret as requiring them to give up their seat to a woman. Liberian political elites need to take swift action to ensure Liberia's fulfillment of its international obligations.

## **Security**

Underlying tensions are already evident in advance of the October 2017 elections, and there are widespread concerns about security. Although the Liberia National Police (LNP) are confident they will be able to manage election security, there is concern about their lack of capacity, particularly in rural areas.

The capacity of Liberia's security sector has been enhanced in recent years, and the full responsibility for security now lies with Liberian officials, following an official handover from UNMIL. However, the military — and particularly the police — have drawn criticism for their lack of professionalism and independence in certain instances, including their failure to exercise effective restraint. This was tragically displayed on the eve of the runoff in 2011, when an LNP officer fired into a crowd of unarmed civilians at the headquarters of the Congress for Democratic Change political party, leading to at least one and possibly several deaths. In that instance, the swift intervention of UNMIL troops ended the violence and prevented the development of a security crisis.

Additional robust training should be provided for police on their role during elections, stepped down across the country. The police must also be provided with sufficient equipment — including computers, communication equipment, and transportation — in order to effectively perform their responsibilities. Sufficient funds should be made available to security forces around election day to ensure that they can adequately meet their obligation to provide security at every polling place.

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<sup>16</sup> Inter Parliamentary Union (IPU), Women in National Parliaments, World Classification, last updated June 1, 2016.

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## **UNMIL Security Handover**

UNMIL's official handover of security to the Liberian National Police on June 30, 2016, represents a historic moment in Liberia's long-term recovery and democratization process.

The 2017 elections will be conducted without the scope of security support provided by UNMIL in the past. In addition, the amount of other UNMIL support (helicopters, U.N. vehicles, etc.) is currently under discussion. This transition makes it harder for Liberian stakeholders to adequately plan and budget for needs around the election, including vehicle and equipment needs and adequate plans for the movement and security of sensitive materials. The electoral process would benefit from expedited planning and coordination.

During the 2005 and 2011 elections, UNMIL played a crucial role in delivering materials to difficult-to-access locations and ensuring security throughout the country.

## **RECOMMENDATIONS**

### **To the People of Liberia:**

- Commit to a respectful, transparent, and peaceful electoral process. Liberia's leaders and citizens should commit themselves to peaceful political participation to ensure violence-free elections, consistent with the law, and to continue the strengthening of democracy and development in Liberia.

### **To the Government of Liberia:**

- The Ministry of Justice should prioritize codification of the election law amendments and distribution of the new consolidated law.
- Make available adequate funding for the elections to the NEC – and where needed, to the magistrates – early in the process to enable it to undertake necessary procurements and contracting in accordance with prevailing best practices.
- Refrain from actions that could be seen as compromising the neutrality of the NEC.
- Consider the passage of legislation that would ensure the equal political participation of women, whose underrepresentation in government is a significant deficiency in the country's democracy.

### **To the NEC:**

- Continue to take steps to ensure a reputation as a professional, high-capacity, and impartial organization.
- At the county level, take steps well in advance of the elections to reinforce staffing structures, assess training needs, and assess the status of equipment

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that will be necessary for the administration of elections, including computers, printers, generators, and internet access.

- Consider early the transportation needs of county NEC offices and security personnel.
- Take steps to strengthen campaign-finance regulations and their administration. Consider strengthening NEC regulations to require that parties submit an interim report before election day to allow voters to evaluate contributions and spending by candidates and political parties before casting their votes. Provide training to political parties to ensure they have the capacity to account for funds.
- Continue the information sessions on the 2014 amended election act at both at the national and county levels.
- Consider holding specific information sessions for political parties, civil society organizations, and media on electoral dispute resolution and processes.
- Prepare extensive civic and voter education campaigns in advance of voter registration, beginning quickly upon allocation of funds by the government.

**To the IPCC:**

- Continue to meet, with dedicated attendance by senior members of political parties. Hold corresponding political party consultative meetings at the county level.

**To the Political Parties and Prospective Independent Candidates:**

- Political leaders: commit to participating responsibly and peacefully in the elections and make an early commitment to a nonviolent election.
- Political parties: Uphold Liberia's international commitments and comply with the intent of the law as amended to ensure that women are represented among political party leaders and candidates.
- Political parties and independent candidates: Adhere to campaign-finance regulations, including reporting requirements and regulations that prohibit the use of public resources in campaigning.

**To the Media:**

- Commit to supporting a peaceful election.
- Press Union of Liberia: Provide additional training and support to help regulate the media during elections.

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**To UNMIL:**

- Clarify as soon as possible the nature and degree of UNMIL support to the electoral process.

**To the International Community:**

- Provide coordinated early funding commitments to support the election, including budgetary support to the NEC, support for the training of political party agents, and programming to advance women's participation in politics.



## The Carter Center Deploys Pre-Election Assessment Team to Liberia

February 16, 2017

FOR IMMEDIATE RELEASE

ATLANTA — Following an invitation from the National Election Commission of Liberia, The Carter Center will deploy a limited mission of international electoral experts to Liberia to assess the voter registration process and the pre-election environment in advance of general elections anticipated in October 2017.

The delegation, which will be in the country from Feb. 19 through March 2, will visit voter registration centers and meet with election commission officials, political party leaders, members of the Supreme Court and the Liberian National Police, civil society leaders, and international partners to learn about and assess the voter-registration process as well as challenges facing the conduct of the 2017 elections.

The delegation will be led by Jordan Ryan, vice president of the Carter Center's peace programs. He will be joined by senior electoral expert Carlos Valenzuela, who has served as chief technical advisor for the United Nations in many countries around the world; electoral experts Barbara Smith, who has managed numerous civil society election support projects, and James Lahai, the national coordinator of Sierra Leone's National Election Watch; and Brett Lacy, associate director of the Carter Center's Democracy Program.

The Carter Center has observed 103 elections in 39 countries. It conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005. The Center assesses electoral processes against international standards based on the host country's international obligations and commitments on democratic elections and its national legal framework.

**Background:** At the end of the war in Liberia in 2003, The Carter Center affirmed its long-standing commitment to the people of Liberia and joined them to help rebuild their country and consolidate the peace. It observed the 1997, 2005, and 2011 national elections and has implemented innovative programs to support access to justice and access to information, and to address the mental health crisis caused by the conflict. When Liberia's Ebola epidemic struck in 2014-15, the Center shifted its focus and resources to address the crisis at hand and provide long-term aftercare. Its current interventions build on years of engagement in Liberia that includes conflict mediation from 1992 through 1997 and multiple programs to strengthen civil society institutions.

The Carter Center's election observation work in Liberia is conducted independently of other programming.

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# NEWS

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## **Carter Center Releases Statement on Liberia's Voter Registration Process**

March 03, 2017

FOR IMMEDIATE RELEASE

MONROVIA — Despite some early operational hiccups that have mostly been resolved, Liberia's ongoing voter registration process is progressing smoothly, according to a Carter Center statement released today.

A Carter Center delegation observed the voter registration process from Feb. 20 - March 1, visiting 40 voter registration centers in 21 electoral districts across eight of Liberia's 15 counties: Bomi, Bong, Grand Bassa, Grand Cape Mount, Lofa, Margibi, Montserrado, and Nimba.

The delegation, led by Jordan Ryan, vice president of the Carter Center's peace programs, met with electoral authorities at the national, county, and district level, as well as with journalists, government leaders, representatives of the Liberian National Police, and members of political parties, civil society organizations, marginalized groups, and the international community.

Because there are still several days to go before voter registration ends, it isn't yet possible to accurately assess registration turnout.

"I call on all eligible Liberians to take part in the voter registration period and exercise their fundamental democratic rights," said Ryan, "and to sustain the peace throughout Liberia."

The delegation commended the National Election Commission for quickly fixing early operational problems — many related to camera malfunctions — and for its commitment to a peaceful and successful process.

In the spirit of support and cooperation, it also offered the following recommendations:

- All eligible Liberians who have not yet registered should exercise their right to participate in the voter registration process.
- Because the upcoming exhibition and challenges period will be a critical to establishing the credibility of the voter registration process, the NEC should increase voter awareness about this period, and political parties and civil society actors should make a strong effort to promote participation in it.

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- To advance the NEC's goal of making it easier for people with disabilities to participate in the electoral process, it should consider a pilot project to introduce tactile ballots, with a special emphasis on training staff and raising awareness among blind voters to ensure that these ballots can be used as intended and that the secrecy of the vote can be protected.
  - In order to further increase confidence in the electoral process, the NEC, political parties, and civil society organizations should increase efforts to conduct voter education and related information and awareness campaigns. This should include development of voter information toolkits for educators, and improved coordination among partner organizations and community-based organizations.
  - The NEC should continue to strengthen its communication strategies in order to enhance the trust, confidence, and transparency of the process. This could include extending IPCC meetings to the county level. Efforts to improve communication between the magistrates and NEC headquarters would also be positive for the process.
  - The NEC should consider steps to evaluate registration procedures to capture lessons learned in a timely manner and to foster continuous improvement of Liberia's electoral process.
  - The NEC should consider offering additional support and training for its hearing officers, magistrates, and the hearing committee at the county and national level to enhance their ability to respond to any election-related complaints. In addition, training for political party agents and candidates in advance of the candidate nomination period on electoral dispute resolution and how to file a complaint would be welcome.

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**THE CARTER CENTER INTERNATIONAL ELECTION OBSERVATION  
IN LIBERIA**

**STATEMENT ON THE VOTER REGISTRATION PROCESS**

March 3, 2017

The Carter Center deployed a delegation of international electoral experts to Liberia to assess the voter registration process and the pre-election environment in advance of general elections anticipated in October 2017, when voters will elect a new president and 73 members of the House of Representatives. The Carter Center delegation, which conducted its work from Feb. 20 – March 1, visited 40 voter registration centers (VRCs) in 21 electoral districts across eight of Liberia’s 15 counties: Bomi, Bong, Grand Bassa, Grand Cape Mount, Lofa, Margibi, Montserrado, and Nimba.

The delegation was led by Jordan Ryan, vice president of the Carter Center’s peace programs and formerly the UNMIL deputy special representative in Liberia. He was joined by senior electoral expert Carlos Valenzuela, who has served as chief technical advisor for numerous United Nations election missions; Barbara Smith, electoral expert; James Lahai, the national coordinator of Sierra Leone’s National Election Watch; and Brett Lacy, associate director of the Carter Center’s Democracy Program.

The delegation met with electoral authorities at the national, county, and district level, including with members of different NEC departments, such as the data center and hearing committee. The delegation also met with journalists, civil society organizations — including domestic observers, youth and women groups — Mandingo community representatives, and representatives of the disabled community. Additional meetings were held with government leaders, senior leaders and the presidential aspirants of several political parties, the Liberian National Police (LNP), the Governance Commission, and members of the international community. The team visited VRCs in order to assess the voter registration process in the field. The Center’s voter registration assessment builds on previous Carter Center pre-electoral missions conducted in April, July, and October 2016 to assess the political environment and the status of technical preparations for the upcoming elections.

The Carter Center hopes to make additional pre-election assessment visits and to issue reports in the coming months. These missions are separate from ongoing Carter Center programming in Liberia, which focuses on supporting access to justice, access to information, and mental health.

As The Carter Center makes this report, it is important to note that the voter registration process is ongoing, and there are still important steps to be completed.

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## Executive Summary

The 2017 national elections represent a critical moment in Liberia's recovery from war and transition to a peaceful democracy, and the first post-war transition from one elected president to another through a democratic process. These will be the third presidential elections since the end of armed conflict and a key test for Liberians to consolidate democratic governance through peaceful competition for political power at both the presidential and legislative levels. There is a strong desire among all Liberians for the elections to proceed smoothly and peacefully.

While substantial international support is being provided for these elections, the level of support is less than in previous elections. Therefore, the 2017 electoral process is much more Liberian-led than in the past.

Overall, the Center's delegation found that the ongoing voter registration exercise was progressing smoothly, despite initial operational hiccups that appear to have been largely resolved. Operational issues were reported at the beginning of the process, mainly in relation to camera malfunctions (concentrated in Montserrado and the southeast) and a lack of materials in some areas. Stakeholders reported to The Carter Center that the NEC reacted promptly and efficiently to resolve those issues. During the Center's observations, there were no significant problems with materials or equipment, and operations were conducted without major difficulties. Registration staff generally performed in a dedicated and professional manner, and procedures were followed in a relatively consistent manner in the VRCs observed. The decision not to introduce biometric voter registration, although not without controversy, was appropriate, as there was not sufficient time or need to implement such a process. The Carter Center notes that the protections against multiple voting in the current registration process are robust and consistent with international good practice.

With less international financial and technical support than in past elections, the NEC is relying heavily on national funding. This has slowed down the preparations in some respects, as not all budget allocations have arrived in a timely manner. On the other hand, this lack of reliance on international support has increased the level of national ownership of the process and given a distinct Liberian character to its administration, which is a welcome development. The electoral authorities have demonstrated control — the different operational glitches notwithstanding — and The Carter Center commends them on their efforts.

An important criterion for determining the success of voter registration is the extent to which eligible persons participate in the process. It is difficult to produce accurate estimates of turnout while the process is still ongoing, and this has created some anxiety among stakeholders. The majority of stakeholders told the Center's delegation that voter awareness and information efforts have not been sufficient, particularly in rural areas. There have been repeated calls for an extension of at least a few days.

Despite these challenges and difficulties, the Carter Center team was impressed by the process and the commitment of both authorities and the Liberian people to a peaceful and successful electoral process. Once the voter registration period ends, there will still be work to do. The processing of the registration forms at the NEC headquarters is scheduled to last for a few weeks. Producing the provisional voter lists involves a

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number of quality-control measures to detect and remove any multiple registrations. It is important to ensure the timeliness of this process, because these lists are what voters will review during the exhibition period. The exhibition and review period is an extremely important step in ensuring the integrity and credibility of the voter register, allowing for challenges and complaints, and normally should be finalized before the nomination of candidates begins.

### **The Voter Registration Process**

The registration of voters is an important means to ensure the rights of universal and equal suffrage and should be made available to the broadest pool of eligible citizens possible without obstacles.<sup>1</sup> The rights of universal and equal suffrage are fundamental international obligations for democratic elections.

The voter registration period in Liberia is being conducted from Feb. 1, 2017 through March 7, 2017. The last voter register was established in 2011 and updated for use in senatorial elections in 2014. In order to ensure a voter register that is accurate and updated, and taking into considerations demographic fluctuations in post-war Liberia, it was decided to engage in a process to create a new voter list for the 2017 elections.

Throughout the process, the NEC has shown an openness and responsiveness that is commendable.

#### *Legal framework for the registration of voters*

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework for the registration of voters in Liberia includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Liberia's international commitments obligate it to take measures to promote core principles of the rule of law, including that laws must be consistent with international human rights obligations.<sup>2</sup>

In Liberia, the legal framework for the registration of voters and conduct of the 2017 elections includes the constitution, the elections law as amended by the Electoral Reform Laws of 2004 and the 2014 Act to Amend Certain Provisions of the 1986 Elections Law, the law on political parties, and regulations and decisions of the NEC.

New amendments in 2014 affected the process for the registration of voters, including provisions that a person must register and vote in the location where they ordinarily reside, which observers were informed by all sources was intended to guard against the trucking of voters for the purpose of influencing or attempting to influence the results of any election. NEC officials at the national, county, and VRC level have

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<sup>1</sup> United Nations International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; United Nations Human Rights Council, General Comment 25, para. 11.

<sup>2</sup> United Nations, International Covenant on Civil and Political Rights, Article 2; Universal Declaration of Human Rights, Article 21(3); International Covenant on Civil and Political Rights, Article 25 (b).

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applied a broad interpretation of the “ordinarily resident” clause, so as to take into account family and historical ties to a particular locality.

*The 2017 voter registration process*

The NEC is registering voters at 2,080 voter registration centers across the country. This represents an increase of about 300 centers, or almost 17 percent, added this year to reduce the distance citizens must walk to register and vote and also to address the increase of population in some urban areas, such as in Montserrado. The Liberian voter registration process is being run in a context characterized by a number of important challenges, including weak infrastructure and communication systems.

In a press conference on Feb. 27, in the final days of the registration process, the NEC announced its intention to create mobile registration centers to reduce the distances citizens must walk in some parts of the country to register. This is a particular burden for women because of domestic chores and security challenges they may face in walking long distances.

While observers heard reports of shortages of materials and malfunctioning equipment, particularly cameras, in the first days of the process, it appears that these problems were quickly resolved by the NEC. All 40 centers observed by The Carter Center had functioning equipment and adequate supplies, with the exception of one VRC in Monrovia that was missing the square hole-punch for cutting out photos. It is important to note that Carter Center observers were not able to visit counties in the southeast, where there were media reports of problems with cameras in the first days of the registration process.

The voter registration process was very similar to the process conducted in 2011. This fact probably contributed to its efficiency, since many NEC staff had experience and familiarity with the equipment and procedures. In fact, the main source of problems in the registration process was the introduction of new cameras in some areas. Many have functioned without problems, particularly once staff learned how to reset them. In a relatively small percentage of cases, fluctuations in current caused malfunctions in some cameras. Even in those areas, however, reports indicate that issues were resolved relatively quickly by the NEC, and the camera issues have not had an impact on the inclusiveness of the process. In some rural areas, it may have taken longer to fix or replace malfunctioning cameras. While camera-related delays in these areas were certainly regrettable and inconvenient, there is no evidence that citizens in these areas have been unable to register as a result.

In urban areas observed by The Carter Center, applicants were processed in an average of 25 minutes, or a projected issuance of 12 voter registration cards per hour. In other cases, particularly in rural areas, applicants sometimes had to wait for hours, or return the following day, to complete the registration process because VRC staff could only print photos in batches of four at a time, which slowed the pace of printing photos and issuing cards in VRCs where the flow of applicants was slow.

Upon entering a VRC, most registrants were asked interview questions to verify their citizenship and eligibility, including age, and their fingers were checked for ink to

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ensure that they had not already registered. Following the interview, registrants' details were collected by VRC staff, and forms shaded for later scanning at the data center in Monrovia. Photos were taken and ultimately printed to include one photo on a registrant's card and one photo on the registration form. Thumbprints were also recorded on both the card and the registration form to further assist in detecting and removing any duplicate registration forms. Registrants' fingers were placed in indelible ink to indicate that they had registered. The protections in place against the potential for multiple registration at both the level of the VRC and the national data center in Monrovia are substantial, and exceed international good practice.

The 2017 voter registration process includes some improvements upon past processes, including changes to the voter card itself. The orientation of the card was changed to help avoid potential for confusion with old cards, and additional security features were added to the cards.

Voter registration centers were equipped with necessary materials, including forms, tamper-evident envelopes, indelible ink, printers, cameras, and solar panels and battery packs. Two types of cameras were used across the country, including digital cameras that were used in 2011 as well as a smaller number of new cameras that were procured for this registration period.

#### *NEC staff*

Four NEC staff were recruited and trained for each VRC, including a registrar, clerk, shader, and photographer. In all VRCs observed by the Center's delegation, the NEC staff carried out their responsibilities with professionalism, neutrality, and efficiency. The Carter Center commends the NEC on its efforts to recruit and train polling staff. The majority had experience from previous elections and were extremely professional.

Recruitment of VRC staff was done by the county level NEC offices, which lead to some variation in the process across the country. In several counties, decisions were made to distribute staff across the county to ensure that two of the VRC staff came from the electoral district and two came from within the county, but outside of the electoral district. Where implemented, this was done so that the process would include both VRC staff who know the area and local communities and also some from outside the immediate area to protect against potential local political influence. In other areas, all four VRC staff came from the local area – the Center's delegation found this to be the case in all VRCs observed along the border with Guinea and Sierra Leone. In two counties observed, staff were more randomly distributed and often came from the county capital. Where VRC staff were deployed away from their home districts, they faced challenges initially in securing accommodation and food, particularly as NEC polling station staff are not paid until the conclusion of the voter registration process.

#### *Determining Eligibility*

The legal framework for elections establishes that every citizen of Liberia who is 18 or older may vote, except those convicted of "infamous crimes" or those judicially declared to be incompetent or of unsound mind. In every VRC observed by The

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Carter Center, the eligibility of prospective applicants was being determined primarily through a combination of interviews and social documentation.

In Liberia, NEC staff are in the position of needing to determine both the citizenship and eligibility of voter registration applicants. The law provides that eligibility can be established by production of a valid Liberian passport, birth certificate, original certified copy of a certificate of naturalization, evidence of renunciation of a second nationality, or other means established by the NEC. For the 2017 registration process, the NEC established that voter registration cards from 2011 and the 2014 update also could be used to establish eligibility. Although in some counties, service centers have been established that can issue birth certificates, these centers are not yet present across the country, and most Liberians lack identification documents. In several locations, observers heard reports of documentation being requested, including naturalization paperwork for a registrant or their father, as citizenship is determined based on patrilineal African descent. The Carter Center did not hear reports of any cases where prospective applicants were asked about dual citizenship, which is not allowed in Liberia.

Eligibility can also be established by the sworn statements of two other registered voters who appear in person and confirm an applicant's citizenship, or by a Liberian traditional leader who appears before NEC officers to attest to a person's Liberian citizenship. Carter Center observers also noted additional forms of social knowledge being used to establish the citizenship and eligibility of prospective registrants, including asking persons in the queue if they knew a registrant, and asking the applicant to specify their location of residence or to name a local elder. This practice generally was seen as credible by stakeholders.

Carter Center observers noted NEC staff exercising due diligence in determining the eligibility and age of prospective registrants through the interview process. Political party agents in VRCs also reported that NEC staff were effective in turning away registrants who appeared underage and could not verify that they had reached the voting age of 18. In cases where NEC staff were uncertain of an applicant's age, the applicant was asked to bring their parents or a birth certificate to verify their age and eligibility.

Amendments were made to the legal framework for elections in 2014 that affect the determination of eligibility, including provisions that a person must register and vote in the location where they ordinarily reside, and prohibitions against the "trucking" of voters for the purpose of influencing or attempting to influence the results of any election. NEC officials at the national, county, and VRC level have applied a broad interpretation of the combination of the "ordinarily resident" clause to include family and historical ties to a particular locality. In VRCs visited by the Center, including along parts of the border with Guinea and Sierra Leone, NEC registration staff and BIN officials present were verifying the connection of applicants to the locality, and there was no evidence of the "trucking" of persons from other locations for the purpose of influencing election results.

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### *Processing of Registration Forms and Creation of the Provisional Registration Roll (PRR)*

Completed registration forms are returned by magistrates to Monrovia, where they are scanned and processed to be included on the provisional voters register (PVR). At the data center in Monrovia, registration forms are reviewed for scanability, and the shading on the forms is enhanced if necessary. Data from registration forms is also entered through a double-blind data entry process to ensure quality control and accuracy of information as applicants are added to the PVR. This double-blind method provides strong protection against the possibility of multiple registrants and supplements protections at the VRC level provided by interviews and indelible ink.

Because of the difficulty of communicating between counties and national headquarters and because of the rigorous data entry and verification processes, it is projected to be several weeks before reliable figures on turnout are available, including ratios of male and female registrants, to determine the success of efforts to mobilize citizens to register.

### *Biometric Voter Registration*

In 2016, there was discussion in Liberia about the possibility of introducing a biometric voter registration (BVR) system for the 2017 elections. A decision was ultimately made against the introduction of BVR. In a July pre-election statement, the Center noted that there was insufficient time or need to introduce BVR for this registration process. The Center's observations of the 2017 registration of voters reinforced this opinion. The voter registration system in Liberia and protections against multiple voting at the level of the VRC and data center processing are robust. In addition, the active and neutral approach of the Liberia National Police and NEC to address any electoral offenses or criminal activity during the registration process are strong (see sections below on security and electoral offenses).

### ***Exhibition***

An exhibition of the voters list is planned to take place from June 12- 17 to allow public inspection of the preliminary voter list. On the current electoral calendar, objections and appeals will be heard and determined up until June 28. The exhibition period is an important opportunity to verify the quality and accuracy of the list and to seek any necessary changes. The Carter Center encourages all Liberians to participate in the exhibition period. The exhibition of the voters roll is an important means to check and verify that names are recorded properly, to confirm other aspects of the accuracy and inclusion of the list, and to object to names of persons who do not meet established eligibility criteria. It is particularly important that political parties and citizen observers take part in the exhibition process.

### ***Political Party and Candidate Agents***

The right of individuals to participate in public affairs — including through the establishment of, and free association with, political parties and participation in campaign activities — is an international obligation and a fundamental electoral

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right.<sup>3</sup> Political party and candidate agents play an important role in ensuring the transparency of elections, building confidence in the process, and providing peaceful mechanisms through which complaints can be registered.

Efforts were made by some political parties to field agents to monitor the registration process. The delegation found that there was at least one party agent in 80 percent of VRCs observed, and in most cases there two or more parties represented. The Carter Center saw representatives from the Unity Party (UP) in 56 percent of VRCs visited, Congress for Democratic Change in 23 percent of VRCs observed, the Alternative National Congress (ANC) in 20 percent of VRCs observed, All Liberian Party (ALP) in 13 percent of VRCs observed, Liberty Party (LP) in three percent of VRCs observed, and United Peoples Party (UPP) in three percent of VRCs observed. None of them reported complaints about the process to Carter Center representatives.

Although the NEC provides basic training for political party agents in advance of election day, no training for party agents was provided in advance of the voter registration period. However, the NEC made a strong effort to ensure the accreditation of political party agents, even in some cases where political parties struggled to submit the required information in advance of the Jan. 20 deadline.

Looking toward election day, political parties are encouraged to strengthen their efforts to recruit and train party agents as early as possible. Carter Center observers also discussed with some political parties the possibility of using common reporting checklists on election day across all political parties to help ensure that party agents collect quality information about the integrity of the process and to allow political parties to compare information with peers in counties where a party may not have a strong presence.

The NEC is holding regular meetings of the Inter-Party Consultative Committee (IPCC). These meetings are well-attended, and appear to be an effective two-way communication between political parties and the NEC. The Center reiterates a recommendation made in July 2016 to continue these meetings with dedicated attendance by senior members of political parties, and to hold corresponding IPPC meetings at the county level.

In a July 2016 report on the status of electoral preparations, The Carter Center called upon political parties to respect amendments to the legal framework for elections that requires parties to endeavor to ensure that 30 percent of candidate lists are women. The Carter Center also called upon parties to reinvigorate the Political Parties Code of Conduct. As political parties prepare to hold their conventions and the candidate nomination and campaign periods approach, the Center again highlights these recommendations.<sup>4</sup>

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<sup>3</sup> U.N., ICCPR, Article 25(b); U.N., Convention on the Political Rights of Women, Article 2; U.N., Convention on the Rights of Persons with Disabilities, Art. 29 (a)(ii). Unreasonable restrictions include race, sex, religion, ethnic origin, language, and physical disability.

<sup>4</sup> In its July 2016 public statement, The Carter Center offered the following additional thoughts on political party and candidate agents: Agents should understand the electoral laws, the rules and regulations governing the voting and counting processes, and the rights and responsibilities of agents. It is critical that agents understand their role within the polling station and what electoral offenses are so

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### ***Civil Society Observers***

Carter Center observers reported the presence of civil society observers in only 10 percent of VRCs visited. Where citizen observers were present, they were primarily from the National Christian Council of Liberia (NCCL). Carter Center observers also saw observers from a Liberian-American organization, the National Mandingo Caucus, and the Human Rights Commission.

The Election Coordinating Committee (ECC) is also conducting an observation of the voter registration process. While the Center's delegation did not see any ECC observers in the VRCs visited, it is important to note that the ECC focused its observation activities in weeks 1, 3, and 5 of the process. The Center's delegation was present in weeks 3 and 4. The Carter Center benefitted from the public statements and analyses released by the ECC and was able to discuss these in depth with ECC leadership.

### ***Voter and Civic Education***

Voter education is an essential part of the electoral cycle and is recognized as an obligation to ensure that an informed electorate is able to effectively exercise their right to vote without obstacles, thereby ensuring universal and equal suffrage.<sup>5</sup>

Carter Center observers found that voter awareness posters were widespread near the VRCs and main villages and towns. Public service messages and call-in shows are broadcast on local radio programs. However, Carter Center observers heard many reports that people in remote villages were receiving information only by word of mouth.

The NEC has reported that they recruited 438 civic educators and 219 gender mobilizers for the three-month period around voter registration. Additionally, the United Nations Development Program, IFES, and the National Democratic Institute have given small grants to about 17 different NGOs to provide voter education. However, most of these efforts started after the commencement of voter registration, lessening their impact. Some sectors of civil society were late additions to the cadre of civic and voter education partners, including women's groups and an organization that focuses on the Mandingo population.

Increased civic and voter education could have a significant impact during the remainder of the electoral process, including development of methodologies for voter information guides for educators, and improved coordination among partner

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that they can report any irregularities through the official complaint process. Agents are most effective when a standardized checklist is used as a reporting mechanism to enable them to efficiently collect information about the polling and counting processes across the country. Agents and political party leadership should be well-trained on the rights and procedures for filing electoral complaints. The international community should consider support for the training of political party agents.

<sup>5</sup> U.N. ICCPR, Article 25(b); United Nations Human Rights Council, General Comment 25, para. 11: "the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service."

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organizations and community-based organizations. Further, additional measures could be undertaken to develop message-based toolkits that support door-to-door information campaigns.

### ***Funding for Elections***

Timely and sufficient funding for the elections needs to be available to the NEC – and, where appropriate, to the magistrates – early in the process to enable it to undertake necessary procurements and contracting in accordance with best practices. Going forward, the timely disbursement of funds will be critical in order to avoid disruption of operations that could negatively impact the process.

### ***Security***

No security-related incidents were reported to, or observed by, the Carter Center delegation. The Center’s delegation is pleased that the voter registration process has been conducted without any significant security concerns to date. This is especially encouraging because the distribution of materials had to be conducted without security support from the Liberia National Police.

The decision that security measures were not required for the distribution of materials and that security forces did not need to be present at VRCs demonstrates the generally peaceful environment that has characterized the voter registration process.

In many cases, particularly in Monrovia and along the border, personnel from the Bureau of Immigration and Naturalization (BIN) were deployed to VRCs to assist with crowd control and in determining the nationality of potential registrants. In these VRCs, immigration officials played a key role in interviewing applicants to determine citizenship before they were allowed to proceed through the registration process. No LNP were observed around VRCs visited by The Carter Center.

### ***Electoral Offenses and Electoral Dispute Resolution***

Complaints related to the voter registration process can be submitted at the voter registration center or to a magisterial office within 48 hours after an offense or violation has occurred. At all VRCs observed by The Carter Center, no complaints had been submitted at the VRC level. Decisions made at the magisterial level can be appealed within 48 hours to the NEC Board of Commissioners, which has established a hearing office for this purpose. Decisions made by the NEC hearing office can be appealed within 48 hours to the Supreme Court.

Criminal matters are handled by the Liberian National Police and the Ministry of Justice (MoJ). The Carter Center commends the LNP for its professionalism, neutrality, commitment to ensuring citizens have trust and confidence in the electoral process, and vigilance in investigating criminal offenses related to the voter registration period. While no significant fraud or offenses with the potential to impact the process have been identified, a number of arrests have been made. These include cases of persons accused of purchasing and collecting others’ voter registration cards. During the time of this delegation’s observation, it was reported that a political aspirant who works in the Office of the President was arrested after being caught at

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his home with a camera and registration forms, and an investigation is ongoing. At the time of publication of this report, 40 complaints of registration being denied to Mandingo Liberians are pending (please see section below regarding participation of ethnic and religious minorities).

***Participation of Women, Youth, Persons with Disabilities, Ethnic and Religious Minorities, and Pre-trial Detainees***

*Women.* Liberia is a signatory to a number of international treaties that obligate Liberia to take specific positive action to ensure the equal participation of women in political life.<sup>6</sup> To meet these obligations, Liberia should take steps to ensure that women participate equally in the electoral process as candidates, members of political parties, party agents, observers, poll workers, voter-education officers, and voters. In its July 2017 public statement on the pre-election environment in Liberia, The Carter Center noted that the underrepresentation of women in Liberia's government is among the greatest deficiencies in the country's democracy.<sup>7</sup>

Although data about the number of male and female applicants is being recorded at the VRC level regarding, information about the number of male and female applicants and the level of women's participation in the process is not yet available. The Carter Center heard reports that women, especially in rural areas, have faced challenges in accessing the registration process, including security concerns for those who need to walk long distances to VRCs. The Carter Center commends the work of civil society organizations, particularly women's organizations, to promote women's political participation during this registration process and encourages them to continue and increase their efforts in the final week of registration. Although the Center welcomes the NEC's commitment to inclusiveness that prompted a recent announcement of its intent to create mobile registration centers in rural areas to improve rural women's access to the process, the Center calls for vigilance if mobile registration centers are introduced in the final days of the registration period.

The Carter Center heard reports that in several cases, Muslim women were asked to remove their hijab in order to have their photo taken. Observers heard reports that rumors and fear of this requirement may have contributed to limited participation of Muslim women in the registration process. Carter Center observers interviewed NEC staff and photographers at VRCs and were pleased to note that they reported that they had not asked women to remove their hijabs but had sometimes requested that they push them behind their ears so that a woman's face and ears would show in the photo. In future elections, enhanced training should be provided for NEC staff on this issue to ensure that women of all faiths are treated respectfully and without discrimination.

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<sup>6</sup> The United Nations. (1953). Convention on the Political Rights of Women. *Treaty Series*, 2, 1–28. African Union. (2003). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Maputo: African Union. "States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes."

<sup>7</sup> The Carter Center International Election Observation in Liberia Pre-Election Statement, July 18, 2016

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*Youth.* VRC staff are allowing those who are 18 as of the date of their registration to register. Youth organizations and some political parties have expressed concern that those who turn 18 between the end of the registration period and the date of elections will not have an opportunity to participate in the process. In future elections, The Carter Center recommends Liberia consider adapting voter registration procedures to reflect a broader interpretation of Article 77(b) of the 1986 Constitution so that those who will turn 18 by election day are allowed to register.<sup>8</sup>

*Ethnic and Religious Minorities.* The protection of religious and ethnic minorities is critical to a democratic society. The freedom from discrimination and right to equality before the law are important rights that should be protected during an electoral process and the voter registration period.<sup>9</sup>

The National Muslim Student Association and the National Mandingo Council of Liberia reported to The Carter Center that the Mandingo make up 12 percent or more of the population of Liberia. Carter Center observers heard allegations that members of the Mandingo ethnic group have experienced difficulty in accessing the voter registration process on the basis of ethnicity or religious affiliation. At the time of publication of this report, 40 complaints of registration being denied to Mandingo Liberians have been submitted to the NEC hearing office in Monrovia and are pending.

The Center also heard reports that Muslims face discrimination, are asked for documentation more often than other applicants, and have more difficulties proving their eligibility to the satisfaction of NEC staff. While the Center did observe in some predominantly Muslim and Mandingo areas, including along the border, few applicants were processed at the time of the Center's observation in these areas. The delegation did witness two cases in Monrovia in which it appeared that Muslims were asked for more documentation than non-Muslims.

The Carter Center also heard allegations that Mandingo from Guinea may be crossing the border to register illegally in Liberia. While the Carter Center observation team deployed to the border areas was not in position to verify the accuracy of these reports, the delegation was pleased that it did not see any evidence of illegal registration taking place. The Carter Center also heard reports regarding the potential obstacles facing young Mandingo who are first-time voters in these elections, especially those encountering increased scrutiny and possible discrimination in the identification process at VRCs. These issues are particularly relevant to those persons who were victims of Liberia's civil war, fled to Guinea at a young age, and as a result have unique accents.

*People with Disabilities.* People with disabilities have expressed concerns regarding voter registration and voting processes in past elections, including the accessibility of the voter registration and polling centers and protections for the secrecy of the vote, particularly for blind voters. In Liberia's 2005 elections, a tactile or "tac-tac" ballot was introduced to allow blind voters to feel where their candidate appeared on the

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<sup>8</sup> The 1986 Constitution of Liberia (Article 77(b)) reads: "... every Liberian citizen not less than 18 years of age shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution."

<sup>9</sup> (OSCE Office for Democratic Institutions and Human Rights, 2001, p. 63)

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ballot and mark their ballot in secret. However, education for both NEC staff and voters regarding the use of tactile ballot guide was limited, and Carter Center observers in those elections noted that blind voters continued to utilize assisted voting procedures rather than the tactile ballot.

The Carter Center welcomes the NEC's commitment to removing barriers and to facilitating unhindered access to the electoral process for people with disabilities, particularly the statement by the NEC in a Feb. 27 press conference that it will begin discussions with the disabled community on the reintroduction of the tactile ballot guide in Liberia. The Carter Center recommends that the NEC consider a pilot project to introduce tactile ballots, with a special emphasis on training for staff and awareness for blind voters to ensure that the tactile ballots can be used as intended and that the secrecy of the vote can be protected.

To further support the participation of people with disabilities, the NEC has instructed magistrates to collect information regarding the accessibility of voter registration centers and, where practical, to take steps to move registration centers to lower levels to improve access for people with disabilities. The Carter Center welcomes these efforts to promote the equal enfranchisement of people with disabilities. Half of all VRCs visited were inaccessible to people in wheelchairs. However, almost all could be made accessible with the addition of a short ramp.

*Pre-trial detainees.* Persons in prison who have been accused of a crime but not yet convicted have the right to register and vote according to the constitution and laws of Liberia. To date, provisions have not been made to ensure the enfranchisement of pre-trial detainees. Although it is difficult to verify the number and location of pre-trial detainees across the country, The Carter Center heard reports that some may wait as many as three years for a trial. In January, the legislature of Liberia conducted public hearings to consider this issue. While international human rights law and the laws of Liberia support the enfranchisement of pre-trial detainees, providing the opportunity to register to vote would require cooperation between the NEC and Ministry of Justice that may not be possible in the remaining days of the registration process.

### **Broader Pre-election Environment**

The Carter Center issued a public statement in July 2016 summarizing its main observations, findings, and recommendations of the broader pre-electoral environment. In that statement, the Center shared analysis of the administration of elections, the Inter-Party Consultative Committee (IPCC), the introduction of biometric technology, the legal framework for elections, political parties and candidates, campaign finance, and women's political participation. The full report can be found here: <https://www.cartercenter.org/news/pr/liberia-071816.html>.

### **Recommendations**

In a spirit of support and cooperation, The Carter Center offers the following recommendations:

- All eligible Liberians who have not yet registered should exercise their right to participate in the voter registration process.

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- Because the upcoming exhibition and challenges period will be a critical to establishing the credibility of the voter registration process, the NEC should increase voter awareness about this period, and political parties and civil society actors should make a strong effort to promote participation in it.
  - To advance the NEC's goal of making it easier for people with disabilities to participate in the electoral process, it should consider a pilot project to introduce tactile ballots, with a special emphasis on training staff and raising awareness among blind voters to ensure that these ballots can be used as intended and that the secrecy of the vote can be protected.
  - In order to further increase confidence in the electoral process, the NEC, political parties, and civil society organizations should increase efforts to conduct voter education and related information and awareness campaigns. This should include development of voter information toolkits for educators, and improved coordination among partner organizations and community-based organizations.
  - The NEC should continue to strengthen its communication strategies in order to enhance the trust, confidence, and transparency of the process. This could include extending IPCC meetings to the county level. Efforts to improve communication between the magistrates and NEC headquarters would also be positive for the process.
  - The NEC should consider steps to evaluate registration procedures to capture lessons learned in a timely manner and to foster continuous improvement of Liberia's electoral process.
  - The NEC should consider offering additional support and training for its hearing officers, magistrates, and the hearing committee at the county and national level to enhance their ability to respond to any election-related complaints. In addition, training for political party agents and candidates in advance of the candidate nomination period on electoral dispute resolution and how to file a complaint would be welcome.



## **Carter Center Launches International Election Observation Mission in Liberia**

August 28, 2017

FOR IMMEDIATE RELEASE

MONROVIA, LIBERIA — The Carter Center has launched an international election observation mission to Liberia's Oct. 10 presidential and legislative elections.

Six long-term observers recently joined a core team of experts already on the ground. Together, the team represents six countries. The Center's observers will meet regularly with representatives of the National Election Commission, political party candidates, civil society organizations, the international community, and citizen election observers to assess electoral preparations and the pre-electoral environment, including election administration, campaigning, voter education, and other issues. They will be joined by a larger delegation of election observers in October that will assess the voting, counting, and tabulation processes.

"The Carter Center has a long history in Liberia and great respect for the Liberian people," said former U.S. President Jimmy Carter. "These will be the fourth elections we have observed in Liberia since 1997, and we trust they will be peaceful and inspire hope for the future."

The Center began its observation of the upcoming elections last year, deployed a delegation to observe the voter registration process in February and March, and released two public statements on the pre-election environment that can be found on [cartercenter.org](http://cartercenter.org).

The Carter Center has observed 104 elections in 39 countries. Its election observation mission is conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was commemorated at the United Nations in 2005 and has been endorsed by 49 election observation groups. The Center assesses the electoral process based on Liberia's national legal framework and its obligations for democratic elections contained in regional and international agreements.

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## **Carter Center Releases Statement on Pre-Election Activities**

September 12, 2017

FOR IMMEDIATE RELEASE

MONROVIA – As Liberia moves toward its third post-conflict election and a historic transfer of power, the Carter Center’s international election observation mission today released a statement on the process to date, which includes recommendations to ensure a peaceful, credible election.

For the first time, Liberia’s National Elections Commission is managing the election process independent of large-scale international assistance. After acknowledging some technical difficulties in the compilation of the voter lists, the NEC continues to work on finalizing the voter roll. Although the NEC is still in compliance with legal deadlines for its finalization, presidential candidates and political party officials have expressed concerns to The Carter Center about its status.

Following President Ellen Johnson Sirleaf’s tenure as the first elected female head of state in Africa, hopes were high for the participation of women in Liberian politics. Unfortunately, women’s participation in this election is limited. Only two parties successfully ensured that 30 percent of their candidates were women.

Overall, political parties expressed measured confidence in the impartiality of the NEC. In an effort to bolster transparency, the NEC has convened regular meetings with the political parties at the national level through the Inter-Party Consultative Committee. This practice does not seem to be consistently replicated in the counties, where it could offer a valuable channel of communication and dispute resolution.

Presidential candidates and political party officials have also raised concerns regarding the perception of bias in the media and the need to pay for coverage. Although the Center is not engaged in systematic media monitoring, it has noted a lack of a regulatory framework to provide electoral contestants with equitable access to the media.

Official campaigning has only just begun, with a few major rallies in the capital and minimal activity observed in the counties. Despite the limited extent of campaign activity so far, the Center is encouraged by its peaceful and positive character, as well as by the commitment to a peaceful election professed by all the candidates with whom the mission has met.

The Carter Center notes with concern that allegations of the misuse of state resources in the campaign are widespread, and will be closely observing this throughout the process.

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“This election is an important stage in the consolidation of Liberia’s democracy,” said Jordan Ryan, vice president of the Carter Center’s peace programs. “The Center is encouraged by the NEC’s progress and by the peaceful conduct of the campaign to date. We urge the NEC to communicate clearly with the parties, and we encourage the parties to continue their cooperation with the NEC and maintain their commitment to peace.”

The pre-election statement is based on the work of the Center’s core team and six long-term observers, who have been in the country since early August and have now visited 13 of the country’s 15 counties. Shortly before election day, more than 30 short-term observers will join the team in Liberia and deploy across the country to assess the voting, counting, and tabulation processes.

In the spirit of support and cooperation, the statement offers a number of recommendations, including:

- To increase transparency and election stakeholders’ confidence in the integrity of the voter lists, the NEC should provide further information on what has been done to address deficiencies in the provisional list and provide political parties copies of the final lists without delay.
- In furtherance of its goal to have women participate in the administration of the election, the NEC should prioritize the recruitment of women at all levels.
- To ensure a level playing field for all contestants, the NEC and other relevant authorities should thoroughly investigate all allegations of the misuse of administrative resources and use existing remedies to hold perpetrators accountable.
- To increase voters’ awareness of candidates and political party platforms and to allow for equal opportunities, Liberian authorities should consider providing free airtime on the state broadcaster to political parties and presidential candidates on an equal basis.
- To facilitate broad sharing of key electoral information, the NEC should consider replicating the IPCC structure at the county level. Further, the national-level IPCC should become a weekly event. This could ensure more effective outreach to election stakeholders and build confidence by keeping stakeholders informed of key NEC decisions and issues that may impact their participation.
- Most importantly, in promotion of a smooth transition, candidates and political party leaders should reiterate their commitment to running a peaceful campaign and call on all supporters to act accordingly.

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THE  
CARTER CENTER



Sept. 12, 2017

## **Carter Center Pre-election Statement on Liberia's 2017 Election**

### ***Executive Summary***

The Carter Center is conducting a comprehensive, long-term international election observation mission of Liberia's 2017 election. The current phase of the mission includes six long-term observers. This preliminary statement summarizes observations to date from the Carter Center's long-term observers and offers several recommendations on steps to increase public confidence in the election.

The 2017 election represents a historic juncture for Liberia. Regardless of the result, this will be the first occasion in over 70 years when a Liberian president has completed her term and voluntarily turned over power to a democratically elected successor. Should a party other than the president's win the election, it would be the first occasion in well over a century when the executive office has peacefully changed hands from one party to another. The unprecedented nature of this election has been accompanied by heightened anxieties about the potential for conflict. As a result, it will serve as a crucial test for the consolidation of Liberia's democracy and the commitment of all candidates to preserving peace. The Liberian people expect — and have the right to — genuine democratic elections and to leadership that will not sacrifice the peace that all Liberians have worked so hard to sustain.

The 2017 electoral process is more Liberian-led, with less financial and logistical support from the international community than in past elections. This puts unprecedented pressure on the National Election Commission's (NEC) 300 staff members. While most stakeholders have confidence in the NEC's impartiality, some have raised concerns about the NEC's capacity, particularly about logistical preparations and the timely distribution of electoral materials. A final voter list has not yet been made public. The NEC is currently working to correct errors in the list and improve its overall quality and accuracy. The NEC has made tools available to citizens to check their names on the list via SMS or the NEC's website. The Carter Center encourages citizens to take advantage of these important tools. The NEC has overseen an inclusive candidate nomination and registration process and registered a total of 1,024 candidates. The Carter Center regrets, however, that only two political parties met the legal requirement to "endeavor to ensure" that 30 percent of their candidates are women. The Center urges all political parties to take all possible steps to ensure that women are active in their political party structures as leaders and as party agents. While there has been controversy and intensive political debate around legal interpretations made by both the

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NEC and the Supreme Court during the candidate nomination period, the Center is encouraged that Liberian institutions and citizens seem dedicated to an inclusive democratic process. The official campaign period runs from July 31 to Oct. 8. The Center’s observers report that, to date, campaign activities have been civil and orderly and have not been subject to undue restrictions.

### ***Mission Activities***

At the invitation of the National Election Commission and the government of Liberia, The Carter Center is conducting a comprehensive long-term international election observation mission of Liberia’s 2017 presidential and legislative elections scheduled for Oct. 10. The Carter Center deployed three pre-election assessment delegations to Liberia, observed the voter registration period, and deployed a core team of experts and six long-term observers (LTOs) representing six countries in early August. Carter Center experts have followed the finalization of voter registration, the candidate registration process and the resolution of related disputes, and the election commission’s preparations for the elections. Carter Center LTO teams have so far visited 13 of Liberia’s 15 counties, where they have observed the start of the campaign and met with NEC officials and staff, political parties, and representatives of civil society. Shortly before Oct. 10, more than 30 short-term observers will join the mission to assess the voting, counting, and tabulation process.

The Center’s assessment of the electoral process is based on Liberia’s legal framework and on international standards for democratic elections. The Center conducts its observation missions in accordance with the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

The Carter Center’s international election observation work is separate from ongoing Carter Center programming in Liberia that focuses on supporting access to justice, access to information, mental health, and technical and financial support to nonpartisan citizen observers.

### ***Voter Registration***

The registration of voters is an important means to ensure the rights of universal and equal suffrage and should be made available to the broadest possible pool of eligible citizens without obstacles.<sup>1</sup> The rights of universal and equal suffrage are fundamental international obligations for democratic elections. International standards provide that voter lists should be prepared in a transparent manner and that voters should be provided free access to review and correct their registration data as the need arises.<sup>2</sup>

The Carter Center conducted an assessment of the voter registration process in March 2017, during the third week of voter registration, in eight of Liberia’s 15 counties. In a statement issued on

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<sup>1</sup> United Nations International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; United Nations Human Rights Council, General Comment 25, para. 11.

<sup>2</sup> “The voters’ lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises.” Article 5. ECOWAS Protocol on Democracy and Good Governance (2001).

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March 3, 2017, the Center commended the NEC's openness and responsiveness to issues that arose during voter registration.<sup>3</sup> Following the voter registration period from February to March 2017, citizens were given the opportunity to review the voter list, request changes, rectify omissions, and object to the inclusion of ineligible voters. The exhibition period was held June 12-17, a limited time given the length of the registration period and the distances some voters had to travel.

Following the conclusion of the exhibition and objection period, the NEC announced that the total number of registered voters was 2,183,683. This is an increase of 18 percent from the 2011 elections. The NEC attributes the increase to its efforts to reach out to first-time voters. The Liberia Institute of Statistics and Geo-Information Services says the figure is within the range of its projection for the eligible voting population. There is also a noted increase in the percentage of women registered for the 2017 election (now at 48 percent).

Some interlocutors at the national level and in the counties have expressed concerns about the quality and accuracy of the roll. Many of the concerns are based on issues identified in the exhibition of the provisional voter lists, including duplicate entries, incomplete voter data in the lists, allocation of voters to incorrect polling precincts, missing entries, and poor voter card quality.

Between Aug. 7-12, voters were able to replace lost, spoiled, or poor-quality voter registration cards in the 90 replacement centers established by the NEC around the country.<sup>4</sup> According to the NEC, a total of 5,044 voters replaced their cards in this period.

The NEC has informed observers that it is conducting a second verification of the provisional voter registration list prior to the printing of the final voter lists. However, the NEC has not provided figures on the number of errors or duplicates that have been identified, nor explained to the general public the efforts it has made to rectify deficiencies. It is important for stakeholder confidence that the NEC provide full information on the challenges faced in compiling the provisional lists and its efforts to rectify these issues. The NEC has indicated that it intends to provide some figures in this regard later this month.

The concerns about the quality and accuracy of the voter lists have been exacerbated by what many perceive as a delay in the release of the final voter lists. Although the NEC is still in compliance with the legal deadlines for the finalization of the lists, it can increase public confidence in the list by providing further information on what has been done to address the deficiencies and by releasing the lists to political parties without delay.

Voters have the opportunity to see if their names appear correctly in the voter list and confirm the location of their assigned polling station through the NEC's website or by SMS messaging. **The Carter Center encourages the NEC to use all means available to advertise this key verification tool to the general public.** While all voters with a valid voter registration card for the respective polling station will be allowed to vote, the potential for confusion and tension among voters unable to cast their ballots on election day remains a concern.

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<sup>3</sup> Statement available at <https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf>

<sup>4</sup> NEC regulations require that the replacement period should take place at least three months before the election. Article 16.4 of the Voter Registration Regulations.

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### ***Equality of the Vote***

According to international standards, constituency boundaries should be drawn in such a way that the principle of equal suffrage is preserved, so that every voter has roughly equal voting power.<sup>5</sup> For the elections to the House of Representatives, Liberia is divided in 73 electoral districts, each one electing one representative. According to figures released by the NEC, there are significant deviations in the constituency sizes for house districts. The last constituency delimitation exercise was conducted before the 2011 election on the basis of voter registration figures. The current constituency boundaries do not accord with the principle of equal suffrage and run contrary to the aim of the constitutional provision on the matter.<sup>6</sup> For the 2017 elections, the electoral district with the largest number of registered voters (Montserrado 4) has six times more voters than the district with the lowest number of registered voters (River Gee 3), with 63,290 and 10,615 voters, respectively.

### ***Candidate Registration***

The effective implementation of the right to stand for elective office ensures that citizens can participate directly in the political process and that voters have a free choice of candidates.<sup>7</sup> The NEC oversaw an inclusive voter nomination and registration process and registered a total of 1,024 candidates (20 each for the presidential and vice-presidential race and 984 for the House of Representatives). The official candidate registration period was from June 19 to July 11. The NEC ordered a 10-day extension of this period to address the low participation rates from the parties and in response to requests from political parties, a decision that reflects NEC's commitment to ensuring an inclusive election process. The provisional list was published on July 24, followed by a three-day period for challenges.

Candidates for presidential and legislative elections can be nominated independently or by political parties. Out of the 26 registered political parties, 23 have fielded candidates for the legislative races and 17 for the presidential race. There are three tickets with independent candidates for the offices of the president and vice-president and 90 independent candidates participating in the legislative elections.

To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and non-discriminatory.<sup>8</sup> These conditions apply to age, citizenship, residence, and the holding of

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<sup>5</sup> “The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.” ICCPR, General Comment 25, Art. 21.

<sup>6</sup> Article 80.d of the 1986 Constitution: “Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.”

<sup>7</sup> ICCPR, Article 25 (a). UNHRC, General Comment 25, para. 15.

<sup>8</sup> UNHRC, General Comment 25, paras. 15–17.

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public positions, among others, and should not discriminate against candidates based on political affiliation or financial situation. To be eligible to stand for office, persons wishing to be elected president must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been resident of the country for at least 10 years before the election.<sup>9</sup> These residence and property ownership requirements are inconsistent with international standards, as they can be considered excessively restrictive and place an undue burden on prospective candidates. To stand for the House of Representatives, candidates must be a citizen at least 25 years of age and have been a domiciled taxpayer in the district for no less than one year prior to the election.

Aspirants are required to pay a fee in order to be registered as a candidate.<sup>10</sup> For independent candidates, the conditions for registration are more onerous. Independent presidential candidates must maintain a minimum balance of US\$10,000 in a bank account and an insurance policy valued at US\$100,000. They also must collect 500 signatures in six different counties. These conditions are not required of those nominated by a political party.<sup>11</sup> While likely aimed at reducing the strain on state resources from candidates with minimal support among the electorate, these additional requirements unduly disadvantage persons wishing to stand as independent candidates.

According to the law, in order to participate in the election, a political party must nominate candidates for at least 50 percent of the constituencies; i.e., 37 of the 73 seats up for election in the House of Representatives. On the basis of this provision, the participation of 11 political parties that had less than 37 candidates successfully registered was challenged. The NEC found that the law does not require the successful registration of candidates for 50 percent of constituencies, but rather just their nomination, and therefore rejected the challenge. The NEC explained that all 11 parties submitted lists with at least the required 37 nominees; however, many of the listed nominees failed to complete the registration process. While acknowledging this as a sign that these nominees lacked a genuine intention to run, the NEC rationalized its decision to allow these parties to participate as a means for ensuring a more inclusive process.

Liberia has committed to ensuring women have the opportunity to participate in political life on equal terms with men through its ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).<sup>12</sup> Unfortunately, the legal framework for elections in Liberia does not foresee the use of quotas or other positive measures that would guarantee the representation of women in elected office, as encouraged under CEDAW.<sup>13</sup> Through revisions to

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<sup>9</sup> Article 52 of the 1986 Constitution.

<sup>10</sup> For presidential candidates \$US2,500; for vice-presidential candidates, US\$1,500, for House of Representatives, US\$500.

<sup>11</sup> Requirements for the House of Representatives independent candidates are less onerous: requiring a minimum balance of US\$5,000 and an insurance policy of US\$10,000.

<sup>12</sup> “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies.” Article 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

<sup>13</sup> Such measures are encouraged under CEDAW, “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards;

the electoral law in advance of these elections, parties were asked to “endeavor to ensure” that the list of nominations they submitted for registration has no less than 30 percent from either gender.<sup>14</sup> According to some political parties, the NEC asked parties to document how they endeavored to ensure the 30 percent representation of women. However, the NEC did not provide concrete criteria for how they would determine if a party’s endeavors were sufficient.

Almost all of the final party lists fall short of the 30 percent provision. Only two out of the 23 contesting parties, the Liberian Restoration Party (LRP) and the New Liberia Party (NLP),<sup>15</sup> met the 30 percent gender recommendation. There are 156 women running for the House of Representatives, totaling 15.8 percent of the 984 candidates. There is one woman running for president, and six standing as vice-presidential candidates.

The Center commends the LRP and NLP for their successful compliance with the objectives of the law. At the same time, the Center regrets that most of Liberia’s other political parties, including those currently represented in the Senate and House of Representatives, were unable to make a similar effort to comply with the intent of the law. For future elections, the Center strongly encourages Liberia to pass legislation that will ensure the equal participation of women in politics.

	Political parties			Independent candidates			Total Candidates
	Male	Female	Total	Male	Female	Total	
HoR	752 (84.1%)	142 (15.9%)	894	76 (81.6%)	14 (15.5%)	90	<b>984</b>
Pres. & Vice-Pres	28 (78.6%)	6 (21.4%)	34	5 (80%)	1 (20%)	6	<b>40</b>
<b>Total Candidates</b>	<b>780</b> <b>(81%)</b>	<b>148</b> <b>(19%)</b>	<b>928</b>	<b>81</b> <b>(81.5%)</b>	<b>15</b> <b>(18.5%)</b>	<b>96</b>	<b>1,024</b>

### *National Code of Conduct*

In 2014, the Liberian legislature adopted a code of conduct for preventing the misuse of administrative resources and the abuse of office. The code of conduct included a provision that indicated that officials appointed to positions in the executive branch must resign from their positions two or three years (depending on the level of the position) prior to an election if they wished to run for elected office. In March 2017, the Supreme Court ruled on the constitutionality of the code of conduct, and in particular, the limitations on the right to stand. Despite criticisms that the provisions are overly discriminatory and therefore not in line with the International

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these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.” Article 4.1 of CEDAW.

<sup>14</sup> Article 4.5(1) c. of the Elections Law.

<sup>15</sup> Eleven out of the 37 LRP candidates for the House are women. In the case of the NLP, which is only fielding three candidates for the House of Representatives, one of them is a woman.

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Covenant for Civil and Political Rights, the court found the code's requirement to resign to be in line with the Liberian constitution.

On the basis of the Supreme Court ruling, the NEC rejected candidates who had not resigned in time to comply with the code of conduct. Upon appeal of the NEC rejections, the Supreme Court took the decision that those who resigned after the deadline but prior to the Supreme Court's ruling on the constitutionality of the requirement, or upon learning of the ruling, should be registered, as their non-compliance was not egregious. Those who were still in public office at the time of submitting candidacy documents were found to have egregiously violated the code of conduct, and therefore could not be registered.

The Supreme Court did not find that the code of conduct created a prerequisite for being registered as a candidate for public office, but instead found that not resigning by the deadline is a violation of the code of conduct, for which a penalty should be imposed— for egregious violations, disqualification; for non-egregious violations, the imposition of a fine.<sup>16</sup>

The Supreme Court ruling sparked a controversy between the court and the national legislature that dominated subsequent political discourse. A group of senators and representatives requested the initiation of impeachment proceedings for three of the five Supreme Court justices. The Supreme Court justices refused to appear when summoned before the House Judiciary Committee, stating that the threat of impeachment violated the constitutional protections that Supreme Court justices enjoy. The two bodies remained at an impasse until interventions by multiple national and international mediators resulted in the House of Representatives voting to drop all discussion of impeachment proceedings.

The NEC initially rejected the candidacy of 24 applicants for not complying with the code of conduct requirement. Following the Supreme Court's decisions, the NEC overturned 22 of the rejections. Had the Supreme Court interpreted the code of conduct's requirement to resign as a prerequisite for being registered, potentially one presidential candidate, two vice-presidential candidates, and more than 22 candidates for the House of Representatives would have been ineligible to run. Two candidates remain ineligible because they still held appointed public positions at the time of applying to be candidates.<sup>17</sup>

While a number of critics of the Supreme Court's decision remain, there appears to be widespread acceptance that the ruling has resulted in a more inclusive process and contributed to a peaceful election. The controversy over the code's application to candidate registration is perceived as precluding its application to other aspects of the election process.<sup>18</sup> Further, the application of other provisions of the code, e.g., those aimed at preventing the misuse of administrative resources in general and in the context of an election, is considered unfeasible by many interlocutors. **In light**

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<sup>16</sup> Supreme Court ruling in the case of Karnwea and Liberty Party v. NEC from July 20, 2017.

<sup>17</sup> Abu Kamara, who applied to be a candidate for the House of Representatives but had yet to resign from his post as Assistant Minister of Post and Telecommunications, and Dr. Michael P. Slawon, who denied holding a presidential appointee position when applying for registration.

<sup>18</sup> There is one ongoing case in which the Liberty Party has complained about the political activities of Unity Party leaders who have not resigned from executive positions, alleging this is a violation of the code of conduct. The NEC Hearing Office decision is still pending.

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**of these questions about the application of the code of conduct, the Center urges the NEC and other relevant authorities to thoroughly investigate all allegations of the misuse of administrative resources and to use other existing remedies to hold perpetrators accountable.**

### *Election Dispute Resolution*

According to international standards, individuals are entitled to have decisions affecting fundamental rights taken up by a competent, independent, and impartial tribunal in a fair and public hearing.<sup>19</sup> Expeditious hearings for election matters are necessary to ensure an effective remedy, given the relatively compressed timeframe of electoral processes.

A total of 55 pre-election cases have been reviewed by the NEC's Hearing Office, of which 11 related to candidate registration were appealed to the NEC Board of Commissioners.<sup>20</sup> Under the election law, the NEC can establish a hearing office to provide first instance review of complaints submitted to the NEC and consider appeals of magistrate rulings. The cases were related, among others, to candidate registration (35), party primaries (9), and voter registration (5). Candidate registration appeals were made on the basis of the code of conduct (23), citizenship (4), domicile (4), and other violations of election legislation (4).

Upon publication of the provisional candidate list, which the NEC announced as completed on July 24, challenges to candidate registration could be filed within three days. The NEC is required to hear complaints expeditiously, but there is no official deadline for review of complaints by the NEC. The final list was published on July 31, just prior to the start of the campaign. At the start of the campaign, the majority of the 35 challenges to candidate registration were still pending. Further, one month into the campaign period, final review of challenges to six candidates were still pending. Such delays in the resolution of appeals potentially limit the opportunity for the candidates to campaign and impose unfair costs on candidates whose eligibility is successfully challenged. In explanations of why deadlines for filing and review of candidate registration have been waived, NEC Commissioners emphasized the need for everyone to be heard and for due process to be fully respected, stating that Liberia must be considered to still be in a period of "transition." To speed up the process, the NEC repeated pleas to appellants and respondents to appear for the hearings and to be prepared for the review of their cases.

In an effort to increase the capacity of the magistrates and raise awareness of legal remedies, the NEC held trainings for magistrates and political party lawyers on the complaints and appeals process and a general training for political party agents. To date, only a few matters have been brought before the magistrates in relation to voter registration and the campaign. Magistrates can hear complaints from voters and contestants on violations of the election law during the campaign and on election day. Magistrate decisions are subject to appeal before the NEC.

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<sup>19</sup> See Article 2.3 of the ICCPR, Article 8 of the UDHR, and Article 7 of the African Charter on Human and People's Rights.

<sup>20</sup> Source: NEC Matrix of Cases as updated on Aug. 29.

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For appeals of NEC decisions to the Supreme Court, appellants must pay fees in the amount of US\$5,000 for matters related to the presidential election and US\$2,000 for matters related to elections to the House of Representatives.<sup>21</sup> While the goal of these fees may be to prevent the filing of frivolous cases, the fees are unnecessarily prohibitive and limit a candidate's right to seek effective remedy.<sup>22</sup> To date, seven NEC decisions have been appealed to the Supreme Court.

Carter Center experts have been observing election-related hearings before the NEC Hearing Office, the NEC Board of Commissioners, and the Supreme Court. In hearings observed, the adjudicating bodies provided all sides with ample opportunities to present their case and questioned the arguments of both sides with equal tenacity. Appellants were also given sufficient time to prepare their cases, arrange witness appearances, and present evidence, often to the detriment of the efficiency of the process. However, Carter Center experts report that in a number of cases, appellants were not properly prepared to present their arguments.

### *The Campaign*

A genuinely democratic election, in addition to being inclusive and transparent, requires time to campaign, during which rights such as freedom of opinion and expression, freedom of association, freedom of assembly, freedom of movement, security of the person, and access to information are respected and upheld by all stakeholders of the election.<sup>23</sup>

The campaign period was officially declared open by the NEC on July 31 and will conclude on October 8. Campaign activities to date have been civil and orderly, and have not been subject to undue restrictions. Larger political parties have organized major rallies in Monrovia, the first of which was held by the opposition Coalition for Democratic Change (CDC) on Aug. 19. Commendably, in contrast to previous elections, when CDC rallies sometimes led to confrontations with the Liberian National Police and tensions in the capital, the atmosphere was relaxed and celebratory.

Presidential candidates and county political party officials with whom the Center's mission has met indicated that, so far, most parties are favoring a door-to-door style of campaigning. This is consistent with what the Center's observers have reported. Small groups of "foot soldiers" are also reportedly reaching out to voters in some counties. For the most part, campaign activities seem exceptionally modest. This appears to be particularly true outside Monrovia and may be a function of the limited availability of funding for most parties' activities. To date, all interlocutors indicate their freedom of opinion and expression, freedom of association, and freedom of movement have been respected and unimpeded.

However, multiple presidential candidates and county level political party officials expressed concerns regarding the influence of local government officials, including chiefs, on the election process, and the potential for them to limit access to voters during campaigning. While an

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<sup>21</sup> Section 12.6. NEC Regulations on Hearing Procedures, published May 2016.

<sup>22</sup> Article 17.2. African Charter on Democracy, Elections and Governance

<sup>23</sup> ICCPR, Articles 9, 12, 19, and 22; and UNHRC, General Comment 25, para. 25, states: "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected."

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important partner in the NEC’s efforts to provide civic and voter education, as representatives of the state at the community level, chiefs should remain impartial and facilitate the access of all parties to their communities on an equal basis. Chiefs should not be subject to pressure from government authorities to favor or disfavor particular candidates. Furthermore, the NEC should ensure that the rules governing who is authorized to be present in polling stations on election day are strictly enforced to prevent the possibility of undue influence of local government officials and chiefs on the voters.

*Use of State Resources.* All opposition candidates with whom the mission has met have alleged the misuse of administrative resources by the ruling party. Using administrative resources for campaign purposes, or denying political parties equal access to public space, have been issues in previous Liberian elections. There are widespread reports of the use of government resources by the ruling party to campaign. In particular, candidates have alleged the misuse of government vehicles and fuel as well as unequal access to public billboard space. Furthermore, some presidential candidates and party officials have alleged they were denied access to public space. The allegations regarding public space remain largely unsubstantiated. According to international good practice guidelines, administrative resources – vehicles, fuel, meeting places, etc. – should not be abused in support of a particular party or candidate.<sup>24</sup> Article 5(c) of the Liberian constitution calls for the elimination of “such abuses of power as the misuse of government resources.” The mission will continue to carefully observe the use of state resources in campaigning.

*Presidential Debates.* In August there were two major debates between presidential candidates. All candidates were invited to take part in the first debate, convened by the Liberia Media Development Initiative and Public Trust Media Group in Ganta on Aug. 14. Five candidates chose to participate: Henry Boima Fahnbulleh, Jr. (LPP), MacDonald Wenton (UPP), MacDella Cooper (LRP), Simeon Freeman (MPC), and independent candidate Rev. Aloysius Kpadeh. The second debate, organized under the auspices of the Deepening Democracy Coalition, an organization of Liberian CSOs, was held at the Paynesville City Hall on Aug. 17. Six candidates were invited to the debate. Four attended: Alexander Cummings (ANC), Benoni Urey (ALP), Charles Brumskine (LP), and Vice President Joseph Boakai (UP). Opposition leader George Weah (CDC) and former executive governor of the Central Bank, Dr. Joseph Mills Jones (MOVEE), were invited but declined to participate. Internews, an international NGO, has also supported the organization of a series of debates among candidates for the House of Representatives in their respective counties.

The Carter Center welcomes these debates as a sign of the maturation and increasing sophistication of Liberian democracy. They provide an important source of information for voters, a forum for freedom of expression and for the test of ideas that is central to the democratic process. **The Carter Center is particularly encouraged by the respect for the democratic process and willingness to engage in civic discourse shown by those candidates who chose to participate, and encourages all candidates to consider participating in future debates.**

However, in meetings with the Carter Center mission, some presidential candidates raised concerns about the method by which candidates were selected to participate in debates. Organizers

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<sup>24</sup> Venice Commission’s Code of Good Practice in the Field of Political Parties, para. 41.

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informed the mission that they conducted a poll, and the top six candidates were then invited to the debate. The Deepening Democracy Coalition intends to use this methodology to determine invitees for future debates as well, raising the possibility that the same candidates will once again be invited. **The Carter Center recommends future debates be open to as many candidates as possible to help ensure a level playing field, as well as the electorate's access to information.**

*The Threat of Electoral Violence.* Electoral violence and the threat of violence remain sources of anxiety for many Liberians, given the country's history of war and conflict. The mission's observations in this regard are largely positive. To date, no major incidents of election-related violence have come to the attention of the mission, and there has been no serious infringement of the right to security of the person.<sup>25</sup> The presidential candidates with whom the mission has met have not expressed serious concerns about violence. While the tearing down of campaign posters is an ongoing source of agitation for all political parties, so far this has not led to more serious confrontation. All presidential candidates with whom the mission has met have reiterated their intent to campaign peacefully and emphasized the need for peaceful elections. **To this end, The Carter Center recommends presidential candidates advise their partisans to respect the posters of other candidates.**

### **Media**

Equal opportunity to advance campaign messages to the electorate through a country's media is another pillar of genuine democratic elections.<sup>26</sup> While The Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remains largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties or that media offer equal terms to all political parties for political advertising.

Presidential candidates and political party officials in the counties all report that access to media requires paying for coverage. Rates are reportedly negotiated on an ad hoc, bilateral basis, and it is unclear if media are charging all parties equally. At this stage of the campaign, candidates and political parties do not seem to be purchasing political advertising, but parties report that even appearances by their candidates and officials on radio talk shows require payment.

The Carter Center's observation mission is not engaged in systematic media monitoring; however, the mission regularly inquires about the role of the media in its meetings with election stakeholders and carefully reviews the associated legal framework. Many presidential candidates and political parties raised concerns about media bias in general and emphasized in particular the coverage of

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<sup>25</sup> While no issue has risen to a level of grave concern, there have, however, been a few incidents that arose during the campaign period and heightened tensions. NEC Chairman Jerome Korkoyan has also said he was threatened by Senator Sando Johnson for approving the registration of the senator's opponent. The chairman interpreted the message as a threat on his life and has said that he will make a formal complaint to the Senate regarding the matter. The CDC Youth Leagues has made allegations of an assassination plot targeting George Weah, the CDC presidential candidate. The LNP refrained from commenting on an ongoing investigation. Another presidential candidate informed the Center's mission that his family had received a threat from an associate of his opponent.

<sup>26</sup> ICCPR, Article 19. UNHRC, General Comment 25, para. 25.

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the Liberian Broadcasting Company (ELBC), the state broadcaster, which they allege consistently favors the ruling party. This is of particular concern, as there are areas of the country in which LBC radio is one of the only sources of news. Access to community radio stations has also been raised as a concern, because some stations are owned by candidates, many of whom are local incumbents.

The AU Charter on Democracy, Elections and Governance, to which Liberia is a signatory, requires that states “ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.” **To this end, the Carter Center encourages authorities and the LBC to provide free and equitable access to candidates in an effort to ensure a more level playing field in the campaign.**

### *Election Preparations*

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens can participate in a genuinely democratic electoral process. The NEC has been taking concerted steps towards increasing transparency and keeping election stakeholders and the general public informed about election preparations. While NEC sessions are not open to observation and its decisions are not consistently published, the commission holds weekly press conferences and regular meetings with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the national level. In both the press conference and the IPCC meetings, stakeholders and media are updated on activities and on the development of electoral operations. These activities, as well as steps taken by the NEC to provide political parties with sufficient opportunity to verify the ballot design and layout, have been generally considered by stakeholders as confidence-building measures.

The outreach to political parties through the IPCC is a means for addressing political party concerns, responding to questions, and providing an alternative dispute resolution mechanism. The Carter Center reiterates its recommendation that the IPCC be consistently replicated at the county level.

While substantial international support is being provided for these elections, the support is mainly of a technical nature and significantly less than in previous elections. Therefore, the 2017 electoral process is much more Liberian-led than in the past, putting unprecedented pressure on the NEC’s 300 staff members. In this regard, political parties and other interlocutors have expressed concerns to the Center’s mission about the NEC’s capacity, especially about logistical preparations and the timely distribution of electoral materials. Importantly, however, the majority of the presidential candidates with whom the mission has met have not expressed concerns about the NEC’s impartiality. Relations between the political parties and the NEC magistrate offices in the counties also seem to be cordial, but could be bolstered by regularly convening IPCC meetings at the county level.

The recruitment of around 29,000 poll workers for the 5,390 polling places in 2,080 polling precincts is ongoing. For that purpose, recruitment centers have opened in each electoral district

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where applicants meeting minimum educational requirements can apply.<sup>27</sup> Additional measures have been taken to address problems identified during voter registration and to ensure that qualified staff are identified, trained, and show up to work on election day. Shortlists of successful candidates were scheduled to be published on Sept. 10, a measure that may increase public confidence in the independence and impartiality of the prospective polling station staff. In furtherance of its goal to have women participate in the administration of the election, the NEC should prioritize the recruitment of women at all levels in this next stage of the process.

*Inclusion of People with Disabilities.* An inclusive election process also means that all voters, irrespective of their circumstances, are entitled to vote, unimpeded by physical barriers at the polling stations. Likewise, reasonable accommodation measures should be put in place to ensure that the secrecy of the vote is guaranteed for voters with disabilities. After discussions with the disabled community, the NEC decided to reintroduce the use of the tactile ballot for these elections nationwide, a positive step towards inclusiveness and ensuring that all Liberians can exercise their democratic rights. The Carter Center welcomes this decision and encourages the NEC to prioritize awareness-raising efforts for both the polling staff and the disabled community to ensure the tactile ballot is an effective tool. Some members of the disabled community remain concerned about awareness of the tactile ballot and other accommodations being made for their full participation. These organizations have also proposed other reasonable accommodation initiatives to ensure accessibility to the polling stations, and the NEC has made assurances that where possible, polling stations will be located on the ground floor of buildings.<sup>28</sup>

### ***Recommendations***

In a spirit of support and cooperation, The Carter Center offers the following recommendations:

- To help ensure a peaceful election and a smooth transition, candidates and political party leaders should reiterate their commitments to a peaceful campaign and should call on all supporters to act accordingly.
- To increase transparency and election stakeholders' confidence in the integrity of the voter lists, the NEC should provide further information on what has been done to address deficiencies in the provisional list and provide political parties copies of the final lists without delay. The NEC should also publish data on the number of registrants per polling station and figures on the number of duplicates and errors identified in the provisional list, the number of objections, and the number of replaced voter registration cards.

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<sup>27</sup> Presiding officers and voter identification officers should at least be college students or trained teachers. For other positions, such as ballot box controller and precinct controller, a high school education should be required. Queue controllers need to be at least functionally literate. Source: NEC's 2017 Poll Workers Vacancy Announcement.

<sup>28</sup> According to a survey conducted by Alliance on Disability (AOD) on the accessibility of 81 voter registration centers in 11 out of Liberia's 15 counties, 68 percent are accessible or partially accessible for persons with disabilities, with the remaining 32 percent not accessible at all. Premises used as voter registration centers will be used in October as polling precincts.

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- To ensure a level playing field for all contestants, the National Election Commission and other relevant authorities should thoroughly investigate all allegations of the misuse of administrative resources and use existing remedies to hold perpetrators accountable.
  - To ensure that there is full access to voters for campaign purposes, all representatives of the state at the national and community level, including chiefs, should remain impartial and facilitate the access of all parties to their communities on an equal basis.
  - To increase voters' awareness of candidates and political party platforms and to allow for equal opportunities, The Carter Center encourages Liberian authorities to consider providing free airtime on the state broadcaster to political parties and presidential candidates on an equal basis.
  - The Carter Center commends the NEC's approach to date to ensure an inclusive and transparent complaints process and to respect the right to an effective remedy. As the election approaches, the Center encourages the NEC to ensure that timelines for the filing and review of complaints and appeals are strictly adhered to, and to recommit to hearing all complaints expeditiously.
  - To facilitate broad sharing of key electoral information, the NEC should consider replicating the IPCC structure at the county level. Further, the national-level IPCC should become a weekly event. This could ensure more effective outreach to election stakeholders and build confidence by keeping stakeholders informed of key NEC decisions and issues that may impact their participation.
  - To further the goal of having women participate equally in the administration of the election, the NEC should prioritize the recruitment of women at all levels in this next stage of the process.
  - The Carter Center calls on civil society, political parties, and the election administration to continue their efforts to raise voters' awareness of the election process, and in particular to inform the disabled community about measures taken to ensure their participation.

## **Carter Center Issues Liberia Pre-Election Statement and Announces Mission Co-leaders**

September 29, 2017

FOR IMMEDIATE RELEASE

ATLANTA — The Carter Center today released a pre-election statement summarizing key findings from the campaign period and pre-electoral environment in the lead-up to Liberia's presidential and legislative elections on Oct. 10.

The statement is the latest in a series, all part of the Carter Center's comprehensive long-term international election observation mission in Liberia. The current phase of the mission includes six long-term observers who have been deployed across the country since August, and a core team of electoral experts in Monrovia. In the coming week, they will be joined by about 30 short-term observers who will help observe the voting, counting, and tabulation processes.

The Carter Center delegation will be led by H. E. Catherine Samba-Panza, former president of the Central African Republic; Jason Carter, chairman of the Carter Center Board of Trustees; and Jordan Ryan, vice president of the Carter Center's peace programs.

In its statement, The Carter Center offers several recommendations on steps to increase public confidence in the election and flags a few issues that could prove problematic, including several that could be addressed prior to election day:

- The NEC should consider using all media and telecommunication options to communicate the availability of the SMS voter list verification tool to voters, which would contribute to the public's confidence in the quality of the list and help familiarize voters with the location of their polling places.
- To further its commitment to transparency, the NEC should publicly post the lists of people selected as polling station staff so that the names may be scrutinized by the community.
- The NEC should continue its efforts to explain the tabulation process and the provisions for ensuring adequate access for party agents and observers, and any other safeguards it is implementing. Further, a clear outline of the planned timetable for releasing results would help prepare political parties and the general public for the days following election day.
- The police and political parties should continue the commendable cooperation they have shown to date.

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- All parties and candidates should reiterate their commitment to a peaceful process and respect one another's right to campaign.
  - Candidates should exercise caution in their rhetoric and remind their supporters that no matter their ethnic group or heritage, they and their opponents are all Liberians.
  - In order to assure voters that they can cast their ballots free from intimidation and that the secrecy of the vote is fully protected, all parties should refrain from gathering voter identification numbers in the time before election day. In addition, the political parties and the NEC should assure voters that it is not possible to determine how a voter cast his or her ballot based on an identification number, and that persons who have collected voter identification numbers will not be able to determine how a voter cast their ballot.
  - Parties with concerns about the misuse of state resources should document possible violations and file formal complaints with the relevant authorities.
  - Authorities should allocate time and space for campaigning in the final days in a manner that provides all parties with equal opportunities and assures that events are organized in a manner to avoid confrontation between supporters.
  - The NEC should prepare itself to respond to questions about the number of voters who were allowed to vote on election day when they showed up with a valid voter registration card but were not on the published list.
  - The NEC should instruct its staff to strictly enforce the law regarding who is authorized to be present in polling places.
  - Political parties should refrain from releasing parallel results prior to the publication of provisional results by the NEC. Further, both the political parties and the NEC should be clear in informing voters that only results reviewed and released by the NEC are official. While stakeholders have the right to gather and disseminate information regarding the process of the election — including results collected from polling stations — any results released by a political party before the official results are finalized have the potential to increase confusion and misunderstanding and could unnecessarily cast doubt on the legitimacy of the outcome. It is likely that discrepancies will arise because of differences in the speed and location of unreported results, the additional checks the magistrates will be conducting during the NEC's official results tabulation process at the county level, and the different methods for gathering the information. Refraining from releasing early and unofficial results will help limit confusion among the electorate and avoid inflaming tensions.

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### ***Carter Center***

The Carter Center is conducting a comprehensive long-term international election observation mission for Liberia's 2017 election. The current phase of the mission includes six long-term observers who have been deployed across the country since August, and a core team of electoral experts in Monrovia.

In the coming week, they will be joined by about 30 short-term observers who will help observe the voting, counting, and tabulation processes. The delegation will be led by H. E. Catherine Samba-Panza, former president of the Central African Republic; Jason Carter, chairman of the Carter Center Board of Trustees; and Jordan Ryan, vice president of the Carter Center's peace programs.

This pre-election statement summarizes observations to date from the Carter Center's long-term observers and offers several recommendations on steps to increase public confidence in the election. The Carter Center uses this opportunity to flag a few issues, including several that could be addressed prior to election day.

### ***Voter Registration***

International standards say that voter lists should be prepared in a transparent manner and that voters should be provided free access to review and correct their registration data as the need arises.<sup>1</sup>

On Sept. 12, the National Election Commission announced the release of the final voter register. Following extensive efforts to address deficiencies identified during the exhibition period and manually verify entries in the register, the total number of registered voters is 2,183,629. Partially addressing recommendations to inform the public about their efforts, the NEC announced that 4,567 duplicate entries were identified and corrected. While even more information could have been provided about how the NEC resolved issues concerning missing names, misallocated voters, and mismatched photos, the Center acknowledges the NEC's positive efforts to provide information to the public and explanations to the contesting political parties.

For this election the NEC has established a new way for voters to check their registration data and their polling place allocation via SMS. While a valuable tool for voters that could alleviate some confusion on election day, the Center's observers have not witnessed widespread voter information efforts by the NEC and its civic and voter education partners to make voters aware of the tool. The NEC has asked their civic and voter education partners to spread the message but has not launched a national campaign

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<sup>1</sup> "The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises." Article 5. ECOWAS Protocol on Democracy and Good Governance (2001). United Nations Human Rights Committee. 1996. *General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service)*.

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to inform voters about the system. *The Carter Center urges the NEC to consider using all media and telecommunication options to communicate the availability of this tool to voters, which would contribute to the public's confidence in the quality of the list and help familiarize voters with the location of their polling places.*

In a meeting of the Inter-Party Consultative Committee (IPCC), the NEC began providing political parties with electronic copies of the roll, which also has been distributed to the magistrates' offices. In the IPCC, the NEC also took the opportunity to inform political parties about measures it will be taking to ensure that voters with valid voter registration cards who are in the voter register but do not appear on the printed voter lists will be able to vote. While the NEC has reiterated that they are confident all registered voters will appear on the printed voter list at the polls, it also has acknowledged that there can be situations where registered voters are not on the voter list on election day.

NEC's planned measures include procedures for double-checking voter's data in the list, and, if the voter is still not found, having polling staff use the SMS system to verify that the person is registered in the electronic register. In such cases, polling staff would then add the person to a supplementary voter list. A number of political parties voiced concern that this would weaken the integrity of the election and questioned how the NEC would verify the validity of a voter's registration. Following discussion, the majority of parties present at the IPCC appeared to acknowledge that it was within the NEC's purview to implement these procedures, and in accordance with previous practice. In the days following the IPCC, one party wrote to object to the process and request further explanation. The procedures remained an issue of discussion in the IPCC convened on Sept. 27.

### ***Election Preparations***

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens can participate in a genuinely democratic electoral process.<sup>2</sup>

In the beginning of September, the NEC conducted a mass recruitment and screening of nearly 29,000 staff to work in the polling stations on election day. Carter Center observers report that local interlocutors in the counties are generally satisfied with the transparency and fairness of the process. ***To further its commitment to transparency, the NEC should publicly post the lists of people selected as polling station staff so that the names may be scrutinized by the community.*** The polling staff will be trained through a cascade process that is well underway. In trainings observed by The Carter Center, observers reported that there were thorough explanations of procedures but that trainees would have benefited from a more interactive approach as well as from more specific content on tabulation procedures.

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<sup>2</sup> United Nations Human Rights Committee. 1996. *General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service)*. African Union. 2007. *African Charter on Democracy, Elections and Governance*. Addis Ababa: African Union.

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The NEC has not yet published regulations on tabulation procedures at the magisterial offices or announced how and when provisional results will be released. The NEC has responded to queries by emphasizing that each stage of the tabulation process will have a clear paper trail and will be open to observation. ***The Carter Center commends the NEC's commitment to transparency and urges the NEC to continue efforts to explain the tabulation process and the provisions for ensuring adequate access for party agents and observers, and any other safeguards it is implementing. Further, a clear outline of the planned timetable for releasing results would help prepare political parties and the general public for the days following election day.***

The first ballot papers arrived in country on Sept. 23. The NEC has announced that over 3 million ballots for both the presidential and legislative race have been printed. The difference in the number of ballots printed and the number of registered voters is due to the fact that each polling station will be given 550 ballots, regardless of the number of its registered voters. In addition, contingency ballots were printed equal to three percent of the total for the presidential race and five percent for the legislative races. A number of political parties, including the ruling party, have expressed concern about the number of extra ballots that will be in circulation. However, The Carter Center notes the protections in place against multiple voting, including the use of indelible ink and the punching of voter cards.

Ballots are being delivered primarily by road, but in some areas, the commission will need to use porters and canoes. Alleviating concerns shared by election stakeholders and the international community, the NEC announced that UNMIL has agreed to provide air support for the delivery of election materials. Still, NEC acknowledges there will be challenges with the delivery of materials in remote locations, given the rainy season conditions.

### ***Campaign***

Under international law, genuine, democratic elections require that candidates and political parties be able to campaign free from interference or undue restrictions.<sup>3</sup>

As election day draws closer, campaign activity has increased, with a number of large rallies in Monrovia and smaller-scale events in the city and its environs. The tensions felt in the city during past campaigns have been noticeably absent, with partisans conducting themselves peacefully and respectfully. Although the presence of the Liberian National Police (LNP) seems to have varied from rally to rally, this may reflect efforts to take into account inter-party dynamics and police-party relations. To date, the LNP has acted with prudence and restraint. ***The Center commends the police and the parties for the conduct of the campaign to date and urges continuing cooperation going forward.***

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<sup>3</sup> International Covenant on Civil and Political Rights, Article 21. ECOWAS Protocol on Democracy and Governance, Article 1(i).

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The Center’s mission has observed campaign events for both legislative and presidential races staged by nine parties and two independent candidates in six counties: Bong, Grand Bassa, Grand Gedeh, Margibi, Maryland, and Montserrado. Reports from the Center’s observers indicate campaign activity outside Monrovia has been less intense than in the capital. Large events are organized mainly around visits of parties’ presidential candidates. Both firsthand observation and secondhand reports from the Center’s interlocutors confirm that the campaign to date has been largely peaceful and that parties and candidates have freely exercised their democratic rights.

The one serious exception occurred on Sept. 20, when the peaceful tenor of the campaign was marred by a violent clash between partisans of the Liberty Party (LP) and the Coalition for Democratic Change (CDC) in Nimba. The incident occurred when CDC’s presidential campaign convoy was passing an LP gathering, for which LP reportedly had received prior permission. Multiple people were injured. The Liberian National Police are investigating the matter along with another reported confrontation between CDC and UP in Montserrado. In a meeting with the Center’s mission shortly after the event, the CDC’s presidential candidate stated that despite the incident, his party continued to subscribe to the Farmington Declaration and was committed to running a peaceful campaign. In the pre-election period, political parties committed themselves to a peaceful process and transfer of power. These commitments were made in the framework of the Ganta Resolution and the Farmington Declaration. ***Recalling both Farmington and Ganta, the Center calls on all parties and candidates to reiterate their commitment to a peaceful process and respect one another’s right to campaign.***

Parties and candidates show a growing level of ideological sophistication in this campaign. Some parties have relatively detailed platforms and programs that they have made available to the Center. However, the extent of the availability of party platforms and programs to voters is unclear. In debates, candidates for both president and – a welcome first for Liberia – vice-president have submitted to questions, articulated visions for the country, and been compelled to take stands on issues. Liberian democracy has been enriched by this exercise. Unfortunately, both the ruling party candidate Vice President Joseph Boakai and two leading opposition candidates did not attend the most recent debate on Sept. 26, 2017.

### ***Ethnicity and Heritage in the Campaign***

The Carter Center has observed candidates emphasizing their indigenous background in presenting themselves to the Liberian people. The distinction between “Americo-Liberians” and indigenous peoples – however much it may be the product of cultural practice and politics – is as old as the republic itself, and its prevalence in the campaign indicates that it remains relevant today.

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The 2008 Liberian census identifies 17 different ethnic groups that compose the population of the country.<sup>4</sup> As of 2008, the two largest groups were the Kpelle (20 percent) and the Bassa (13.4 percent). These two groups both call the center part of the country home. The so-called “Kpelle belt” runs from the north of modern-day Bong County through Margibi into Grand Bassa. The Bassa can be found primarily in Bong, Grand Bassa, and Rivercess counties. Bong, Grand Bassa, and Margibi are three of the six largest counties in the country in terms of registered voters.

Liberian politics have frequently been marked by ethnic rivalries, but this campaign has seen them injected into the presidential contest to a greater degree than in the recent past. In the counties, local populations use language that borders on divisive and speak about electing “one of their own” or putting “one of their men in office.” Candidates seemingly have selected running mates based on their appeal to different counties and ethnic groups.<sup>5</sup> While this can be seen as part of the normal political process of building support, at the same time, it runs the risk of aggravating historic tensions. Interlocutors in Bong County in particular have expressed concern to the Center’s observers about post-election reconciliation as well as the importance of ensuring that all Liberians accept the results of a credible process. ***The Center calls on candidates to exercise caution in their rhetoric and remind their supporters that no matter their ethnic group or heritage, they and their opponents are all Liberians.***

### ***Campaign Concerns***

States must take effective measures to ensure that all persons entitled to vote are able to exercise that right free from intimidation or fear of retribution.<sup>6</sup>

The Carter Center has observed that a number of parties are engaging in large-scale recruitment campaigns in which party activists gather voter registration information from potential supporters.<sup>7</sup> This practice is not illegal, if done in a manner that doesn’t compromise the secrecy of the ballot or leave voters with a fear of retribution. The Center’s observers have received reports of such voter registration information being gathered while distributing food or announcing future scholarships. Further, some parties

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<sup>4</sup> In addition to these 17, the census categories also include “other Liberian ethnic group,” which presumably includes people of Americo-Liberian descent, as well as “other African tribe” and “non African tribe.”

<sup>5</sup> No less than four presidential/vice-presidential tickets include candidates seemingly chosen for their appeal to the people of Bong County. Similarly, at least four different presidential/vice-presidential tickets feature candidates from Nimba. Margibi has two of its current representatives vying for office - independent presidential candidate Senator Oscar Cooper and Unity Party vice-presidential candidate Speaker of the House Emmanuel Nuquay.

<sup>6</sup> United Nations Human Rights Committee (UNHRC), General Comment No. 25, para. 11.

<sup>7</sup> Liberty Party activists in Nimba confirmed to the Center’s observers that as part of their recruitment efforts they have been instructed to record the voter identification numbers of prospective party members. The Unity Party in the county has raised concerns about this practice, though no formal complaint was made. Other interlocutors in both Nimba and Margibi allege that Unity Party activists in those counties have also been soliciting voter identification numbers. The Center’s observers have received a report that the Movement for Democracy & Reconstruction is engaged in a similar practice, which is said to be rife in the southeast as well.

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require activists to obtain information from a certain number of voters in order to be paid. Given low levels of literacy and civic education amongst the population, multiple interlocutors are worried about the potential for those interactions to become a source of intimidation. Prospective voters could form the impression that sharing their identification number with a party makes it possible for that party to determine how they cast their ballot. Furthermore, as voter identification numbers are not necessary for “Get Out The Vote” efforts, there is no compelling reason to collect this information. ***In order to assure voters that they can cast their ballots free from intimidation and that the secrecy of the vote is fully protected, The Carter Center calls on all parties to refrain from gathering voter identification numbers in the time before election day. In addition, the political parties and the NEC should assure voters that it is not possible to determine how a voter cast his or her ballot based on an identification number.***

*Use of State Resources.* To ensure a level playing field in the campaign, unfair incumbency advantages should be addressed and the use of state resources in favor of specific candidates should be prohibited.<sup>8</sup> The Center’s mission continues to receive complaints about the misuse of state resources by the ruling party and incumbents. In the context of elections, state resources include not only government vehicles and fuel, as well as public space, but also public office. According to good international practice, administrative officials should not use their office to support or show favor to a particular political party.<sup>9</sup>

Carter Center observers have received allegations of superintendents and other local administration officials openly supporting the ruling party (Margibi, Nimba, and Lofa).<sup>10</sup> Two local administration officials for Margibi County told the Center’s observers that they felt pressure to do so as well. Chiefs in Grand Bassa and Grand Cape Mount candidly informed the Center’s observers that they are supporting the vice president and urging their communities to do the same.

Opposition parties continue to allege nearly unanimously that the ruling party has used government vehicles and fuel in its campaign (Margibi, Montserrado, Lofa, Sinoe). The Center’s observers in the counties have received six reports of political parties being denied the use of public space (Grand Cape Mount, Maryland, and Lofa). In Grand Gedeh, the vice president is reported to have chosen not to use the city hall in Zwedru so as to avoid the perception that he was enjoying privileged access to public space.

Allegations of the misuse of state resources are often difficult to substantiate, particularly in the absence of a formal complaint. Parties have consistently shied away from filing

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<sup>8</sup> “The fairness of a campaign will be undermined where state resources are unreasonably used to favour the campaign of one candidate or political party. State resources— such as the use of public buildings for campaign events – should be available on an equitable basis to all contestants.” European Union. 2008. *Handbook for European Union Election Observation, Second Edition*. European Commission. The Carter Center. *Statement of the Council of Presidents and Prime Ministers of the Americas - Financing Democracy: Political Parties, Campaigns, and Elections*. Atlanta: The Carter Center, 2003.

<sup>9</sup> Venice Commission’s Code of Good Practice in the Field of Political Parties, para. 41.

<sup>10</sup> Superintendents are political appointees, nominated by the president and confirmed by the legislature. The chiefs are part of the Ministry of Interior structure and receive government stipends.

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formal complaints, limiting the authorities' ability to properly address them. ***Where parties have concerns about the misuse of state resources, the Center encourages them to document possible violations and file formal complaints with the relevant authorities.***

*Campaign Finance.* International best practice requires that financing of political parties be fully transparent. To this end, accounts of all income and expenditures should be kept. Reasonable limitations on campaign expenditures may be justified to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of a candidate or party.<sup>11</sup> According to the NEC, seven out of the 26 registered parties have submitted their statements on assets and liabilities and reported on campaign expenditures, in accordance with the provisions of the law. These parties are UP, CDC, ALP, ANC, MPC, UPP and VFRC, although not all met the legal deadlines.<sup>12</sup> Four more parties have submitted the statements of assets and liabilities, but not their campaign expenditures (LP, TWP, MPR, LDC). In order to “strike a balance between peaceful elections and the legal requirements,” the NEC has said that it is considering several options, including proceedings to disband parties that have not complied either in part or in full with the law. The legal grounds for de-registering political parties for this reason remain unclear, as specific regulations on the matter have not been developed. Failure to submit statements of campaign expenses is considered an infraction and subject to penalties.

*Alternative Dispute Resolution.* The Carter Center has noted several incidents in which mediation was used to resolve disputes before they could escalate, relieving the necessity for official complaints.<sup>13</sup> The Center welcomes the use of alternative methods of dispute resolution and the NEC's efforts in some localities to prevent problems before they threaten the integrity of the process.

In this spirit, the Center notes that allocation of campaign space in the final days of the campaign period may be an issue. The NEC convened an IPCC meeting to discuss a request by the LNP that political parties refrain from having large campaign events in Monrovia after Oct. 4, four days prior to the official end of the campaign period. The LNP made the request because of an expected depletion of the police force in Monrovia as officers redeploy around the country for election security purposes. While UP supported the request, ANC and CDC have said they have the right to campaign and intend to go ahead with their campaign plans to have large “closing rallies in those days.”

Furthermore, given the large number of parties and the scarcity of available space to accommodate rallies, there is the possibility that multiple parties may request access to

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<sup>11</sup> ICCPR General Comment 25, para. 19.

<sup>12</sup> Article 83.d, 1986 Constitution.

<sup>13</sup> In August 2017, the campaign office of a UP House candidate in Kanweaken, River Gee, was allegedly stoned. The county NEC intervened and resolved the issue without needing to involve the police. In Grand Gedeh the following month, a female candidate complained to the NEC office after a male candidate disrupted her rally. The NEC resolved the matter. The Grand Gedeh NEC also successfully intervened in another dispute between two candidates, bringing the reciprocal defacement of campaign posters to a halt. The Grand Bassa NEC, when faced with a conflict between the campaign schedules of CDC and CLP, spoke with both parties and resolved the situation.

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the stadium, sports complex, or the main thoroughfares on the same day. *The Center recommends that the authorities allocate time and space for campaigning in the final days in a manner that provides all parties with equal opportunities and assures that events are organized in a manner to avoid confrontation between supporters.*

### ***Religious Communities, Women, and Marginalized Groups***

In order to meet the principle of universal suffrage, international standards say that countries must ensure that all people entitled to vote are able to exercise that right. Further, states should consider “taking appropriate measures to encourage publicly and promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies on participation in political and public affairs”.<sup>14</sup> The full participation of women, LGBTI, religious and ethnic minorities, and persons with disabilities in the political life of Liberia continues to face several challenges.

*Muslim and Mandingo communities.* Muslims in Liberia represent 12 or more percent of the population.<sup>15</sup> According to the National Muslim Council (NMC), out of the 73 members of the House of Representatives, six are Muslims, while there are no Muslims in the Senate. There are several Muslim candidates for the House, but only one Muslim among the 40 registered vice presidential candidates.<sup>16</sup> According to the NMC, the limited presence of Muslims as candidates stems from a long-term alienation from the country’s political and social life. This limited participation could be further compromised if a proposition of the Constitutional Review Committee to make Liberia a Christian nation materializes.<sup>17</sup>

In recent meetings with the Center, community representatives reiterated concerns about the obstacles their communities faced during the registration period (See The Carter Center’s Assessment of the Voter Registration Process from March, 2017). While these issues were mostly addressed by the NEC, the community representatives remain concerned that these experiences might impact election day participation. Further, the Mandingo community said their participation might be compromised by insufficient voter education and information, as the organizations working with the NEC may not have sufficient access to their communities to conduct outreach.

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<sup>14</sup> Para. 4.d of the UNHRC Resolution 27/24 (2014). United Nations Human Rights Committee. 1996. *General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service)*.

<sup>15</sup> Source: 2008 Population and Housing Census. Liberia Institute of Statistics and Geo-Information Services (LISGIS). Other sources estimate that Muslims in Liberia account for 20 percent of the population.

<sup>16</sup> William Knowlden, vice presidential candidate for the Movement for Progressive Change (MPC).

<sup>17</sup> In March 2015, the CRC approved 25 recommendations to set an agenda for amending the current 1986 Constitution. One of the recommendations was to include in the text a reference to make Liberia a Christian nation. President Johnson-Sirleaf expressed opposition to such an amendment.

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*Women.* Liberia has committed to ensuring women have the opportunity to participate in political life on equal terms with men through its ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).<sup>18</sup> However, attempts at legislation to promote women’s political participation have languished in the legislature, and while the 2008 census found the population evenly divided between the sexes, only 48 percent of registered voters are women. Women account for a mere 15 percent of the candidates for the House of Representatives, due in part to the absence of quotas or other positive measures in the election law that would guarantee the representation of women in elected office.

The election law requires parties “to endeavor to ensure” that 30 percent of their candidates are women, and the NEC requested documentation from the parties that they had done so. Ultimately, however, the NEC determined that this was not compulsory. Advocates for women, female candidates, and other interlocutors have consistently cited the high cost of candidate registration and campaigning as prohibitive for most women interested in running for office. Although the NEC urged parties to reduce party fees by 50 percent for women, this was not compulsory either, and the vast majority of parties did not do so. The NEC did not waive its own registration fees for female candidates.

This pattern is not limited to women running as candidates. Political party officials consistently state that they encourage women’s participation, but the Center’s observers have found that party leadership at the county and national levels is frequently entirely male. Apart from candidates, the Center’s observers have noted that women do not feature in campaign events, and candidates do not target women in their messaging.

*Participation in the NEC.* The NEC’s Gender Department aims to increase the participation of women and other disadvantaged groups in political life and has developed a set of Guidelines for Disability-Inclusive Elections in Liberia.

Three out of the seven members of the NEC Board of Commissioners are women, including the co-chairperson. At the executive level, the presence of women is limited: Eight out of the 11 NEC departments are headed by men, with female directors in the gender, field coordination, and operations departments. Women are more visible in clerical and administrative positions of the NEC. Similarly, there are few women among the NEC’s permanent staff at the county level. Just one out of 19 magistrates are women. While many county NEC officials communicated their intent to hire women as polling staff, initial observation suggests that these efforts still have not achieved gender parity.

Groups representing the Mandingo and Muslim communities have expressed concerns regarding the limited representation of their members among election workers. Similar

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<sup>18</sup> “States’ Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies.” Article 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

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concerns have been reported to the Center’s observers by advocates for persons with disabilities.

The NEC has made an effort to reach women, persons with disabilities, and religious communities in their civic and voter education programs and has mainstreamed these activities. Still, some organizations representing persons with disabilities and the Mandingo community expressed regret that they were not selected to assist the NEC in these efforts and have called on the NEC to intensify their efforts.

*LGBTI community.* Liberia’s legal framework criminalizes homosexuality.<sup>19</sup> In addition to the legal restrictions, the participation of LGBTI groups in the election is minimal. The LGBTI community has been the target of inflammatory and homophobic speech by several politicians. According to several LGBTI organizations, the campaign has raised the level of anti-gay language in the political discourse, with no party having incorporated gay-related issues in their agenda or included proposals to amend or repeal the existing legislation against homosexuality. To the contrary, in debates, candidates have been pushed to take stances against LGBTI rights. The Carter Center regrets that the existing anti-gay legislation and homophobic speech prevents members of the LGBTI community from a meaningful and open participation in the political life of the country. The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.

### ***Election Day Concerns***

With less than two weeks until the election, the Center’s mission uses this opportunity to note with concern a few issues that have arisen in recent weeks that may create problems on election day.

*Supplementary Voter Lists.* NEC regulations establish that registered voters who present a valid registration card may vote in the precinct marked on the card even if they are not found on the printed list.<sup>20</sup> As discussed above, these voters will be added to the supplementary voter list on election day. However, procedures do not ask the presiding officer to record the number of additions made in a manner that can be easily aggregated at the county and national level. ***Given that there are already concerns about the procedures for accommodating these voters by adding them to the supplementary list, the NEC should prepare itself to respond to questions about the number of voters added on election day.*** The accurate recording of this information by polling stations and magistrates would put the NEC in a better position to address potential claims of irregularities during the post-election period. Further, the tracking of these figures on election day would help election supervisors intervene if the procedure is being misused.

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<sup>19</sup> The Penal Code of Liberia criminalizes adult, consensual sexual conduct by same-sex couples. Under Section 14.74 of the Penal Code, entitled “Voluntary Sodomy,” it is a first-degree misdemeanor to engage voluntarily in “deviate sexual intercourse.” 11 Section 14.79 of the Penal Code defines “deviate sexual intercourse” to mean “sexual contact between human beings who are not husband and wife or living together as man and wife though not legally married.” Penalties include more than a year’s imprisonment and fines.

<sup>20</sup> Article 3.1 NEC regulations on polling and counting.

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*Unauthorized Persons in Polling Places.* The Center’s observers have met with interlocutors who have raised concerns about the possibility that chiefs may be present in the polling places on election day. If this were to happen, some fear their mere presence would be enough to intimidate voters. On a similar note, recent statements by the CDC suggest it has called on its supporters to remain at the polls after voting to “guard” the ballot boxes. Other than for the purpose of voting, only those persons appointed by the party as party agents are legally entitled to be present in the polling station. The presence of additional party supporters at the polls increases the odds of confusion and tension on election day, as well as the potential of intimidation. ***The NEC should instruct its staff to strictly enforce the law regarding who is authorized to be present in polling places.***

*Political Party Parallel Vote Tabulation.* The CDC has communicated to the public that it intends to conduct its own count of election results, and to release results as soon as they are available, even if it is before the NEC has released provisional results. It is the right of all parties to have party agents present at the polls to monitor the voting and counting and at the magistrates’ offices to observe the tabulation. It is also their right to receive a copy of the record of the count at the polling station and to retain this record should issues arise during the tally process. Largely in response to CDC’s plans, the NEC has repeatedly emphasized that it alone has the authority to announce official results and that the tabulation of the results is open to observation.

A number of stakeholders have raised concerns about the CDC’s plans and the potential for tensions in the event that there are differences in the numbers released by the NEC and the CDC. It is likely that discrepancies will arise because of differences in the speed and location of unreported results, the additional checks the magistrates will be conducting during the NEC’s official results tabulation process at the county level, and the different methods for gathering the information. Given this, any results released by a political party before the official results are finalized have the potential to greatly increase confusion and misunderstanding and could unnecessarily cast doubt on the legitimacy of the outcome. ***Although stakeholders may have the right to gather and disseminate such information, in an effort to limit confusion amongst the electorate and avoid inflaming tensions, the Carter Center strongly urges political parties to refrain from releasing parallel results prior to the publication of provisional results by the NEC. Further, both the political parties and the NEC should be clear in informing voters that only results reviewed and released by the NEC are official.***

### ***Mission Background***

At the invitation of the National Election Commission (NEC) and the government of Liberia, The Carter Center is conducting a comprehensive long-term international election observation mission of Liberia’s 2017 presidential and legislative elections scheduled for Oct. 10. The Carter Center deployed three pre-election assessment delegations to Liberia, observed the voter registration period, and deployed a core team of experts and six long-term observers (LTOs) representing six countries in early August. Carter Center experts have followed the finalization of voter registration, the candidate registration process and the resolution of related disputes, and the election commission’s

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preparations for the elections. Carter Center LTO teams have visited all 15 of Liberia's counties, where they have observed the campaign and met with NEC officials and staff, political parties, and representatives of civil society.

The Center's assessment of the electoral process is based on Liberia's legal framework and on international standards for democratic elections. The Center conducts its observation missions in accordance with the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

The Carter Center's international election observation work is separate from ongoing Carter Center programming in Liberia that focuses on supporting access to justice, access to information, mental health, and technical and financial support to nonpartisan citizen observers.

## **Carter Center Issues Preliminary Statement on Liberia Election**

October 12, 2017

FOR IMMEDIATE RELEASE

MONROVIA, LIBERIA — In a preliminary statement issued today, The Carter Center commended Liberians for the calm and peaceful atmosphere of their nation's Oct. 10 election.

No matter the outcome of this election, it will result in a transfer of power from one democratically elected government to another for the first time in the lives of many Liberians. This moment marks an important turning point for the nation's democracy, and the Liberian people have shown a clear desire for a peaceful and smooth transfer of power.

The Carter Center was honored to observe the entire pre-election process and commends the Liberian people for their clear enthusiasm and determination to peacefully express their will at the ballot box. The pre-election period was characterized by a peaceful campaign, transparent preparations, and logistical challenges.

The Center's observers, who were deployed across all 15 of Liberia's counties on election day, report that the opening, polling, closing, and counting processes were generally conducted according to procedure in the approximately 145 polling places they visited. In most of these locations, materials were delivered on time, and polls opened on time. However, observers across most counties reported difficulty in locating voters on the Final Registration Roll in some polling places. In what appeared to be a related problem, observers reported that ineffective queue management, mainly in large precincts, affected the orderly flow of the polling, creating confusion among voters and long lines throughout the day.

It is important to note, however, that Liberia's election process is still ongoing and that The Carter Center cannot issue an overall assessment until several important steps – including any dispute resolution – are concluded. This statement is one of five that the Center has made about the process, and it only covers observations to date. Further reports addressing the tabulation process, the resolution of election disputes, and the post-election environment will follow.

In the spirit of respect and support, The Carter Center offers the National Election Commission the following short-term recommendations:

- The NEC has acknowledged difficulties with long lines and queue management at polling precincts. Given this, if there is a runoff, we recommend the NEC offer precinct staff enhanced instructions

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on these issues before a second round. It is crucial that voters be able to easily identify their polling station. We suggest giving this information at the entrance to the polling precinct in a manner that is clear to all voters before a voter begins to stand in line for a particular polling place.

- Observers noted that NEC officials were proactive in visiting polling stations to resolve problems on election day, and we encourage the NEC to continue to react promptly as issues arise throughout the tabulation process.
- Transparency is crucial in an election, and the Center urge the NEC to continue its efforts to ensure that the tabulation process is transparent at all levels and that the public is provided the information it needs to fully understand the process.
- The prompt release of results is an effective means of building confidence among the electorate and preventing confusion and tension. To this end, the Center urges the NEC to release provisional results, including at the polling place level. Provisional results should be released as soon as they are ready and include a clear indication of the counties and percentage of precincts reporting.
- Political parties should uphold their responsibility to ensure that their supporters maintain the peace throughout the electoral process and through the transition that will follow.

**Background:**

*The Center's mission is led by former President of the Central African Republic H.E. Catherine Samba-Panza; Chairman of The Carter Center Board of Trustees Jason Carter; and Vice President of Peace Programs for The Carter Center Jordan Ryan. The Carter Center deployed international observers for Liberia's October 2017 national election at the invitation of Liberian authorities and political stakeholders. The Carter Center's election observation work began with pre-election assessment teams that visited Liberia beginning in 2016, including one that observed the voter registration process in February and March of 2017. A core team of electoral experts and six long-term observers from five countries assessed election preparations throughout the country in the two months leading up to election day. On Oct. 10, 50 observers from 17 countries visited approximately 145 polling stations in all 15 counties to observe voting and counting. On Oct. 11, they began observation of the tabulation process across the 15 counties. The Carter Center's long-term observers continue to monitor the ongoing tabulation process and finalization of official results, and the Center will remain in Liberia to observe the resolution of any post-election disputes. The Carter Center assesses elections against international standards for democratic elections contained in the host country's international obligations and commitments and its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005.*

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THE  
CARTER CENTER



**PRELIMINARY STATEMENT**  
**2017 Liberia Presidential and Legislative Election**  
**Oct. 12, 2017**

*As The Carter Center makes this preliminary report, it is important to note that the election process is ongoing, and there are still important steps to be completed before the Center can provide an overall assessment. This statement is one of five that The Carter Center has made about the process, and it only covers observations to date. Further reports addressing the tabulation process, the resolution of election disputes, and the post-election environment will follow.*

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*The Carter Center assesses elections against international standards for democratic elections contained in the host country's international obligations and commitments and its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005 to provide professional guidelines for observation.*

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## Preliminary Conclusions

On Tuesday, Liberians cast their votes for the country's next president and members of the House of Representatives. The Carter Center was honored to observe the entire pre-election process and commends the Liberian people for their clear enthusiasm and determination to peacefully express their will at the ballot box. The pre-election period was characterized by a peaceful campaign period, transparent preparations, and logistical challenges.

Overall, election day was peaceful. Carter Center observers did report that at some precincts there was confusion that resulted in extremely long lines and delayed the ability of some Liberians to cast their ballots. In certain precincts, these issues were resolved quickly. The National Election Commission (NEC) also reminded people that all voters in line at the close of the polls would be allowed to vote. As in the rest of the electoral process, when confronted with challenges, Liberians again exhibited their overwhelming dedication to peace, and to putting Liberia's future first.

No matter the outcome of this election, it will result in a transfer of power from one democratically elected government to another for the first time in the lives of many Liberians.<sup>1</sup> This moment is an important turning point for the nation's democracy, and the Liberian people have shown a clear desire for a peaceful and smooth transfer of power. Given the unprecedented nature of this election, it has been accompanied by heightened anxieties about the potential for conflict. The days ahead will offer a crucial test of candidates' commitment to preserving the peace. The Center encourages all Liberians to continue to participate peacefully in the democratic process as the NEC carries out its important work to deliver final results. The Liberian people expect – and have the right to – leadership that will not sacrifice the peace that Liberians have worked so hard to sustain.

In this preliminary statement, The Carter Center offers a summary of key observations from the electoral process thus far, including election-day voting, the legal framework for elections, election administration, the campaign period, the political participation of women and marginalized populations, and the voter registration period and its relationship to voting. This statement is preliminary because the tabulation process and announcement of results are ongoing, and an assessment of the electoral process cannot be provided at this stage.

*Legal Framework.* The legal framework for Liberian elections requires substantial reform in order to fully meet international standards. Limitations on the right to stand for public office based on residency and property value, along with constitutional provisions for citizenship that are tied to race, are unduly restrictive and inconsistent with international standards.<sup>2</sup> The framework does not provide for the participation of independent candidates on an equal basis with party candidates.<sup>3</sup> Although requirements placed on appointed public officials to step down

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<sup>1</sup> Article 1(b) ECOWAS Protocol on Democracy and Good Governance.

<sup>2</sup> To be eligible to stand for office, persons wishing to be elected president must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been resident of the country for at least 10 years before the election. Article 52 of the 1986 Constitution.

<sup>3</sup> "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties." ICCPR, General Comment 25, para 17.

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from office two to three years prior to participating in an election may be intended as a protection against abuse of state resources in campaigns, these limitations unnecessarily restrict the right to stand for elections and run contrary to commitments made in the International Covenant for Civil and Political Rights.<sup>4</sup> The legislation and existing regulations are unclear and contain several gaps – for example, they do not explain what constitutes residence for the purpose of candidate registration, or the legal grounds for the de-registration of political parties that fail to comply with party and campaign finance regulations.

*Voter Registration.* Following an ambitious process to create a new voter register, 2,183,629 people registered to vote. As discussed in the Carter Center’s prior statements, the NEC faced difficulties during the registration process, particularly with the voter registration materials and the quality of the paper used to capture voter registration information. As a result, during the exhibition of the preliminary voter list in June, a number of issues involving the misallocation of voters and missing, duplicate, or inaccurate entries were discovered. Throughout the voter registration process, the NEC was responsive to issues that arose. While the NEC took commendable steps to address deficiencies, stakeholders continued to express concerns over the accuracy and quality of the voter list. These concerns impacted voter and stakeholder confidence in the register.

With wide deviations in the number of voters per district, the current constituency boundaries do not respect the principle of equal suffrage. For the 2017 election, the electoral district with the largest number of registered voters (Montserrado 4, with 63,786) had six times more voters than the district with the lowest number of registered voters (River Gee 3, with 10,604). This is at odds with international best practice.<sup>5</sup>

*Election Administration.* Liberians themselves led the 2017 electoral process much more than in the past, putting unprecedented pressure on the NEC’s 300 staff members. While substantial international support was provided for this election, it was mainly technical and significantly less than in previous elections.

The NEC functioned transparently throughout the process and made concerted efforts to keep election stakeholders and the general public informed of the status of election preparations. While NEC sessions were not open to observation and its decisions were not consistently published, the commission held weekly press conferences and regular meetings with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the national level.

Although political parties expressed measured confidence in the impartiality of the commission, they regularly raised concerns about the NEC’s capacity to manage the logistical arrangements for the election and to sufficiently train staff. At various stages, the NEC struggled to adhere to the election timeline. There were delays in the procurement and delivery of materials, including

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<sup>4</sup> To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and non-discriminatory. UNHRC, General Comment 25, paras. 15–17.

<sup>5</sup> Para 15. Code of Good Practice in Electoral Matters, Council of Europe. (2002)

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ballots. In addition, procedures were developed late in the process, and training schedules were frequently delayed. Still, on election day, materials and over 29,000 polling staff were in place.

*Candidate Nomination.* The NEC oversaw an inclusive candidate registration process and registered a total of 1,024 candidates that included 96 independents as well as members of 23 political parties.<sup>6</sup> The NEC heard 40 appeals of candidate registration decisions, of which six were further appealed to the Supreme Court. In hearings observed by The Carter Center, the adjudicating bodies provided all sides with ample opportunities to present their case and questioned the arguments of both sides with equal tenacity, in line with Liberia's regional commitments.<sup>7</sup> Where ambiguities in the law existed, the NEC and the Supreme Court decided in favor of an inclusive and participatory process. However, the NEC did not enforce deadlines for submitting appeals. This, along with delays in consideration of the appeals, compromised the efficiency of the process and resulted in a number of cases continuing well into the campaign period.

Following controversies over the application of the code of conduct in the registration of candidates, there was widespread agreement that the Supreme Court's rulings resulted in a more inclusive process, which contributed to a peaceful election. However, the politicization of the code of conduct law led to the failure to apply non-registration related provisions of the code – for example, those aimed at preventing the misuse of administrative resources and abuse of public office in general and in the context of an election.

*Campaign.* The Carter Center observed that in the campaign, parties and candidates were able to freely exercise their fundamental rights of freedom of expression, association, and assembly. Campaign activities were centered around the presidential candidates and included large rallies in Monrovia and smaller campaign events throughout the rest of the country. As reported in previous Carter Center statements, campaign messages often emphasized the heritage and ethnicity of the candidates. While these messages did not involve negative stereotypes or generalizations, they seemed designed to mobilize communities along ethnic lines and sometimes raised concerns about post-election reconciliation. The tensions present during past campaigns were noticeably reduced, and for the most part, partisans conducted themselves peacefully and respectfully. While the campaign was largely peaceful, there were a small number of isolated incidents of election-related violence, the most serious disturbance being the violent clash in Nimba between partisans of two leading parties. In providing security for campaign activities, the Liberian National Police acted with prudence and restraint.

Many parties accused the ruling party of misusing state resources – particularly public space, government vehicles, and fuel – during the campaign. While Carter Center observers did confirm several instances of this practice, they also noted multiple cases in which incumbent legislators from opposition parties also took advantage of their official position in campaigns. In a prior statement, the Center noted that several parties were collecting voter identification information in a manner that raised concerns about the potential for voter intimidation.

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<sup>6</sup> Para IV.2 AU Declaration on the Principles Governing Democratic Elections in Africa (2002)

<sup>7</sup> Article 7. ECOWAS Protocol on Democracy and Good Governance (2001)

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*Media.* While the Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remains largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties or that media offer equal terms to all parties for political advertising. The Center’s mission did not conduct systematic media monitoring. However, the mission heard a number of concerns from presidential candidates about the lack of a level playing field caused by unequal access to the media, which may be at odds with media access provisions included in regional treaties signed by Liberia.<sup>8</sup>

*Election day.* Carter Center observers reported a calm and peaceful voting atmosphere, and that the opening, polling, closing, and counting process were generally conducted according to procedures. Overall, Center observers assessed the process inside the polling places as “very good” or “reasonable” in 135 of 145 polling places they visited. In virtually all precincts visited, all materials were delivered and polls opened on time.

The Carter Center notes that the vast majority of polling places visited by TCC observers had a large number of party agents present, and they were given adequate access to observe. These political party and independent candidate agents were accompanied by thousands of nonpartisan civil society observers, who are discussed further below. This observation demonstrates a substantial level of transparency.

Carter Center observers made generally positive assessments of the implementation of voting procedures by NEC staff inside of polling places. However, observers across most counties reported difficulty in locating voters on the Final Registration Roll (FRR) in some polling places. In what appeared to be a related problem, observers reported that ineffective queue management, mainly in large precincts, affected the orderly flow of the polling, creating confusion among voters and long lines throughout the day. In some precincts, it was difficult for voters to find the correct queue based on their voter ID number, and poll workers were inconsistently adding voters’ names to the supplemental list. In some cases, poll workers were not prepared to inform voters of their polling place. A few polling places visited by the Center’s observers were chaotic and tense, and observers saw voters aggravated by the long waits.

Observers reported that the SMS system for verifying voter registration data was not being widely used when voters were not found on the list. Further, although the NEC established a hotline for presiding officers to check voter data, this fact was not sufficiently disseminated, and observers did not see it being used.

While the supplemental list was intended to ensure that errors in voter registration or voter identification did not prevent someone from casting a ballot, the Center notes that in polling places it observed, nine percent of the total voters had been added to the supplemental voter list.

*Closing and Counting.* The Carter Center observed the closing and counting process in all 15 counties and reported that overall, the process was peaceful, calm, and orderly. The counting

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<sup>8</sup> Article 17.3 African Charter on Democracy, Elections and Governance (2007)

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process was observed as “very good” or “reasonable” at 86 percent of polling places visited. Carter Center observers noted that the counting process was conducted with transparency in the presence of political party agents and national observers and that in no instance did anyone refuse to sign the Record of the Count form. Observers also reported that the process to determine the validity of votes was conducted according to procedure.

### *Participation of Women and Marginalized Groups*

The election process demonstrated severe marginalization of already underrepresented groups – women, religious and ethnic minorities, persons with disabilities, and the LGBT community.

*Women.* As discussed in prior Carter Center reports, recent amendments to the election law introduced a requirement that parties must “endeavor to ensure” that they nominate no less than 30 percent of each gender. Regrettably, all but two parties fell short of the provision. Given that only 156 women were candidates for the House of Representatives, and that women faced significant challenges in the campaign, Liberia is likely to see a drastic reduction in the number of women in elected office. This falls short of regional commitments.<sup>9</sup>

The Carter Center regrets that women were not in more prominent leadership positions in all levels of the election administration. Women made up only 39 percent of polling station staff and only 23 percent of presiding officers. Political party agents were also predominantly men; observers only noted 29 percent women.

However, on election day, the Center was pleased to see women exercising their democratic rights and expressing their will through the ballot box in great numbers. At polling stations visited by Carter Center observers, women made up 53 percent of voters, despite registering to vote at slightly lower rates than men.

*Religious and Ethnic Minorities.* The protection of religious and ethnic minorities is critical to a democratic society. The freedom from discrimination and the right to equality before the law are important and should be protected during the electoral process.<sup>10</sup> The Mandingo and Muslim communities have repeatedly raised concerns about the lack of integration of their communities in the election administration and political party structures. This marginalization was cited as the cause of the obstacles and misunderstandings the community faced in the voter registration process and candidate selection, and limited the communities’ access to voter education. In its statement on voter registration, The Carter Center noted receiving reports that Mandingo and Muslim Liberians faced discrimination and struggled with unequal access to the process.

*Persons with Disabilities.* Commendably, the National Election Commission acknowledged the importance of including persons with disabilities and introduced measures to accommodate their participation. Following consultations with civil society, the NEC re-introduced the tactile ballot to ensure that visually impaired voters could cast their ballots in secret, and considered recommendations that polling stations be on the ground floor.

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<sup>9</sup> Article 9. Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (ACHPR-PW) (2007)

<sup>10</sup> (OSCE Office for Democratic Institutions and Human Rights, 2001, p. 63)

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In polling places observed by The Carter Center, procedures for assisted voters, including the use of tactile ballots guides by voters who requested it, were adequately implemented. Liberian observers from the Liberia Elections Observation Network (LEON) included people with disability among their ranks, and LEON observers found that although in some locations only one (not two) tactile ballot was provided, the tactile ballot was utilized successfully and seen as a positive step forward.

In precincts observed by The Carter Center, eight percent had obstacles or barriers on the way to the precinct that could have inhibited general access, while 83 percent were noted as accessible for voters with disabilities.

*LGBTI.* As noted in a previous Carter Center statement, Liberia’s legal framework criminalizes homosexuality, and the participation of LGBTI groups in the election is minimal. According to several LGBTI organizations, the level of anti-gay language increased noticeably during the campaign period, with candidates being pushed to take public stances against LGBTI rights. The Carter Center condemns the existence of anti-gay legislation and regrets that homophobic speech prevents members of the LGBTI community from a meaningful and open participation in the political life of the country.

*Citizen Observation.* For this election, the NEC has accredited more than 5,000 citizen observers. Issues with accreditation of Liberia Elections Observation Network (LEON) and Elections Coordination Committee (ECC) hindered their ability to fully implement planned observation activities. Despite these hindrances, on election day they were able to deploy approximately 1,200 and 2,000 observers, respectively. Both organizations issued a number of reports in the days around election day that contributed to the transparency of the process. These national organizations have a crucial role to play in strengthening electoral integrity and building public confidence.

The Carter Center notes that the election process enhanced the growing role of youth, providing them with opportunities to observe and engage in civil society organizations involved in the election process. This has made a positive impact on conflict prevention. Liberian law provides for citizen and international observation, in line with best international and regional practice.<sup>11</sup>

### ***Recommendations***

In the spirit of respect and support, The Carter Center offers the National Election Commission the following short-term recommendations that could lead to significant improvements:

- *The NEC has acknowledged difficulties with long lines and queue management at polling precincts on election day. Given this, if there is a runoff, we recommend that the NEC offer polling precinct staff enhanced instructions on these issues before the second round. It is crucial that voters be able to easily identify their polling station. We suggest giving this information at the entrance to the polling precinct in a manner that is clear to all voters before the voter begins to stand in line for a particular polling place.*

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<sup>11</sup> African Union Declaration on the Principles Governing Democratic Elections in Africa (2002)

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- *The Carter Center notes that NEC officials were proactive in visiting polling stations to resolve problems on election day, and we encourage the NEC to continue to react promptly as issues arise throughout the tabulation process.*
  - *Transparency is crucial to the election process, and we urge the NEC to continue efforts to ensure that the tabulation process is transparent at all levels and that the public is provided the information it needs to fully understand the process.*
  - *The prompt release of results is an effective means of building confidence among the electorate and preventing confusion and tension. To this end, the Center urges the NEC to release provisional results, including at the polling place level. Provisional results should be released as soon as they are ready and include a clear indication of the counties and percentage of precincts reporting.*
  - *Political parties should uphold their responsibility to ensure that their supporters maintain the peace throughout the electoral process and through the transition that will follow.*

**Carter Center Encourages Liberian Political Parties to Continue  
to Use Existing Electoral Dispute-Resolution Mechanisms**

October 29, 2017

FOR IMMEDIATE RELEASE

MONROVIA — As Liberia prepares for a presidential run-off election, The Carter Center acknowledges the historic opportunity for the country to proceed with a peaceful transition of power from one democratically elected president to another.

The Center understands that some parties are challenging the election, and we are glad that today they have reiterated their commitment to using the appropriate legal dispute-resolution procedures provided in Liberian law. Complaints filed by these parties remain under consideration by the National Election Commission. The Carter Center's election observation mission has been observing the proceedings and will continue to follow the process.

The Carter Center encourages all political parties to continue to use the existing electoral dispute-resolution mechanisms. The parties should allow the dispute process, including any and all appeals, to proceed and should respect the final decisions of the adjudicating bodies.

"It is imperative that all political parties allow the NEC and the courts to fulfill their function in this process and respect the court's final decisions," Jason Carter, chairman of The Carter Center Board of Trustees, said following a press conference held today by political parties currently challenging the election.

The Carter Center released a statement two days after the election that covered its observations of election day, election preparations, and the campaign. The mission's findings were based on a long-term observation effort that began in 2016 and included the deployment of more than 50 international election observers in all of Liberia's 15 counties on election day. The mission remains in the country to observe the completion of the tabulation process and the adjudication of disputes.

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# NEWS

THE  
CARTER CENTER



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## **Carter Center Encourages Liberian Political Parties to Continue Reiterating Messages of Peace and Patience**

November 06, 2017

FOR IMMEDIATE RELEASE

MONROVIA — As today's Supreme Court ruling means a significant delay in the Liberian presidential run-off originally scheduled for Nov. 7, The Carter Center reiterates its call for all political parties to reaffirm their commitments to a peaceful process and ensure that their supporters maintain calm and exercise patience as they await resolution of electoral disputes.

All Liberians must remain committed to ensuring a peaceful democratic transition from one government to another. Although the timing for the remainder of the electoral process is now uncertain, and continued delays could raise concerns about constitutionally mandated timeframes, The Carter Center is encouraged by Liberian voices that have pledged to put Liberia first and ensure that the peace is upheld.

The Carter Center's election observation mission has been observing the proceedings before the National Election Commission and the Supreme Court. The Center notes that in the hearings to date, all parties to the complaints have been given sufficient time to prepare their cases and be heard before the adjudicating bodies. With one exception, the NEC has granted complainants' requests to submit documentary evidence and call witnesses. The Center further notes that delays in these proceedings have often been caused by the political parties themselves requesting additional time or not being fully prepared at the time of the hearing.

It is crucial that electoral dispute-resolution processes are evidence-based to allow for a credible assessment of the impact the alleged issues would have on the results and on the ability of the people to express their will. In this regard, the Center commends the NEC for ensuring transparency throughout the tabulation process and notes that the results by polling station have been posted on the NEC website for public scrutiny.

The Carter Center urges all political parties with pending disputes before the NEC or the Supreme Court to do their part to ensure efficiency in the process. Similarly, the Center urges the NEC and the Supreme Court to review all matters expeditiously.

The Center commends repeated calls by The Coalition for Democratic Change for its supporters to maintain the peace, allow the proper institutions to do their work, and wait for the run-off.

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As the public becomes aware of the implications of today's ruling and the further delays in the electoral calendar that it will cause, the potential for unrest increases. In this context, it is critical for all parties to reaffirm their commitment to a peaceful transition under the Farmington and Ganta declarations, to refrain from using inflammatory rhetoric, and to work with all election stakeholders to ensure that the people of Liberia understand the process. To avoid misinformation that calls into question the rule of law, The Carter Center urges all stakeholders to communicate clearly about the impact of these rulings and the fact that any decisions should be based on actual evidence presented to the tribunals.

On Oct. 10, the Liberian people demonstrated a clear desire for peace and a determination to express their will at the ballot box, turning out in high numbers. The election day observations of the Carter Center's mission were reported in a statement issued on Oct. 12. The mission remains in the country to observe the ongoing electoral dispute-resolution process and the run-off and will continue to report on its observations.

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## **Carter Center Preliminary Statement International Election Observation Mission to Liberia's Presidential Runoff Dec. 28, 2017**

*This is the Carter Center's preliminary report on the Dec. 26 voting and counting processes for Liberia's presidential runoff election. It is important to note that the election process is ongoing and that there are still important steps to be completed before the Center can provide an overall assessment.*

*The Carter Center has made seven previous statements about the electoral process in Liberia. This statement is limited to observations of the Dec. 26 polling and counting processes. Further reports addressing the tabulation process, the resolution of election disputes, and the post-election environment will follow, concluding in a comprehensive final report on the electoral process as a whole. These will provide additional detail and analysis of the electoral dispute-resolution process and the period between the first and second rounds of the presidential election.*

### **Preliminary Conclusions**

The Carter Center commends the people of Liberia for their patience, resolve, and peaceful participation in the Dec. 26 presidential runoff election, and the strong demonstration of their commitment to democratic governance and values. After a month of waiting, Liberians went to the polls amidst a holiday season. Carter Center observers reported that the runoff election was calm and peaceful and included notable improvements. Observers positively assessed the implementation of voting procedures on election day, while noting that lower turnout placed fewer strains on the process.

Because of the protracted hearing of a legal complaint, campaigning was extremely limited. Given the short time to prepare for the runoff, the National Election Commission (NEC) and polling staff performed admirably in administering the election. The election commission's interactions with political parties were at times contentious. Greater transparency and more consultation with key stakeholders would have improved confidence in the process and benefitted all sides.

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## **Background**

The Dec. 26 presidential runoff elections followed a first round of voting that took place on Oct. 10, 2017, during which 75.2 percent of Liberians patiently and peacefully expressed their will at the ballot box. On Oct. 19, the National Election Commission announced the first-round results, declaring that Ambassador George Weah had won 38.4 percent of the vote and Vice President Joseph Boakai had won 28.8 percent of the vote and would be contesting in the runoff.

In October, the NEC received a number of complaints related to the elections for the House of Representatives and the presidency. Complaints were addressed within the timeframes provided in the law, and complainants were given ample opportunity to be heard. However, at times, requests from complainants for additional time and numerous witnesses affected the efficiency of the process.

The presidential runoff was originally scheduled for Nov. 7, but preparations were put on hold by Liberia's Supreme Court to allow time to resolve disputes from the first round. The Liberty Party complaint, joined later by the Unity Party, was rejected by the Supreme Court. The NEC was required to proceed with the runoff elections after fulfilling several conditions set by the court to address difficulties faced in the first round. The Supreme Court issued its ruling verbally on Dec. 7, and in writing the following week. In line with the constitution, the NEC then called the runoff elections for Dec. 26.<sup>1</sup>

## **The Carter Center International Election Observation Mission in Liberia**

The Center's observation mission for the Dec. 26 presidential runoff election was led by Dr. Aminata Touré, former prime minister of Senegal, and Jordan Ryan, vice president of peace programs for The Carter Center. On Dec. 26, the Center deployed 45 observers from 24 countries. Carter Center observers visited 171 polling stations in all 15 counties to observe voting and counting. On Dec. 27, they began observation of the tabulation process. The Carter Center's long-term observers continue to monitor the ongoing tabulation process and finalization of official results. Carter Center representatives will remain in Liberia to observe the resolution of any post-election disputes.

## **Runoff Campaign**

The Liberty Party and Unity Party complaint reshaped the political landscape and dominated political discourse in the time between the two rounds. Initially, political activity centered on the two leading contenders' competition for the endorsements of the 18 other presidential candidates and Liberia's more than 20 other political parties. As the LP/UP electoral complaint gained traction, focus shifted to the political parties joining the legal challenge and calls for a re-run of the election.

The Supreme Court's suspension of election preparations caused an interruption in the campaign schedule, bringing a halt to all campaign activities. Although both parties continued to host

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<sup>1</sup> Article 83(b) of the constitution.

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occasional gatherings of 200-300 partisans in Monrovia, as well as small-scale campaign events in several counties, the parties largely seem to have complied with the pause of the campaign period. Once the new date for the runoff was set, the parties were given just under two weeks to campaign. The time allotted is in line with national legislation, but the interruption significantly impacted the momentum of the campaign. However, fundamental political rights were respected, and the campaign was peaceful.

As in the campaign period preceding the first round of voting, the most recent campaign period was focused more on individuals than on comparisons of political visions or policy agendas. Candidate debates were not held in advance of the runoff. The lack of substantive campaigns limited the electorate's ability to expand their understanding of the candidates and their platforms.

### **Electoral Preparations for the Presidential Runoff**

In advance of the runoff that was originally anticipated in November, the NEC was proactive in addressing issues that occurred during the first round, including taking steps to address long lines and difficulties with voters finding their polling place within a precinct. The NEC recruited and trained additional queue controllers, increased the signage at polling precincts, and equipped precinct staff with devices for checking the voter list.

Following the Dec. 7 Supreme Court ruling on the joint Liberty Party and Unity Party complaint, the NEC was mandated to take additional steps to improve confidence in the integrity of the process. These steps included, among others, a "full clean-up" of the final registration roll (FRR) to remove duplicate registrations and identical voter ID numbers, public display of the roll at each polling center in advance of the elections, and new restrictions that limited the use of the supplemental voter list so that only those mentioned in the NEC's procedures could vote at a polling center other than their place of registration (i.e. poll workers, police/security personnel, and drivers of international observer missions).

With the assistance of a technical team from the Economic Community of West African States (ECOWAS), the NEC undertook a further review of the final registration roll and rectified repeated voter ID numbers, as well as a small number of duplicate registration entries. Following the review, 361 entries were deleted and 420 new IDs were issued to persons registered with duplicate voter ID numbers.<sup>2</sup> The NEC was able to post the voter lists for public review at polling places across the country, although incidents of lists being torn down or damaged were observed. The day before the election, voter lists were posted at all but two of the 139 polling precincts visited by Carter Center observers.

The Supreme Court also required the NEC to consult with the two political parties on how it planned to implement the full clean-up of the voter roll. While the actions taken by the NEC to address the deficiencies identified in the list were appropriate, its efforts would have benefited from greater transparency and consultation, which in turn could have increased the level of trust among stakeholders.

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<sup>2</sup> As presented by the NEC and the ECOWAS at an Inter-Party Consultative Committee meeting on Dec. 19.

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The postponement of the runoff election significantly hindered civic and voter education activities. Through the media, the country closely followed developments in the legal process, and many people were therefore aware of the runoff election date. However, the circumstances limited the opportunities for voter education activities on key topics, including the runoff procedures, the commission's efforts to address deficiencies in the voter lists, and the new restrictions on the use of supplemental voter lists.

As a result of the electoral dispute-resolution process and associated delays, the NEC had to halt, and then restart, training efforts for polling staff, and procedures had to be adjusted multiple times to reflect the Supreme Court instructions. Despite these late changes and the lack of a fully updated training manual for distribution to all polling places, Carter Center observers positively assessed the poll workers' compliance with procedures throughout the day.

### **Observations of the Polling and Counting Process of the Presidential Runoff Election**

Following the deployment of short-term observers, the Carter Center respectfully offers these observations:

The atmosphere at poll opening was calm, and the polls opened in an orderly manner. The measures the NEC implemented to address the difficulties in the first round were reported to have positively impacted queue management and the flow of voters. In all polling places observed by The Carter Center, staff adequately complied with procedures for the opening of stations, and almost all polling places opened on time or with short delay. Police and security were present and visible, reflecting an effort by the police to increase visibility.

While efforts were made by the NEC to accommodate persons with disabilities in ground-floor polling places, the vast majority of structures used for polling precincts were insufficient to allow independent access for persons with disabilities.

While lower turnout contributed to the efficient flow of voters, the NEC also put in place changes that improved the process. It added more queue controllers (observed in 81 percent of larger precincts), better signage (present in 94 percent of larger precincts), and devices for checking the voter roll (present in one-third of larger polling precincts visited). The posting of lists of voter ID numbers outside the polling places enabled queue controllers to direct voters to the correct polling place with few difficulties. Queue management was assessed positively in 97 percent of polling precincts observed. Carter Center observers reported that poll workers in 23 percent of polling places observed inadequately complied with procedures for checking for ink and that 4 percent of the ballot issuers did not adequately instruct voters or fold ballots. The implementation of procedures and the overall environment was assessed as "very good" or "reasonable" in almost 98 percent of polling places observed by The Carter Center.

The closing and counting process was assessed as "very good" or "reasonable" in all polling places observed. While counting procedures should be reviewed before future elections to ensure greater accountability and additional safeguards against fraud, Carter Center observers found that poll workers adhered to procedures in almost all cases. In four of 16 observations, seal numbers were not properly recorded, and in two polling places observed, there were issues with the reconciliation of the ballots. Despite a few incidents in which party agents raised concerns at the

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start of the counting process, Carter Center observers found the process to be smooth and calm throughout the country.

Contributing significantly to the transparency of the process, party agents from both CDC and UP were observed in 100 percent of polling places visited by The Carter Center. During polling, Carter Center observers learned of two complaints filed at polling places. Complaint forms were present in all polling places, and no party agent claimed to have been denied a complaint form – which was an issue of concern in the first round. Isolated incidents of misconduct were promptly addressed by election officials and the relevant authorities.

The Carter Center observed the start of the tabulation process in 12 out of the 15 counties. On the first day of the process, observers assessed the implementation of procedures as very good or reasonable in all tally centers observed. In the first round, Carter Center observers reported that some Record of the Count forms required corrections at the tally centers, but this has occurred much less often so far in this round.

While The Carter Center was pleased to see women exercising their democratic rights and expressing their will through the ballot box during the runoff election, Carter Center observers noted a lower percentage of women participating during this round. At polling stations observed by The Carter Center, women made up 46 percent of voters, 43 percent of staff, and only 26 percent of presiding officers. Political party agents also were predominantly men; observers noted only 25 percent women. UP fielded 28 percent women and CDC 23 percent women in the polling places observed.

For the runoff election, the Liberia Elections Observation Network (LEON), the Elections Coordinating Committee (ECC), and the Council of Churches recruited and trained observers. ECC said it had close to 500 observers reporting on election day, and LEON deployed just over 1,000. Both organizations issued reports on election day, contributing to the transparency of the process. The Carter Center noted citizen observers present in 42 percent of polling places visited.

### **Recommendations**

*While comprehensive recommendations for the improvement of the election process in advance of future elections will be provided in the Carter Center's final report, the Center takes this opportunity to highlight a few key areas. In particular, it recommends:*

- A full review of electoral legislation through an inclusive consultative process to address gaps and inconsistencies – with the goal of bringing the legal framework in line with international standards for democratic elections.
- A careful review of the timing of elections and the timeframes for resolving electoral disputes – with the aim of condensing this timeline and streamlining the hearing process, which is in line with international standards for an effective remedy.
- A thorough review of the voter registration system that builds on the experience of the electoral process.
- A more robust mechanism for stakeholder consultations and communication.

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- A concerted effort to increase women’s participation in the political process, through targeted voter education, recruitment as election staff, and the strengthening of requirements for their representation in political parties.
  - A strengthened training program for poll workers and the further elaboration of polling and counting procedures.
  - A stronger emphasis on civic and voter education, which was affected in the runoff by the dispute-resolution process and the stay on electoral activity.
  - A plan to ensure the equal access of marginalized groups to all parts of the political process and to reinforce their fundamental rights.

### **Background on The Carter Center in Liberia**

The Carter Center’s election observation work began with pre-election assessment teams that visited Liberia beginning in 2016, including one that observed the voter registration process in February and March of 2017. A core team of electoral experts and six long-term observers from five countries arrived in early August to assess electoral preparations. For the Oct. 10 presidential and House of Representatives election, the Center deployed 50 observers from 17 countries. They visited 145 polling stations in all 15 counties to observe voting and counting.

After the Oct. 10 election, the Center’s long-term observers and core team of experts remained deployed across Liberia to observe the ongoing tabulation process, immediate post-election period, and initial preparations for the presidential runoff. The Carter Center’s core team of electoral, political, and legal experts remained in Liberia to closely observe and report on all aspects of the electoral dispute-resolution process. The Carter Center issued two public statements during this time, commenting on the dispute-resolution process on Oct. 30 and Nov. 6. A Carter Center leadership team visited Monrovia in November to meet with key stakeholders.

Additional information about the Center’s observations, analysis, and recommendations related to the period between the first and second round of elections can be found in a comprehensive final report on Liberia’s electoral processes that The Carter Center will release in the coming months.

The Carter Center assesses elections against international standards for democratic elections contained in the host country’s international obligations and commitments and in its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005.

# Appendix F

# Election Observation Forms

 **Opening Liberia 2017** Liberia IEOM 2017



User/Team	
Observation Time	
1. County:	
2. Electoral district: <i>(The electoral district should be found in the polling precinct and polling places signs)</i>	
3. Polling precinct code:	
4. Is the precinct in an urban or rural area? <i>Urban: county capitals; Rural: outside county capitals.</i>	<b>Select One:</b> Urban      Rural
6. Number of polling places at the precinct: <i>If the precinct and the polling place are the same, please answer "1."</i>	
7. Were there obstacles or barriers on the way to the precinct that could have inhibited general access? <i>Examples of barriers might include distance from villages or a dysfunctional bridge.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #7 is equal to "Yes"</b>	
8. If 'yes', describe: <i>Describe the barriers to public access and to what extent it affected voter franchise.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct? <i>If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning      Prohibited campaign material Ineffective queue management      Intimidation      Trucking activities Violence      Significant disorder      Security (more than 2 agents)      Other None
<b>ANSWER ONLY IF Question #6 is greater than 1</b>	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning      Prohibited campaign material Ineffective queue management      Intimidation      Violence Significant disorder      Security (more than 2 agents)      Other      None
<b>ANSWER ONLY IF Question #6 is greater than 1</b>	
11. Polling place number:	
12. Start of Observation (polling place) (please use 24 hour clock): <i>For example: 6:00 pm should be 18:00 hrs.</i>	
13. Number of staff working at the polling place:	
14. Number of FEMALE staff present:	
15. If present, please indicate the presiding officer's gender: <i>If the presiding officer is not present now but comes back before your departure, please adjust this answer.</i>	<b>Select One:</b> Female      Male      Not observed
16. Number of registered voters: <i>(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)</i>	
17. Which, if any, prohibited or disruptive circumstances did you observe in the polling place? <i>Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning      Prohibited campaign material Ineffective queue management      Intimidation      Violence Significant disorder      Security (more than 2 agents)      Other      None
<b>ANSWER ONLY IF Question #17 does not include "None"</b>	
18. If any issues, please describe: <i>What were the prohibited/disruptive circumstances and how did they affect the process?</i>	
19. Were any of the following materials missing, insufficient, or incorrect?	<b>Select Multiple:</b> Ballot papers - president      Ballot papers - legislature      Indelible ink Tactile ballot guide      Ballot stamp      Tamper evident envelopes (TEE) Seals      Rubber bands      Batteries      Ballot box(es) Final Registration Roll/FRR      Addition to the FRR form      Solar lamp Complaint forms      Pens      VR card punch      Polling place journal Other      None
<b>ANSWER ONLY IF Question #19 includes "Other"</b>	
20. If 'other', please describe:	
<b>ANSWER ONLY IF Question #19 does not include "None"</b>	
21. If materials are missing, insufficient, or incorrect, please describe:	
22. Does the polling place appear to be accessible to physically challenged persons, including the elderly? <i>Could physically challenged persons access the polling place independently or with dignity?</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #22 is equal to "No"</b>	
23. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:	
24. Did the polling place open during your observation?	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #24 is equal to "No"</b>	
25. If 'no', please describe: <i>Why did the polling place fail to open on time?</i>	
<b>ANSWER ONLY IF Question #24 is equal to "Yes"</b>	
26. At what time did the polling place open? <i>(Polling should open at 08:00)</i>	
27. If the polling place opened MORE THAN [30] MINUTES late, what are the reasons for delay? <i>If the polling place opened less than 30 minutes late, check "not applicable"</i>	<b>Select Multiple:</b> Missing materials      Absent polling staff      Unrest      Other Not applicable

**ANSWER ONLY IF Question #27 includes "Other"**

28. If 'other', please describe:

29. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*

**Select One:**  
I have read and understand the definitions.

30. How closely did ROOM CONFIGURATION procedures adhere to regulations?

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #30 is equal to "Inadequately"**

31. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #30 is equal to "Not at all"**

32. Please describe the reasons for not choosing Fully or Adequately:

33. How closely did BALLOT INVENTORY procedures adhere to regulations?  
*Every polling place should have 550 ballots. The ballots should be counted and the starting and ending serial numbers recorded in the presiding officers worksheet.*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #33 is equal to "Inadequately"**

34. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #33 is equal to "Not at all"**

35. Please describe the reasons for not choosing Fully or Adequately:

36. How closely did EMPTY BALLOT BOX DEMONSTRATION adhere to regulations?

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #36 is equal to "Inadequately"**

37. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #36 is equal to "Not at all"**

38. Please describe the reasons for not choosing Fully or Adequately:

39. How closely did EMPTY BALLOT BOX SEALING procedure adhere to regulations?

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #39 is equal to "Inadequately"**

40. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #39 is equal to "Not at all"**

41. Please describe the reasons for not choosing Fully or Adequately:

42. How closely did the READING OF SEAL NUMBERS adhere to regulations?  
*(The presiding officer should read aloud the seal numbers to allow agents and observers to record these numbers and record them in the "Record of the seals form". Agents should be invited to sign the form)*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #42 is equal to "Inadequately"**

43. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #42 is equal to "Not at all"**

44. Please describe the reasons for not choosing Fully or Adequately:

45. How closely did the RECORDING OF SEAL NUMBERS adhere to regulations?  
*(The presiding officer should record the seal numbers in the "Record of the seals form". Agents should be invited to sign the form)*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #45 is equal to "Inadequately"**

46. Please describe the reasons for not choosing Fully or Adequately

**ANSWER ONLY IF Question #45 is equal to "Not at all"**

47. Please describe the reasons for not choosing Fully or Adequately

48. Which parties/candidates were represented by agents?

**Select Multiple:**  
ANC female agent    ANC male agent    ALP female agent  
ALP male agent    CDC female agent    CDC male agent  
LP female agent    LP male agent    UP female agent    UP male agent  
Independent cand. fem. agent    Independent cand. male agent  
Other male agents    Other female agents

**ANSWER ONLY IF Question #48 includes "Other female agents"**

49. If "other female agent," which party did she represent?

**ANSWER ONLY IF Question #48 includes "Other male agents"**

50. If "other male agent," which party did he represent?

51. Which election observation groups were present?

**Select Multiple:**  
LEON female citizen observer    LEON male citizen observer  
ECC female citizen observer    ECC male citizen observer  
Other female observer    Other male observer

**ANSWER ONLY IF Question #51 includes "Other female observer"**

52. If "other female" observer, which organization did she represent?

**ANSWER ONLY IF Question #51 includes "Other male observer"**

53. If "other male" observer, which organization did he represent?

54. Which, if any, of the following groups did not have sufficient access to the process?

*Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations: not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.*

**Select Multiple:**  
Candidate/Party agents    International observers    Citizen observers  
Polling staff    Media    Other    None    Not applicable

**ANSWER ONLY IF Question #54 does not include "None"**

55. If any, please describe:

*How were groups denied access and what was the impact?*

56. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups interfered (negatively)?

Select 'None' if no interference was observed.

**Select Multiple:**

Candidate/Party agents	International observers	Citizen observers	
Polling staff	Media	Voters	Security
Local government officials	Religious/traditional leaders/chiefs	Other	
None	Not applicable		

**ANSWER ONLY IF Question #56 does not include "None"**

57. If any interference, please describe:

*How were groups causing interference and what was the impact?*

58. Were there any officially lodged complaints?

If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.

**Select One:**

Yes No

**ANSWER ONLY IF Question #58 is equal to "Yes"**

59. If 'yes', please describe:

*Who filed complaints? What were the reasons? How were they addressed?*

**ANSWER ONLY IF Question #58 is equal to "Yes"**

60. If "yes," how were complaints recorded?

**Select Multiple:**

Polling place journal Election complaint form  
Verbally reported but not written down.

61. Were there any problems reported to you by those present rather than those observed directly by you?

*(e.g., agents, observers, voters)*

**Select One:**

Yes No

**ANSWER ONLY IF Question #61 is equal to "Yes"**

62. If 'yes,' please describe:

*Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.*

63. How would you evaluate party/candidate agents' performance?

**Select One:**

Appropriate Inappropriate Not observed/observable Inadequate

**ANSWER ONLY IF Question #63 is equal to "Inappropriate"**

64. Please describe the reasons for not choosing Appropriate:

65. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

66. End of Observation (polling place):

67. What is your team's evaluation of the implementation of procedures by staff at this polling place?

*This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*

**Select One:**

Very Good Reasonable Poor Not Credible

**ANSWER ONLY IF Question #67 is equal to "Poor"**

68. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #67 is equal to "Not Credible"**

69. What were the main reasons for not choosing Very Good or Reasonable?

70. Before moving ahead, please review the following definitions regarding the overall assessment of the OPENING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE - Observed problems did not affect significantly the integrity or transparency of the opening process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the process: Errors in implementing opening procedures; Polling staff subject to intimidation or interference; Observers restricted. NOT CREDIBLE - Observed problems with the opening likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

71. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good Reasonable Poor Not Credible

**ANSWER ONLY IF Question #71 is equal to "Poor"**

72. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #71 is equal to "Not Credible"**

73. What were the main reasons for not choosing Very Good or Reasonable?

74. Any other comments?

User/Team

Observation Time

1. County:

2. Electoral district:

*(The electoral district should be found in the polling precinct and polling places signs)*

3. Polling precinct code:

4. Is the precinct in an urban or rural area?

**Select One:**

*Urban: county capitals; Rural: outside county capitals.*

Urban Rural

6. Number of polling places at the precinct:

*If the precinct and the polling place are the same, please answer "1."*

7. Were there obstacles or barriers on the way to the precinct that could have inhibited general access?

**Select One:**

Yes No

*Examples of barriers might include distance from villages or a dysfunctional bridge.*

**ANSWER ONLY IF Question #7 is equal to "Yes"**

8. If 'yes', describe:

*Describe the barriers to public access and to what extent it affected voter franchise.*

9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct?

**Select Multiple:**

*If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.*

Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Trucking activities  
Violence Significant disorder Security (more than 2 agents) Other  
None

**ANSWER ONLY IF Question #6 is greater than 1**

10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)?

**Select Multiple:**

*Select "None" if you did not observe any prohibited or disruptive circumstances.*

Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Violence  
Significant disorder Security (more than 2 agents) Other None

**ANSWER ONLY IF Question #6 is greater than 1**

11. Polling place number:

12. Start of Observation (polling place) (please use 24 hour clock):

*For example: 6:00 pm should be 18:00 hrs.*

13. Number of staff working at the polling place:

14. Number of FEMALE staff present:

15. If present, please indicate the presiding officer's gender:

**Select One:**

*If the presiding officer appears before departure, please adjust this answer.*

Female Male

16. Number of registered voters:

*(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)*

17. Approximate number of voters who have voted by time of arrival:

*If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer, other staff, party agent or citizen observer to estimate the number of voters or calculate by other means.*

18. Number of voters who were added to the "addition to the FRR form" by time of arrival:

*Please ask to see the "addition to the FRR form" and note how many names have been added.*

19. Which, if any, prohibited or disruptive circumstances did you observe in the polling place?

**Select Multiple:**

*Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe any prohibited or disruptive circumstances.*

Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Violence  
Significant disorder Security (more than 2 agents) Other None

**ANSWER ONLY IF Question #19 does not include "None"**

20. If any issues, please describe:

*What were the prohibited/disruptive circumstances and how did they affect the process?*

21. Were any of the following materials missing, insufficient, or incorrect?

**Select Multiple:**

Ballot papers - president Ballot papers - legislature Indelible ink  
Tactile ballot guide Ballot stamp Tamper evident envelopes (TEE)  
Seals Rubber bands Batteries Ballot box(es)  
Final Registration Roll/FRR Addition to the FRR form Solar lamp  
Complaint forms Pens VR card punch Polling place journal  
Other None

**ANSWER ONLY IF Question #21 includes "Other"**

22. If 'other', please describe:

**ANSWER ONLY IF Question #21 does not include "None"**

23. If materials are missing, insufficient, or incorrect, please describe:

24. Does the polling place appear to be accessible to physically challenged persons, including the elderly?

**Select One:**

*Could physically challenged persons access the polling place independently or with dignity?*

Yes No

**ANSWER ONLY IF Question #24 is equal to "No"**

25. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:

26. Were the legislative ballots missing, insufficient, or incorrect?

**Select One:**

Yes No

**ANSWER ONLY IF Question #26 is equal to "Yes"**

27. If errors, please check type of error

**Select Multiple:**

missing candidates incorrect ballot (wrong district)  
missing serial number at top unclear / poorly printed Other

28. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.  
**FULLY** - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. **ADEQUATELY** - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. **INADEQUATELY** - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). **NOT AT ALL** - The procedure was omitted or was not followed meaningfully. **NOT OBSERVED** - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

**Select One:** I have read and understand the definitions.

29. How closely did CHECKING FOR INK procedures adhere to regulations?  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #29 is equal to "Inadequately"**

30. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #29 is equal to "Not at all"**

31. Please describe the reasons for not choosing Fully or Adequately:  
*For the first round the thumb was inked and for the second round the little finger will be inked. The checking often takes place just outside the door of the polling place.*

32. Were voters found in the Final Registration Roll (FRR)?  
**Select One:** Always Mostly Sometimes Never

**ANSWER ONLY IF Question #32 is not equal to "Always"**

33. Was a SMS search conducted for voters not found in the FRR?  
*(The presiding officer, in addition to the voter, will carry out a Short Messaging Service (SMS), via cellular phone, to confirm and further check the database for the voter's particulars, in areas with cellular phone connectivity)*  
**Select One:** Yes No No cell phone coverage

**ANSWER ONLY IF Question #33 is equal to "No"**

34. Describe the reasons for not conducting the search:

**ANSWER ONLY IF Question #33 is equal to "Yes"**

35. Were voters particulars found after the search?  
**Select One:** Always Mostly Sometimes Never

36. Were voters with a valid VR card not found in the FRR added to the column "missing voters" of the "Addition to the FRR form"?  
*(Ask the presiding officer or the voter identification officer for that information)*  
**Select One:** Yes No

**ANSWER ONLY IF Question #36 is equal to "Yes"**

37. How many voters were added to the "Addition to the FRR form" during your observation?

**ANSWER ONLY IF Question #36 is not equal to "Yes"**

38. If no, please explain:

39. How closely did VOTER IDENTIFICATION procedures adhere to regulations?  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #39 is equal to "Inadequately"**

40. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #39 is equal to "Not at all"**

41. Please describe the reasons for not choosing Fully or Adequately:

42. How closely was the MARKING OF NAMES IN THE FRR procedure completed?  
*(Each entry in the FRR has a box "voted" for polling staff to mark it once the voter is identified)*  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #42 is equal to "Inadequately"**

43. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #42 is equal to "Not at all"**

44. Please describe the reasons for not choosing Fully or Adequately:

45. How closely did the GENDER DATA CAPTURING procedure adhere to regulations?  
*The voter identification officer checks either male or female box on the "Gender data capturing sheet"*  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #45 is equal to "Inadequately"**

46. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #45 is equal to "Not at all"**

47. Please describe the reasons for not choosing Fully or Adequately:

48. Number of female voters as recorded in the gender data capturing sheet:

49. Number of male voters as recorded in the gender data capturing sheet:

50. How closely did the PUNCHING OF THE VOTER CARD adhere to regulations?  
*The voter identification officer punches the VR card. For the first round it was punched on the upper left hand corner. For the run-off, the card will be punched on the upper right hand corner.*  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #50 is equal to "Inadequately"**

51. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #50 is equal to "Not at all"**

52. Please describe the reasons for not choosing Fully or Adequately:

53. How closely did BALLOT STAMPING procedures adhere to regulations?  
*Please pay close attention to the stamping process.*  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #53 is equal to "Inadequately"**

54. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #53 is equal to "Not at all"**

55. Please describe the reasons for not choosing Fully or Adequately:

56. How closely did BALLOT ISSUING/VOTER INSTRUCTION procedures adhere to regulations?  
*The ballot issuer officer should give the voter one ballot stamped and pre-folded and inform the voter about the method of voting. He/she must ensure his/her explanation is completely impartial, and should not point to the ballot paper as it may appear that he/she is guiding the voter's choice of candidate.*  
**Select One:** Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #56 is equal to "Inadequately"**

57. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #56 is equal to "Not at all"**

58. Please describe the reasons for not choosing Fully or Adequately:

59. How closely did the INKING OF VOTER FINGER procedure adhere to Regulations?

*The inker/ballot box controller should apply the indelible ink in the cuticle of the voter's left-hand little finger.*

**Select One:**

Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #59 is equal to "Inadequately"**

60. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #59 is equal to "Not at all"**

61. Please describe the reasons for not choosing Fully or Adequately:

62. How closely did BALLOT CASTING procedures adhere to regulations?

*The ballot issuer officer should direct the voter to a vacant voting screen and ensures that only one voter goes into one voting screen at a time, unless the voter has requested assisted voting.*

**Select One:**

Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #62 is equal to "Inadequately"**

63. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #62 is equal to "Not at all"**

64. Please describe the reasons for not choosing Fully or Adequately:

65. How closely did ASSISTED VOTING procedures adhere to regulations?

*A voter who is illiterate or physically disabled may request the assistance of a friend, relative or other voter present to assist him or her to mark the ballot. Polling staff are not allowed to assist voters. The person assisting must assist one voter only on polling day and be a registered voter. The person shall go with the voter to an unoccupied voting screen and help him/her in the preparation and marking of his/her ballot.*

**Select One:**

Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #65 is equal to "Inadequately"**

66. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #65 is equal to "Not at all"**

67. Please describe the reasons for not choosing Fully or Adequately:

68. Were voters who requested/needed it provided with a tactile ballot guide (TBG)?

*Visually impaired voters have the option to use a tactile ballot guide, enabling them to vote without assistance. The ballot issuer officer should insert the ballot in the TBG and explain voter how to make the mark.*

**Select One:**

Always Mostly Sometimes Never Not observed

**ANSWER ONLY IF Question #68 is not equal to "Always"**

69. Please describe the reasons for not choosing "Always"

70. How many times was the tactile ballot guide (TBG) used during your observation?

71. Which, if any, of the following ineligible voters were allowed to vote during your observation?

**Select Multiple:**

Persons with old VR cards Voters with spoiled ballots  
Voters already inked Unauthorised security personnel  
Voters improperly assisted Persons without VR cards  
Voters already marked in the FRR Underage persons Other None

**ANSWER ONLY IF Question #71 does not include "None"**

72. Please describe, including any 'others' noted

73. Which, if any, of the following eligible voters were NOT allowed to vote?

**Select Multiple:**

Persons with a valid VR card Citizen observers Polling staff  
Security personnel - authorized NEC members Party/candidate agents  
Journalists - national Other None

**ANSWER ONLY IF Question #73 does not include "None"**

74. Please describe, including any 'others' noted:

75. Are ballot boxes correctly sealed?

*All seals should be correctly applied and ballot boxes should be secure from tampering.*

**Select One:**

Yes No

**ANSWER ONLY IF Question #75 is equal to "No"**

76. For the ballot boxes, describe if 'no'

77. Are additional polling materials secured from potential theft or misuse?

*Additional materials should be stored compactly and out of the way of traffic in the polling place. Disorganized or poorly stored materials are vulnerable to tampering.*

**Select One:**

Yes No

**ANSWER ONLY IF Question #77 is equal to "No"**

78. For the additional polling materials, describe if 'no'

79. Is the polling place layout in accordance with procedures?

*The polling place should be arranged in such a way that it allows an orderly and efficient flow of voters during the election.*

**Select One:**

Yes No

**ANSWER ONLY IF Question #79 is equal to "No"**

80. For the polling place layout and procedures, describe if 'no'

81. Does the polling place layout effectively facilitate the flow of voters?

*The layout should allow voters to move through the process without skipping steps or crossing paths with other parts of the queue.*

**Select One:**

Yes No

**ANSWER ONLY IF Question #81 is equal to "No"**

82. For the polling place layout and the flow of voters, describe if 'no'

83. Are voters able to cast their ballots in secret?

*Secrecy of the ballot should not be undermined or violated because of crowding or exposed booths.*

**Select One:**

Yes No

**ANSWER ONLY IF Question #83 is equal to "No"**

84. For casting ballots in secret, describe if 'no'

85. How long did a typical voter have to wait in the queue before entering the polling place?

*If there is no queue, enter 0, otherwise, ask the second or third voter in line how long they have waited so far to inform your estimate. Provide your answer in minutes. For example, if a voter waited 1.5 hours, enter 90 (minutes).*

86. How long did it take a typical voter to complete the voting process once they entered the polling place? <i>The voting process begins when the voter enters the polling place and ends when the voter has cast his or her ballot and is able to leave the polling place. Watch two or three voters carry out the voting process, and provide an estimate in minutes of how long the process took.</i>	
87. Which, if any, of the following irregularities did you observe?	<b>Select Multiple:</b> Multiple voting      Ballot stuffing      Interruption of voting Voter intimidation      Illicit assistance      Family voting Possible vote buying/selling      Violation of secrecy of the ballot      Other None
<b>ANSWER ONLY IF Question #87 does not include "None"</b>	
88. If any irregularities, please describe: <i>Please comment on the frequency and severity of the irregularities, noting the extent of their impact on the voting process.</i>	
89. Which parties/candidates were represented by agents?	<b>Select Multiple:</b> ANC female agent      ANC male agent      ALP female agent ALP male agent      CDC female agent      CDC male agent LP female agent      LP male agent      UP female agent      UP male agent Independent cand. fem. agent      Independent cand. male agent Other male agents      Other female agents
<b>ANSWER ONLY IF Question #89 includes "Other female agents"</b>	
90. If "other female agent," which party did she represent?	
<b>ANSWER ONLY IF Question #89 includes "Other male agents"</b>	
91. If "other male agent," which party did he represent?	
92. Which election observation groups were present?	<b>Select Multiple:</b> LEON female citizen observer      LEON male citizen observer ECC female citizen observer      ECC male citizen observer Other female observer      Other male observer
<b>ANSWER ONLY IF Question #92 includes "Other female observer"</b>	
93. If "other female" observer, which organization did she represent?	
<b>ANSWER ONLY IF Question #92 includes "Other male observer"</b>	
94. If "other male" observer, which organization did he represent?	
95. Which, if any, of the following groups did not have sufficient access to the process? <i>Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations; not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.</i>	<b>Select Multiple:</b> Candidate/Party agents      International observers      Citizen observers Polling staff      Media      Other      None      Not applicable
<b>ANSWER ONLY IF Question #95 does not include "None"</b>	
96. If any, please describe: <i>How were groups denied access and what was the impact?</i>	
97. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups interfered (negatively)? <i>Select 'None' if no interference was observed.</i>	<b>Select Multiple:</b> Candidate/Party agents      International observers      Citizen observers Polling staff      Media      Voters      Security Local government officials      Religious/traditional leaders/chiefs      Other None      Not applicable
<b>ANSWER ONLY IF Question #97 does not include "None"</b>	
98. If any interference, please describe: <i>How were groups causing interference and what was the impact?</i>	
99. Were there any officially lodged complaints? <i>If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #99 is equal to "Yes"</b>	
100. If 'yes', please describe: <i>Who filed complaints? What were the reasons? How were they addressed?</i>	
<b>ANSWER ONLY IF Question #99 is equal to "Yes"</b>	
101. If "yes," how were complaints recorded?	<b>Select Multiple:</b> Polling place journal      Election complaint form Verbally reported but not written down.
102. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #102 is equal to "Yes"</b>	
103. If 'yes,' please describe: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
104. How would you evaluate voters' understanding of voting procedures?	<b>Select One:</b> Adequate      Inadequate      Not observed/observable
<b>ANSWER ONLY IF Question #104 is equal to "Inadequate"</b>	
105. Please describe the reasons for not choosing Adequate:	
106. How would you evaluate party/candidate agents' performance?	<b>Select One:</b> Appropriate      Inappropriate      Not observed/observable      Inadequate
<b>ANSWER ONLY IF Question #106 is equal to "Inappropriate"</b>	
107. Please describe the reasons for not choosing Appropriate:	
108. End of Observation (polling place):	

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109. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

110. What is your team's evaluation of the implementation of procedures by staff at this polling place?

*This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #110 is equal to "Poor"**

111. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #110 is equal to "Not Credible"**

112. What were the main reasons for not choosing Very Good or Reasonable?

113. Before moving ahead, please review the following definitions regarding the overall assessment of the ELECTION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - The environment and process fully allowed voters to exercise freely their right to vote. The process was fully transparent. REASONABLE - The environment and process were acceptable in ensuring that voters could freely exercise their right to vote. Any observed problems did not affect significantly the integrity or transparency of the process. POOR - For some voters, the environment or process was not conducive to the free exercise of the right to vote, equality, or transparency.*

*Observed problems may have compromised the integrity of the process. NOT CREDIBLE - The environment or the process prevented voters from freely exercising their right to vote or affected the fairness of polling. Observed problems likely compromised the integrity of the polling process.*

**Select One:**

I have read and understand the definitions.

114. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #114 is equal to "Poor"**

115. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #114 is equal to "Not Credible"**

116. What were the main reasons for not choosing Very Good or Reasonable?

117. Any other comments?

**Closing/Counting Liberia 2017** Liberia IEOM 2017



User/Team \_\_\_\_\_

Observation Time \_\_\_\_\_

1. County: \_\_\_\_\_

2. Electoral district: \_\_\_\_\_  
*(The electoral district should be found in the polling precinct and polling places signs)*

3. Is the precinct in an urban or rural area? **Select One:**  
Urban Rural

4. Number of polling places at the precinct: \_\_\_\_\_  
*If the precinct and the polling place are the same, please answer "1."*

6. Were there obstacles or barriers on the way to the precinct that could have inhibited general access? **Select One:**  
Yes No  
*Examples of barriers might include distance from villages or a dysfunctional bridge.*

**ANSWER ONLY IF Question #6 is equal to "Yes"**

7. If 'yes', describe: \_\_\_\_\_  
*Describe the barriers to public access and to what extent it affected voter franchise.*

8. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct? **Select Multiple:**  
*If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.*  
Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Trucking activities  
Violence Significant disorder Security (more than 2 agents) Other  
None

**ANSWER ONLY IF Question #5 is greater than 1**

9. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)? **Select Multiple:**  
*Select "None" if you did not observe any prohibited or disruptive circumstances.*  
Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Violence  
Significant disorder Security (more than 2 agents) Other None

**ANSWER ONLY IF Question #5 is greater than 1**

10. Polling place number: \_\_\_\_\_

11. Start of Observation (polling place) (please use 24 hour clock): \_\_\_\_\_  
*For example: 6:00 pm should be 18:00 hrs.*

12. Number of staff working at the polling place: \_\_\_\_\_

13. Number of FEMALE staff present: \_\_\_\_\_

14. If present, please indicate the presiding officer's gender: **Select One:**  
*If the presiding officer appears before departure, please adjust this answer.*  
Female Male

15. Number of registered voters: \_\_\_\_\_  
*(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)*

16. Number of female voters as recorded in the gender data capturing sheet: \_\_\_\_\_

17. Number of male voters as recorded in the gender data capturing sheet: \_\_\_\_\_

18. Approximate number of voters who have voted: \_\_\_\_\_

19. Number of voters who were added to the "addition to the FRR form:" \_\_\_\_\_

20. Which, if any, prohibited or disruptive circumstances did you observe in the polling place? **Select Multiple:**  
*Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe any prohibited or disruptive circumstances.*  
Prohibited campaigning Prohibited campaign material  
Ineffective queue management Intimidation Violence  
Significant disorder Security (more than 2 agents) Other None

**ANSWER ONLY IF Question #20 does not include "None"**

21. If any issues, please describe: \_\_\_\_\_  
*What were the prohibited/disruptive circumstances and how did they affect the process?*

22. Were any of the following materials missing, insufficient, or incorrect? **Select Multiple:**  
Ballot papers - president Ballot papers - legislature Indelible ink  
Tactile ballot guide Ballot stamp Tamper evident envelopes (TEE)  
Seals Rubber bands Batteries Ballot box(es)  
Final Registration Roll/FRR Addition to the FRR form Solar lamp  
Complaint forms Pens VR card punch Polling place journal  
Other None

**ANSWER ONLY IF Question #22 includes "Other"**

23. If 'other', please describe: \_\_\_\_\_

**ANSWER ONLY IF Question #22 does not include "None"**

24. If materials are missing, insufficient, or incorrect, please describe: \_\_\_\_\_

25. Does the polling place appear to be accessible to physically challenged persons, including the elderly? **Select One:**  
*Could physically challenged persons access the polling place independently or with dignity?*  
Yes No

**ANSWER ONLY IF Question #25 is equal to "No"**

26. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons: \_\_\_\_\_

27. Did you observe the official closing of the polling place? **Select One:**  
*Generally, a polling place is closed when announced by the presiding officer. Depending on regulations and implementation, it may be distinct from the time of the last vote.*  
Yes No

**ANSWER ONLY IF Question #27 is equal to "No"**

28. If 'no', please describe: \_\_\_\_\_

29. At what time was the closing of the polling place announced? \_\_\_\_\_

30. Approximately how many voters were waiting in the queue at the time of closing? **Select One:**  
0 1-10 11-25 26-50 51-100 More than 100

31. Did you observe the last vote at the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #31 is equal to "Yes"</b>	
32. If 'yes', at what time did the last voter vote?	
33. Were all eligible persons in the queue at the time of closing allowed to vote?	<b>Select One:</b> Yes No Not observed
<b>ANSWER ONLY IF Question #31 is equal to "Yes"</b>	
34. Were any and all voters prevented from joining the queue after closing?	<b>Select One:</b> Yes No Not observed
35. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. <i>FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.</i>	
36. How closely did the CLOSING ANNOUNCEMENT procedures adhere to regulations? At 18:00, the precinct presiding officer instructs the voting precinct queue controller to ensure that all voters in the voting precinct have joined the voting precinct queue. If the voting precinct does not have a door, or, if the queue is too large to fit inside the voting precinct, the queue controller stands at the end of the line and ensures that no voter attempts to join the queues after 18:00.	<b>Select One:</b> Fully Adequately Inadequately Not at all Not observed
<b>ANSWER ONLY IF Question #36 is equal to "Inadequately"</b>	
37. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #36 is equal to "Not at all"</b>	
38. Please describe the reasons for not choosing Fully or Adequately:	
39. How closely did the QUEUE MANAGEMENT procedures adhere to regulations? The queue controller stands at the end of the line and ensures that no voter attempts to join the queues after 18:00.	<b>Select One:</b> Fully Adequately Inadequately Not at all Not observed
<b>ANSWER ONLY IF Question #39 is equal to "Inadequately"</b>	
40. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #39 is equal to "Not at all"</b>	
41. Please describe the reasons for not choosing Fully or Adequately:	
42. How closely did the SEALING OF BALLOT BOXES SLOTS adhere to regulations? The presiding officer seals the slots of the ballot boxes	<b>Select One:</b> Fully Adequately Inadequately Not at all Not observed
<b>ANSWER ONLY IF Question #42 is equal to "Inadequately"</b>	
43. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #42 is equal to "Not at all"</b>	
44. Please describe the reasons for not choosing Fully or Adequately:	
45. How closely did the RECORDING OF SEAL NUMBERS procedures adhere to regulations? The presiding officer records the number of seals in the Record of Seals Form and ask agents to sign it.	<b>Select One:</b> Fully Adequately Inadequately Not at all Not observed/observable
<b>ANSWER ONLY IF Question #45 is equal to "Inadequately"</b>	
46. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #45 is equal to "Not at all"</b>	
47. Please describe the reasons for not choosing Fully or Adequately:	
48. How closely did the SECURING OF SENSITIVE POLLING MATERIALS procedures adhere to regulations?	<b>Select One:</b> Fully Adequately Inadequately Not at all Not observed
<b>ANSWER ONLY IF Question #48 is equal to "Inadequately"</b>	
49. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #48 is equal to "Not at all"</b>	
50. Please describe the reasons for not choosing Fully or Adequately:	
51. Did the presiding officer reconcile the number of spoiled, discarded and unused ballot papers and calculate the number of ballots in the ballot box?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #51 is equal to "No"</b>	
52. If no, please describe what the polling place staff did to reconcile the ballots?	
53. Number of ballots received:	
54. Number of discarded ballots:	
55. Number of unused ballots:	
56. Number of ballots in box:	
57. Number of invalid ballots:	
58. Number of valid ballots:	
59. Number of spoiled ballots:	
60. Number of ballots received (House of representatives elections):	
61. Number of discarded ballots (House of representatives elections):	
62. Number of unused ballots (House of representatives elections):	
63. Number of ballots in box (House of representatives elections):	
64. Number of invalid ballots (House of representatives elections):	
65. Number of valid ballots received (House of representatives elections):	
66. Number of spoiled ballots (House of representatives elections):	
67. Number of votes for UREY, BENONI WILFRED, ALP	
68. Number of votes for CUMMINGS, ALEXANDER B. ANC Candidate:	

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69. Number of votes for MCINTOSH, WENDELL J. E., CDA candidate:

70. Number of votes for WEAH, GEORGE MANNEH, CDC Candidate:

71. Number of votes for WILES, ISAAC GBOMBADEE, DJP Candidate:

72. Number of votes for BRUMSKINE, CHARLES WALKER, LP Candidate:

73. Number of votes for FAHNBULLEH, JR, HENRY BOIMA, LPP Candidate:

74. Number of votes for COOPER, MACDELLA M., LRP Candidate:

75. Number of votes for SANDY, KENNEDY GBLEYAH, LTP Candidate:

76. Number of votes for JOHNSON, PRINCE Y., MDR Candidate:

77. Number of votes for JONES, JOSEPH MILLS, MOVEE Candidate:

78. Number of votes for FREEMAN, SIMEON C. M., MPC Candidate:

79. Number of votes for TUIDER, WILLIAM WIAH, NLP Candidate:

80. Number of votes for DWEH, SR., GEORGE SLUWER, RDC Candidate:

81. Number of votes for BOAKAI, JOSEPH NYUMA, UP Candidate:

82. Number of votes for WENTO, MACDONALD A., UPP Candidate:

83. Number of votes for MATOR, YARKPAJUWUR N., Independent candidate:

84. Number of votes for WHAPOE, JEREMIAH Z., VOLT Candidate:

85. Number of votes for COOPER, OSCAR, Independent Candidate:

86. Number of votes for KPADEH, Aloysius William, Independent Candidate:

87. Number of votes for ALP Candidate:

88. Number of votes for ANC Candidate:

89. Number of votes for CDC Candidate:

90. Number of votes for DJP Candidate:

91. Number of votes for GDLP Candidate:

92. Number of votes for LFP Candidate:

93. Number of votes for LINU Candidate:

94. Number of votes for LP Candidate:

95. Number of votes for LPP Candidate:

96. Number of votes for LRP Candidate:

97. Number of votes for LTP Candidate:

98. Number of votes for MDR Candidate:

99. Number of votes for MOVEE Candidate:

100. Number of votes for MPC Candidate:

101. Number of votes for NLP Candidate:

102. Number of votes for PUP Candidate:

103. Number of votes for RDC Candidate:

104. Number of votes for TWP Candidate:

105. Number of votes for UP Candidate:

106. Number of votes for UPP Candidate:

107. Number of votes for VOLT Candidate:

108. Number of votes for other candidates:  
*Note IND 1 or IND 2 and respective vote share for independent candidates.*

109. How closely did the RECONCILIATION OF BALLOT ACCOUNTS procedures adhere to regulations?  
*(The presiding officer writes down the number of ballot papers taken from the ballot box in the worksheet. If there are discrepancies with the numbers as per the reconciliation of unused/spoiled/discarded ballots, s/he should inform the agents present note the discrepancy and continue with the sorting and counting of the ballots).*

	<b>Select One:</b>				
	Fully	Adequately	Inadequately	Not at all	Not observed

**ANSWER ONLY IF Question #109 is equal to "Inadequately"**

110. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #109 is equal to "Not at all"**

111. Please describe the reasons for not choosing Fully or Adequately:

112. How closely did BALLOT VERIFICATION AND SORTING adhere to regulations?  
*Polling staff should place ballots face down, check for the official stamp and count them in bundles of 50. Ballots with no stamps should be placed separately and counted as invalid. The presiding officer should start sorting the ballot papers into stacks or groupings according to the voter's choice of candidates, as well as, the stack or groupings for invalid ballot papers. S/he should show ballots to the agents present before placing them in the stack, but he/she should not give ballots or allow agents to touch the ballots).*

	<b>Select One:</b>			
	Fully	Adequately	Inadequately	Not at all
	Not observed/observable			

**ANSWER ONLY IF Question #112 is equal to "Inadequately"**

113. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #112 is equal to "Not at all"**

114. Please describe the reasons for not choosing Fully or Adequately:

115. How closely did the COMPLETION OF THE RECORD OF THE COUNT FORM procedure adhere to regulations?  
*The presiding officer should complete the record of the count form after completing the count.*

	<b>Select One:</b>				
	Fully	Adequately	Inadequately	Not at all	Not observed

**ANSWER ONLY IF Question #115 is equal to "Inadequately"**

116. Please describe the reasons for not choosing Fully or Adequately:

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**ANSWER ONLY IF Question #115 is equal to "Not at all"**

117. Please describe the reasons for not choosing Fully or Adequately:

118. Did agents have an opportunity to sign the record of the count?

**Select One:**

Yes No Not observed

**ANSWER ONLY IF Question #118 is equal to "No"**

119. If 'no', please describe:

120. Did any AGENTS decide not to sign the record of the count?

**Select One:**

Yes No Not observed

**ANSWER ONLY IF Question #120 is equal to "Yes"**

121. If 'yes', please describe:

*List which parties did not sign and reasons why.*

122. How closely did POSTING OF RESULTS at the polling place procedures adhere to regulations?

**Select One:**Fully Adequately Inadequately Not at all  
Not observed/observable**ANSWER ONLY IF Question #122 is equal to "Inadequately"**

123. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #122 is equal to "Not at all"**

124. Please describe the reasons for not choosing Fully or Adequately:

125. How closely did the PACKING OF MATERIALS adhere to regulations?

*The tamper-evident envelope 1 (TEE1) should contain the used / unused ballot papers and the discarded and spoiled ballot papers envelopes. The TEE2 should contain the FRR, the official stamp, unused ballot box seals and polling staff badges. The TEE3 should contain originals of the presiding officer's worksheet, the presiding officer's journal, and the presidential record of the count RC-01. Envelopes should not be sealed until the count is completed.***Select One:**

Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #125 is equal to "Inadequately"**

126. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #125 is equal to "Not at all"**

127. Please describe the reasons for not choosing Fully or Adequately:

128. Which parties/candidates were represented by agents?

**Select Multiple:**ANC female agent ANC male agent ALP female agent  
ALP male agent CDC female agent CDC male agent  
LP female agent LP male agent UP female agent UP male agent  
Independent cand. fem. agent Independent cand. male agent  
Other male agents Other female agents**ANSWER ONLY IF Question #128 includes "Other female agents"**

129. If "other female agent," which party did she represent?

**ANSWER ONLY IF Question #128 includes "Other male agents"**

130. If "other male agent," which party did he represent?

131. Which election observation groups were present?

**Select Multiple:**LEON female citizen observer LEON male citizen observer  
ECC female citizen observer ECC male citizen observer  
Other female observer Other male observer**ANSWER ONLY IF Question #131 includes "Other female observer"**

132. If "other female" observer, which organization did she represent?

**ANSWER ONLY IF Question #131 includes "Other male observer"**

133. If "other male" observer, which organization did he represent?

134. Which, if any, of the following groups did not have sufficient access to the process?

*Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations: not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.***Select Multiple:**Candidate/Party agents International observers Citizen observers  
Polling staff Media Other None Not applicable**ANSWER ONLY IF Question #134 does not include "None"**

135. If any, please describe:

*How were groups denied access and what was the impact?*

136. Did you observe any interference leading to negative impact on the election process? If so, which of the following groups interfered (negatively)?

*Select 'None' if no interference was observed.***Select Multiple:**Candidate/Party agents International observers Citizen observers  
Polling staff Media Voters Security  
Local government officials Religious/traditional leaders/chiefs Other  
None Not applicable**ANSWER ONLY IF Question #136 does not include "None"**

137. If any interference, please describe:

*How were groups causing interference and what was the impact?*

138. Were there any officially lodged complaints?

*If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.***Select One:**

Yes No

**ANSWER ONLY IF Question #138 is equal to "Yes"**

139. If "yes," how were complaints recorded?

**Select Multiple:**Polling place journal Election complaint form  
Verbally reported but not written down.**ANSWER ONLY IF Question #138 is equal to "Yes"**

140. If 'yes', please describe:

*Who filed complaints? What were the reasons? How were they addressed?*

141. Were there any problems reported to you by those present rather than those observed directly by you?

*(e.g., agents, observers, voters)***Select One:**

Yes No

---

**ANSWER ONLY IF Question #141 is equal to "Yes"**

142. If 'yes,' please describe:

*Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.*

143. How would you evaluate party/candidate agents' performance?

**Select One:**

Appropriate      Inappropriate      Not observed/observable      Inadequate

---

**ANSWER ONLY IF Question #143 is equal to "Inappropriate"**

144. Please describe the reasons for not choosing Appropriate:

145. End of Observation (polling place):

146. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF CLOSING AND COUNTING PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.  
REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process  
POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process*

**Select One:**

I have read and understand the definitions.

---

147. What is your team's evaluation of the implementation of procedures by staff at this polling place?

*This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*

**Select One:**

Very Good      Reasonable      Poor      Not Credible

---

**ANSWER ONLY IF Question #147 is equal to "Poor"**

148. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #147 is equal to "Not Credible"**

149. What were the main reasons for not choosing Very Good or Reasonable?

150. Before moving ahead, please review the following definitions regarding the overall assessment of the ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.  
REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process  
POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process*

**Select One:**

I have read and understand the definitions.

---

151. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

---

**ANSWER ONLY IF Question #151 is equal to "Poor"**

152. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #151 is equal to "Not Credible"**

153. What were the main reasons for not choosing Very Good or Reasonable?

154. Any other comments?

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User/Team

Observation Time

1. County:

2. Magisterial Office location:

4. Were there obstacles or barriers on the way to the tally center that could have inhibited general access?  
*Examples of barriers might include distance from villages or a dysfunctional bridge.*

**Select One:**  
Yes No

**ANSWER ONLY IF Question #4 is equal to "Yes"**

5. If "yes," describe:

*Describe barriers to access to public access and to what extent they affected the process.*

6. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center?  
*Select "None" if you did not observe any prohibited or disruptive circumstances.*

**Select Multiple:**  
Prohibited campaigning      Prohibited campaign material      Intimidation  
Unauthorised security personnel      Trucking activities      Violence  
Significant disorder      Other      None

7. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center?  
*Select "None" if you did not observe any prohibited or disruptive circumstances.*

**Select Multiple:**  
Prohibited campaigning      Prohibited campaign material  
Ineffective queue management      Unauthorised security personnel  
Intimidation      Violence      Significant disorder      Other      None

8. Start of Observation (Please use 24 hour clock):

*For example 5:00pm should be 17:00 hrs.*

9. Does the center appear to be accessible to physically challenged persons, including the elderly?  
*Such barriers could include more than 3 step to enter the center or others.*

**Select One:**  
Yes No

**ANSWER ONLY IF Question #9 is equal to "No"**

10. If "no", describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons.

11. Were any of the following materials or equipment missing, insufficient, or incorrect?

**Select Multiple:**  
photo copier      paper      internet      computers      electricity  
Other

12. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*

**Select One:**  
I have read and understand the definitions.

13. How closely did the RECEIPT OF MATERIALS procedures adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all  
Not observed/observable

**ANSWER ONLY IF Question #13 is equal to "Inadequately"**

14. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #13 is equal to "Not at all"**

15. Please describe the reasons for not choosing Fully or Adequately:

16. Did the count reading officer give copies of the record of account forms to the party/candidate agents?  
*The counting reading officer will request from the election supervisor to make and issue copies of the Record of the Count Form for all party/campaign agents.*

**Select One:**  
Always      Mostly      Sometimes      Never

**ANSWER ONLY IF Question #16 is not equal to "Always"**

17. Please explain why the procedure was not followed:

18. How closely did the QUARANTINED MATERIALS/RESULTS procedures adhere to regulations?  
*Results should be quarantined for the whole precinct if TEEs are missing for any of the polling places within a precinct. Material results should be quarantined for a polling place if there are unexplained signs of tampering or if there are discrepancies greater than 2% in the total number of ballots received and the number of valid and invalid votes.*

**Select One:**  
Fully      Adequately      Inadequately      Not at all  
Not observed/observable

**ANSWER ONLY IF Question #18 is equal to "Inadequately"**

19. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #18 is equal to "Not at all"**

20. Please describe the reasons for not choosing Fully or Adequately:

21. How closely did the TALLY procedures adhere to regulations?  
*For each Record of the Count, the Count Reading Officer will begin by reading out loud the, county name, electoral district, voting precinct code, voting precinct name, and polling place number. As the Count Reading Officer is reading the record of the count, the data entry officer will enter the information into the tally database (ET-O1). Then the count reading officer will proceed with reading the number of "Votes Obtained" by each candidate; the number of "Total Valid Votes" cast; the number of "Total Invalid Votes" cast; and the number of "Total of Valid and Invalid Votes" cast.*

**Select One:**  
Fully      Adequately      Inadequately      Not at all  
Not observed/observable

**ANSWER ONLY IF Question #21 is equal to "Not at all"**

22. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #21 is equal to "Inadequately"**

23. Please describe the reasons for not choosing Fully or Adequately:

24. How closely did the PROCLAMATION/DISPLAY OF RESULTS procedures adhere to regulations?  
*The Magistrate will print out the provisional results and post it in the Magistrate office in order to keep the voters updated on the results of the Presidential election.*

**Select One:**  
 Fully    Adequately    Inadequately    Not at all  
 Not observed/observable

**ANSWER ONLY IF Question #24 is equal to "Inadequately"**

25. Please describe the reasons for not choosing Fully or Adequately:  
**ANSWER ONLY IF Question #24 is equal to "Not at all"**

26. Please describe the reasons for not choosing Fully or Adequately:

27. Total number of polling place results this tally center magistrate office is responsible for:  
*Leave blank if unknown or unobserved.*

28. Number of polling place results received to date:  
*Include TOTAL number of results quarantined.*

29. Number of polling places results (TEEs) quarantined to date:  
*Leave blank if unknown/not observable.*

**ANSWER ONLY IF Question #29 is greater than 0**

30. If greater than "0" please describe:

31. How many quarantined results have been processed to date?

32. How many recounts were ordered?  
*Leave blank if unknown or unobserved.*

33. Were there any results that should have received scrutiny but did not?  
**Select One:**  
 Yes    No

**ANSWER ONLY IF Question #33 is equal to "Yes"**

34. If 'yes', describe:

35. Which parties/candidates were present at the center?  
**Select Multiple:**  
 ANC female agent    ANC male agent    ALP female agent  
 ALP male agent    CDC female agent    CDC male agent  
 LP female agent    LP male agent    UP female agent    UP male agent  
 Independent cand. fem. agent    Independent cand. male agent  
 Other male agents    Other female agents

**ANSWER ONLY IF Question #35 includes "Other female agents"**

36. If "other female agent," which party did she represent:

**ANSWER ONLY IF Question #35 includes "Other male agents"**

37. If "other male agent," which party did he represent?

38. Which election observation groups were present?  
**Select Multiple:**  
 LEON female citizen observer    LEON male citizen observer  
 ECC female citizen observer    ECC male citizen observer  
 Other female observer    Other male observer

**ANSWER ONLY IF Question #38 includes "Other female observer"**

39. If "other female" observer, which organization did she represent?

**ANSWER ONLY IF Question #38 includes "Other male observer"**

40. If "other male" observer, which organization did he represent?

41. Which, if any, of the following groups did not have sufficient access to the process?  
*Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations: not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.*

**Select Multiple:**  
 Center staff    Candidate/Party agents    International observers  
 Citizen observers    Media    Security    Other    None

**ANSWER ONLY IF Question #41 does not include "None"**

42. If any, please describe:  
*How were groups denied access and what was the impact?*

43. Did you observe any interference leading to negative impact on the tally process? If so, which, if any, of the following groups interfered (negatively)?  
*Select 'None' if no interference was observed.*

**Select Multiple:**  
 Center staff    Candidate/Party agents    International observers  
 Citizen observers    Media    Security    Local government officials  
 Religious/traditional leaders/chiefs    Other    None

**ANSWER ONLY IF Question #43 does not include "None"**

44. If any interference, please describe:  
*How were groups causing interference and what was the impact?*

45. Were there any officially lodged complaints?  
*Ask the Magistrate or center staff.*

**Select One:**  
 Yes    No

**ANSWER ONLY IF Question #45 is equal to "Yes"**

46. If 'yes', please describe:  
*Who filed complaints? What were the reasons? How were they addressed?*

**ANSWER ONLY IF Question #45 is equal to "Yes"**

47. How were officially lodged complaints recorded?  
**Select Multiple:**  
 Tally Center Journal    Verbally reported but not written down.  
 Complaint forms

48. Were there any problems reported to you by those present rather than those observed directly by you?  
*(e.g., agents, observers, voters)*

**Select One:**  
 Yes    No

**ANSWER ONLY IF Question #48 is equal to "Yes"**

49. If 'yes,' please describe:  
*Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.*

50. How would you evaluate party/candidate agents' performance?  
**Select One:**  
 Appropriate    Inappropriate    Not observed/observable    Inadequate

**ANSWER ONLY IF Question #50 is not equal to "Inappropriate"**

51. Please describe the reasons for not choosing Appropriate:

52. End of Observation:

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53. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

54. What is your team's evaluation of the implementation of the tally procedures?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #54 is equal to "Poor"**

55. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #54 is equal to "Not Credible"**

56. What were the main reasons for not choosing Very Good or Reasonable?

57. Before moving ahead, please review the following definitions regarding the overall assessment of the ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

58. What is your team's overall assessment of the election environment at this tally center?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #58 is equal to "Poor"**

59. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #58 is equal to "Not Credible"**

60. What were the main reasons for not choosing Very Good or Reasonable?

61. Any other comments?

## 2 Opening Liberia 2017 Runoff Liberia IEOM 2017



User/Team

Observation Time

1. County:	<b>Select One:</b> Bomi Bong Gbarpolu Grand Bassa Grand Cape Mount Grand Gedeh Grand Kru Lofa Margibi Maryland Montserrado Nimba River Cess River Gee Sinoe
2. Electoral district: <i>(The electoral district should be found in the polling precinct and polling places signs)</i>	
3. Polling precinct code:	
4. Is the precinct in an urban or rural area? <i>Urban: county capitals; Rural: outside county capitals.</i>	<b>Select One:</b> Urban Rural
6. Number of polling places at the precinct: <i>If the precinct and the polling place are the same, please answer "1."</i>	
7. Were there obstacles or barriers on the way to the precinct that could have inhibited general access? <i>Examples of barriers might include distance from villages or a dysfunctional bridge.</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #7 is equal to "Yes"</b>	
8. If 'yes', describe: <i>Describe the barriers to public access and to what extent it affected voter franchise.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct? <i>If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
<b>ANSWER ONLY IF Question #6 is greater than or equal to 1</b>	
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
11. Was queue management at the polling precinct effective?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #6 is greater than 2</b>	
12. If the precinct has more than 2 polling places, are there extra precinct queue controllers?	<b>Select One:</b> Yes No Not applicable
<b>ANSWER ONLY IF Question #6 is greater than 2</b>	
13. If the precinct has more than 2 polling places, do the queue controllers have an electronic device with the final registration roll on it to aide them in finding the voters polling place?	<b>Select One:</b> Yes No Not applicable
14. How many queue controllers were working at the precinct?	
15. Was queue management at the polling place effective?	<b>Select One:</b> Yes No
16. Did every polling place in the precinct have a sign listing all the voter ID numbers assigned to the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #6 is greater than 1</b>	
17. Polling place number:	
18. Start of Observation (polling place) (please use 24 hour clock): <i>For example: 6:00 pm should be 18:00 hrs.</i>	
19. Number of staff working at the polling place:	
20. Number of FEMALE staff present:	
21. If present, please indicate the presiding officer's gender: <i>If the presiding officer is not present now but comes back before your departure, please adjust this answer.</i>	<b>Select One:</b> Female Male Not observed
22. Number of registered voters: <i>(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)</i>	
23. Which, if any, prohibited or disruptive circumstances did you observe in the polling place? <i>Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
24. If any issues, please describe: <i>What were the prohibited/disruptive circumstances and how did they affect the process?</i>	
25. Were any of the following materials missing, insufficient, or incorrect?	<b>Select Multiple:</b> Ballot papers - president Indelible ink Tactile ballot guide Ballot stamp Tamper evident envelopes (TEE) Seals Rubber bands Batteries Ballot box(es) Final Registration Roll/FRR Addition to the FRR form Solar lamp Complaint forms Pens VR card punch Polling place journal Other None
<b>ANSWER ONLY IF Question #25 includes "Other"</b>	
26. If 'other', please describe:	
27. If materials are missing, insufficient, or incorrect, please describe:	
28. Does the polling place appear to be accessible to physically challenged persons, including the elderly? <i>Could physically challenged persons access the polling place independently or with dignity?</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #28 is equal to "No"</b>	
29. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:	

30. Did the polling place open during your observation? **Select One:**  
 Yes No

**ANSWER ONLY IF Question #30 is equal to "No"**

31. If 'no', please describe:  
 Why did the polling place fail to open on time?

**ANSWER ONLY IF Question #30 is equal to "Yes"**

32. At what time did the polling place open?  
 (Polling should open at 08:00)

33. If the polling place opened MORE THAN [30] MINUTES late, what are the reasons for delay? **Select Multiple:**  
 If the polling place opened less than 30 minutes late, check "not applicable"

Missing materials	Absent polling staff	Unrest
Slow Action of Polling Staff	Other	Not applicable

34. If 'other', please describe:

35. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.

**Select One:**  
 I have read and understand the definitions.

36. How closely did ROOM CONFIGURATION procedures adhere to regulations? **Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #36 is equal to "Inadequately"**

37. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #36 is equal to "Not at all"**

38. Please describe the reasons for not choosing Fully or Adequately:

39. How closely did BALLOT INVENTORY procedures adhere to regulations?  
 Every polling place should have 550 ballots. The ballots should be counted and the starting and ending serial numbers recorded in the presiding officers worksheet.

**Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #39 is equal to "Inadequately"**

40. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #39 is equal to "Not at all"**

41. Please describe the reasons for not choosing Fully or Adequately:

42. How closely did EMPTY BALLOT BOX DEMONSTRATION adhere to regulations? **Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #42 is equal to "Inadequately"**

43. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #42 is equal to "Not at all"**

44. Please describe the reasons for not choosing Fully or Adequately:

45. How closely did EMPTY BALLOT BOX SEALING procedure adhere to regulations? **Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #45 is equal to "Inadequately"**

46. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #45 is equal to "Not at all"**

47. Please describe the reasons for not choosing Fully or Adequately:

48. How closely did the READING OF SEAL NUMBERS adhere to regulations?  
 (The presiding officer should read aloud the seal numbers to allow agents and observers to record these numbers and record them in the "Record of the seals form". Agents should be invited to sign the form)

**Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #48 is equal to "Inadequately"**

49. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #48 is equal to "Not at all"**

50. Please describe the reasons for not choosing Fully or Adequately:

51. How closely did the RECORDING OF SEAL NUMBERS adhere to regulations?  
 (The presiding officer should record the seal numbers in the "Record of the seals form". Agents should be invited to sign the form)

**Select One:**  
 Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #51 is equal to "Inadequately"**

52. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #51 is equal to "Not at all"**

53. Please describe the reasons for not choosing Fully or Adequately:

54. Are there CDC party agents present in the polling place? **Select One:**  
 Yes No

**ANSWER ONLY IF Question #54 is equal to "Yes"**

55. How many female CDC party agents are present in the polling place?  
 If there are no female CDC party agents present. Please submit "0".

**ANSWER ONLY IF Question #54 is equal to "Yes"**

56. How many male CDC party agents are present in the polling place?  
 If there are no male CDC party agents present. Please submit "0".

57. Are there UP party agents present in the polling place? **Select One:**  
 Yes No

**ANSWER ONLY IF Question #57 is equal to "Yes"**

58. How many female UP party agents are present in the polling place?

**ANSWER ONLY IF Question #57 is equal to "Yes"**

59. How many male UP party agents are present in the polling place?

60. Are there other party agents present in the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #60 is equal to "Yes"</b>	
61. How many female party agents from other parties are present in the polling place?	
<b>ANSWER ONLY IF Question #60 is equal to "Yes"</b>	
62. How many male party agents from other parties are present in the polling place?	
<b>ANSWER ONLY IF Question #61 is greater than or equal to 1</b>	
63. If "other female agent," which party did she represent?	
<b>ANSWER ONLY IF Question #62 is greater than or equal to 1</b>	
64. If "other male agent," which party did he represent?	
65. Which observer organizations are present?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
<b>ANSWER ONLY IF Question #65 does not include "None"</b>	
66. Which organizations have a female observer?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
<b>ANSWER ONLY IF Question #65 does not include "None"</b>	
67. Which organizations have a male observer?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
68. Which, if any, of the following groups did not have sufficient access to the process? <i>Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations; not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.</i>	<b>Select Multiple:</b> Candidate/Party agents International observers Citizen observers Polling staff Media Other None Not applicable
<b>ANSWER ONLY IF Question #68 does not include "None"</b>	
69. If any, please describe: <i>How were groups denied access and what was the impact?</i>	
70. Did you observe any interference leading to negative impact on the election process?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #70 is equal to "Yes"</b>	
71. If so, which of the following groups interfered (negatively)?	<b>Select Multiple:</b> Candidate/Party Agents International observers Citizen observers Polling staff Media Voters Security Local government officials Religious/traditional leaders/chiefs Other
<b>ANSWER ONLY IF Question #70 is equal to "Yes"</b>	
72. If any interference, please describe: <i>How were groups causing interference and what was the impact?</i>	
73. Were there any officially lodged complaints? <i>If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #73 is equal to "Yes"</b>	
74. If 'yes', please describe: <i>Who filed complaints? What were the reasons? How were they addressed?</i>	
<b>ANSWER ONLY IF Question #73 is equal to "Yes"</b>	
75. If "yes," how were complaints recorded?	<b>Select Multiple:</b> Polling place journal Election complaint form Verbally reported but not written down.
76. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<b>Select One:</b> Yes No
77. Were any party agents denied complaint forms?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #76 is equal to "Yes"</b>	
78. If 'yes,' please describe: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
79. How would you evaluate party/candidate agents' performance?	<b>Select One:</b> Appropriate Inappropriate Not observed/observable Inadequate
<b>ANSWER ONLY IF Question #79 is equal to "Inappropriate"</b>	
80. Please describe the reasons for not choosing Appropriate:	
81. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. <i>VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.</i> <i>REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process</i> <i>POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.</i>	<b>Select One:</b> I have read and understand the definitions.
<b>82. End of Observation (polling place):</b>	
83. What is your team's evaluation of the implementation of procedures by staff at this polling place? <i>This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.</i>	<b>Select One:</b> Very Good Reasonable Poor Not Credible
<b>ANSWER ONLY IF Question #83 is equal to "Poor"</b>	
84. What were the main reasons for not choosing Very Good or Reasonable?	

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**ANSWER ONLY IF Question #83 is equal to "Not Credible"**

85. What were the main reasons for not choosing Very Good or Reasonable?

86. Before moving ahead, please review the following definitions regarding the overall assessment of the OPENING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE - Observed problems did not affect significantly the integrity or transparency of the opening process, but there is room for improvement. POOR - Significant problems with any of the following may have compromised the integrity of the process: Errors in implementing opening procedures; Polling staff subject to intimidation or interference; Observers restricted. NOT CREDIBLE - Observed problems with the opening likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

87. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #87 is equal to "Poor"**

88. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #87 is equal to "Not Credible"**

89. What were the main reasons for not choosing Very Good or Reasonable?

90. Any other comments?

### 3 Polling Liberia Runoff Liberia IEOM 2017



User/Team

Observation Time

1. County:	<b>Select One:</b> Bomi Bong Gbarpolu Grand Bassa Grand Cape Mount Grand Gedeh Grand Kru Lofa Margibi Maryland Montserrado Nimba River Cess River Gee Sinoe
2. Electoral district: <i>(The electoral district should be found in the polling precinct and polling places signs)</i>	
3. Polling precinct code:	
4. Is the precinct in an urban or rural area? <i>Urban: county capitals; Rural: outside county capitals.</i>	<b>Select One:</b> Urban Rural
6. Number of polling places at the precinct: <i>If the precinct and the polling place are the same, please answer "1."</i>	
7. Were there obstacles or barriers on the way to the precinct that could have inhibited general access? <i>Examples of barriers might include distance from villages or a dysfunctional bridge.</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #7 is equal to "Yes"</b>	
8. If 'yes', describe: <i>Describe the barriers to public access and to what extent it affected voter franchise.</i>	
9. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct? <i>If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
10. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
11. Was queue management at the polling precinct effective?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #6 is greater than 2</b>	
12. If the precinct has more than 2 polling places, are there extra precinct queue controllers?	<b>Select One:</b> Yes No Not applicable
<b>ANSWER ONLY IF Question #6 is greater than 2</b>	
13. If the precinct has more than 2 polling places, do the queue controllers have an electronic device with the final registration roll on it to aide them in finding the voters polling place?	<b>Select One:</b> Yes No Not applicable
14. How many queue controllers were working at the precinct?	
15. Was queue management at the polling place effective?	<b>Select One:</b> Yes No
16. Did every polling place in the precinct have a sign listing all the voter ID numbers assigned to the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #6 is greater than 1</b>	
17. Polling place number:	
18. Start of Observation (polling place) (please use 24 hour clock): <i>For example: 6:00 pm should be 18:00 hrs.</i>	
19. Number of staff working at the polling place:	
20. Number of FEMALE staff present:	
21. If present, please indicate the presiding officer's gender: <i>If the presiding officer appears before departure, please adjust this answer.</i>	<b>Select One:</b> Female Male
22. Number of registered voters: <i>(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)</i>	
23. Approximate number of voters who have voted by time of arrival: <i>If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer, other staff, party agent or citizen observer to estimate the number of voters or calculate by other means.</i>	
24. Number of voters who were added to the "addition to the FRR form" by time of arrival: <i>Please ask to see the "addition to the FRR form" and note how many names have been added.</i>	
25. Were any unauthorized voters added to the "addition to the FRR form?" <i>Following the Supreme Court ruling only poll workers, police/security on duty, and drivers for international observer missions are allowed to be added to the "addition to the FRR"</i>	<b>Select One:</b> Yes No Not observed
26. Who was added to the "addition to the FRR form?"	<b>Select Multiple:</b> Voters not found on the voter list poll watchers not registered at that place Other
<b>ANSWER ONLY IF Question #26 includes "Other"</b>	
27. If other, please describe:	
28. Which, if any, prohibited or disruptive circumstances did you observe in the polling place? <i>Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe an prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
<b>ANSWER ONLY IF Question #28 does not include "None"</b>	
29. If any issues, please describe: <i>What were the prohibited/disruptive circumstances and how did they affect the process?</i>	

30. Were any of the following materials missing, insufficient, or incorrect?	<b>Select Multiple:</b>
	Ballot papers - president      Indelible ink      Tactile ballot guide
	Ballot stamp      Tamper evident envelopes (TEE)      Seals      Rubber bands
	Batteries      Ballot box(es)      Final Registration Roll/FRR
	Addition to the FRR form      Solar lamp      Complaint forms      Pens
	VR card punch      Polling place journal      Other      None

**ANSWER ONLY IF Question #30 includes "Other"**

31. If 'other', please describe:

**ANSWER ONLY IF Question #30 does not include "None"**

32. If materials are missing, insufficient, or incorrect, please describe:

33. Does the polling place appear to be accessible to physically challenged persons, including the elderly?

**Select One:**  
Yes      No

*Could physically challenged persons access the polling place independently or with dignity?*

**ANSWER ONLY IF Question #33 is equal to "No"**

34. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:

35. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly, OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*

**Select One:**  
I have read and understand the definitions.

36. How closely did CHECKING FOR INK procedures adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

**ANSWER ONLY IF Question #36 is equal to "Inadequately"**

37. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #36 is equal to "Not at all"**

38. Please describe the reasons for not choosing Fully or Adequately:

*For the first round the thumb was inked and for the second round the little finger will be inked. The checking often takes place just outside the door of the polling place.*

39. Were voters found in the Final Registration Roll (FRR)?

**Select One:**  
Always      Mostly      Sometimes      Never

40. How many voters were turned away during your observation?

**ANSWER ONLY IF Question #40 is greater than or equal to 1**

41. Please indicate the reasons why voters were turned away:

**Select Multiple:**  
Told to go to another polling place      Told to go to another precinct  
Told ineligible to vote      Other

*Select all that apply.*

**ANSWER ONLY IF Question #41 includes "Other"**

42. If other, please describe:

43. How closely did VOTER IDENTIFICATION procedures adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

**ANSWER ONLY IF Question #43 is equal to "Inadequately"**

44. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #43 is equal to "Not at all"**

45. Please describe the reasons for not choosing Fully or Adequately:

46. How closely was the MARKING OF NAMES IN THE FRR procedure completed?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

*(Each entry in the FRR has a box "voted" for polling staff to mark it once the voter is identified)*

**ANSWER ONLY IF Question #46 is equal to "Inadequately"**

47. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #46 is equal to "Not at all"**

48. Please describe the reasons for not choosing Fully or Adequately:

49. How closely did the GENDER DATA CAPTURING procedure adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

*The voter identification officer checks either male or female box on the "Gender data capturing sheet"*

**ANSWER ONLY IF Question #49 is equal to "Inadequately"**

50. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #49 is equal to "Not at all"**

51. Please describe the reasons for not choosing Fully or Adequately:

52. Number of female voters as recorded in the gender data capturing sheet:

53. Number of male voters as recorded in the gender data capturing sheet:

54. How closely did the PUNCHING OF THE VOTER CARD adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

*The voter identification officer punches the VR card. For the first round it was punched on the upper left hand corner. For the run-off, the card will be punched on the upper right hand corner.*

**ANSWER ONLY IF Question #54 is equal to "Inadequately"**

55. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #54 is equal to "Not at all"**

56. Please describe the reasons for not choosing Fully or Adequately:

57. How closely did BALLOT STAMPING procedures adhere to regulations?

**Select One:**  
Fully      Adequately      Inadequately      Not at all      Not observed

*Please pay close attention to the stamping process.*

**ANSWER ONLY IF Question #57 is equal to "Inadequately"**

58. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #57 is equal to "Not at all"**

59. Please describe the reasons for not choosing Fully or Adequately:

60. How closely did BALLOT ISSUING/VOTER INSTRUCTION procedures adhere to regulations? <i>The ballot issuer officer should give the voter one ballot stamped and pre-folded and inform the voter about the method of voting. He/she must ensure his/her explanation is completely impartial, and should not point to the ballot paper as it may appear that he/she is guiding the voter's choice of candidate.</i>	<b>Select One:</b> Fully      Adequately      Inadequately      Not at all      Not observed
<b>ANSWER ONLY IF Question #60 is equal to "Inadequately"</b>	
61. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #60 is equal to "Not at all"</b>	
62. Please describe the reasons for not choosing Fully or Adequately:	
63. How closely did the INKING OF VOTER FINGER procedure adhere to Regulations? <i>The inker/ballot box controller should apply the indelible ink in the cuticle of the voter's left-hand little finger.</i>	<b>Select One:</b> Fully      Adequately      Inadequately      Not at all      Not observed
<b>ANSWER ONLY IF Question #63 is equal to "Inadequately"</b>	
64. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #63 is equal to "Not at all"</b>	
65. Please describe the reasons for not choosing Fully or Adequately:	
66. How closely did BALLOT CASTING procedures adhere to regulations? <i>The ballot issuer officer should direct the voter to a vacant voting screen and ensures that only one voter goes into one voting screen at a time, unless the voter has requested assisted voting.</i>	<b>Select One:</b> Fully      Adequately      Inadequately      Not at all      Not observed
<b>ANSWER ONLY IF Question #66 is equal to "Inadequately"</b>	
67. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #66 is equal to "Not at all"</b>	
68. Please describe the reasons for not choosing Fully or Adequately:	
69. How closely did ASSISTED VOTING procedures adhere to regulations? <i>A voter who is illiterate or physically disabled may request the assistance of a friend, relative or other voter present to assist him or her to mark the ballot. Polling staff are not allowed to assist voters. The person assisting must assist one voter only on polling day and be a registered voter. The person shall go with the voter to an unoccupied voting screen and help him/her in the preparation and marking of his/her ballot.</i>	<b>Select One:</b> Fully      Adequately      Inadequately      Not at all      Not observed
<b>ANSWER ONLY IF Question #69 is equal to "Inadequately"</b>	
70. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #69 is equal to "Not at all"</b>	
71. Please describe the reasons for not choosing Fully or Adequately:	
72. Were voters who requested/needed it provided with a tactile ballot guide (TBG)? <i>Visually impaired voters have the option to use a tactile ballot guide, enabling them to vote without assistance. The ballot issuer officer should insert the ballot in the TBG and explain voter how to make the mark.</i>	<b>Select One:</b> Always      Mostly      Sometimes      Never      Not observed
<b>ANSWER ONLY IF Question #72 is not equal to "Always"</b>	
73. Please describe the reasons for not choosing "Always"	
74. How many times was the tactile ballot guide (TBG) used during your observation?	
75. Which, if any, of the following ineligible voters were allowed to vote during your observation?	<b>Select Multiple:</b> Persons with old VR cards      Voters with spoiled ballots Voters already inked      Unauthorised security personnel Voters improperly assisted      Persons without VR cards Voters already marked in the FRR      Underage persons      Other      None
<b>ANSWER ONLY IF Question #75 does not include "None"</b>	
76. Please describe, including any 'others' noted	
77. Which, if any, of the following eligible voters were NOT allowed to vote?	<b>Select Multiple:</b> Persons with a valid VR card      Citizen observers      Polling staff Security personnel - authorized      NEC members      Party/candidate agents Journalists - national      Other      None
<b>ANSWER ONLY IF Question #77 does not include "None"</b>	
78. Please describe, including any 'others' noted:	
79. Are ballot boxes correctly sealed? <i>All seals should be correctly applied and ballot boxes should be secure from tampering.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #79 is equal to "No"</b>	
80. For the ballot boxes, describe if 'no'	
81. Are additional polling materials secured from potential theft or misuse? <i>Additional materials should be stored compactly and out of the way of traffic in the polling place. Disorganized or poorly stored materials are vulnerable to tampering.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #81 is equal to "No"</b>	
82. For the additional polling materials, describe if 'no'	
83. Is the polling place layout in accordance with procedures? <i>The polling place should be arranged in such a way that it allows an orderly and efficient flow of voters during the election.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #83 is equal to "No"</b>	
84. For the polling place layout and procedures, describe if 'no'	
85. Does the polling place layout effectively facilitate the flow of voters? <i>The layout should allow voters to move through the process without skipping steps or crossing paths with other parts of the queue.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #85 is equal to "No"</b>	
86. For the polling place layout and the flow of voters, describe if 'no'	
87. Are voters able to cast their ballots in secret? <i>Secrecy of the ballot should not be undermined or violated because of crowding or exposed booths.</i>	<b>Select One:</b> Yes      No
<b>ANSWER ONLY IF Question #87 is equal to "No"</b>	
88. For casting ballots in secret, describe if 'no'	

89. How long did a typical voter have to wait in the queue before entering the polling place?  
*If there is no queue, enter 0, otherwise, ask the second or third voter in line how long they have waited so far to inform your estimate. Provide your answer in minutes. For example, if a voter waited 1.5 hours, enter 90 (minutes).*

90. How long did it take a typical voter to complete the voting process once they entered the polling place?  
*The voting process begins when the voter enters the polling place and ends when the voter has cast his or her ballot and is able to leave the polling place. Watch two or three voters carry out the voting process, and provide an estimate in minutes of how long the process took.*

91. Which, if any, of the following irregularities did you observe?

**Select Multiple:**

Multiple voting	Ballot stuffing	Interruption of voting
Voter intimidation	Illicit assistance	Family voting
Possible vote buying/selling	Violation of secrecy of the ballot	Other
None		

**ANSWER ONLY IF Question #91 does not include "None"**

92. If any irregularities, please describe:  
*Please comment on the frequency and severity of the irregularities, noting the extent of their impact on the voting process.*

93. Are there CDC party agents present in the polling place?

**Select One:**

Yes No

**ANSWER ONLY IF Question #93 is equal to "Yes"**

94. How many female CDC party agents are present in the polling place?  
*If there are no female CDC party agents present. Please submit "0".*

**ANSWER ONLY IF Question #93 is equal to "Yes"**

95. How many male CDC party agents are present in the polling place?  
*If there are no male CDC party agents present. Please submit "0".*

96. Are there UP party agents present in the polling place?

**Select One:**

Yes No

**ANSWER ONLY IF Question #96 is equal to "Yes"**

97. How many female UP party agents are present in the polling place?

**ANSWER ONLY IF Question #96 is equal to "Yes"**

98. How many male UP party agents are present in the polling place?

99. Are there other party agents present in the polling place?

**Select One:**

Yes No

**ANSWER ONLY IF Question #99 is equal to "Yes"**

100. How many female party agents from other parties are present in the polling place?

**ANSWER ONLY IF Question #99 is equal to "Yes"**

101. How many male party agents from other parties are present in the polling place?

**ANSWER ONLY IF Question #100 is greater than or equal to 1**

102. If "other female agent," which party did she represent:

**ANSWER ONLY IF Question #101 is greater than or equal to 1**

103. If "other male agent," which party did he represent?

104. Which observer organizations are present?

**Select Multiple:**

LEON	ECC	EU	NDI	AU	ECOWAS
Council of Churches		None			

**ANSWER ONLY IF Question #104 does not include "None"**

105. Which organizations have a female observer?

**Select Multiple:**

LEON	ECC	EU	NDI	AU	ECOWAS
Council of Churches		None			

**ANSWER ONLY IF Question #104 does not include "None"**

106. Which organizations have a male observer?

**Select Multiple:**

LEON	ECC	EU	NDI	AU	ECOWAS
Council of Churches		None			

107. Which, if any, of the following groups did not have sufficient access to the process?

*Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations: not permitted entry, Time limited in violation of regulations. Applied to one, some or all groups.*

**ANSWER ONLY IF Question #107 does not include "None"**

108. If any, please describe:

*How were groups denied access and what was the impact?*

109. Did you observe any interference leading to negative impact on the election process?

**Select One:**

Yes No

**ANSWER ONLY IF Question #109 is equal to "Yes"**

110. If so, which of the following groups interfered (negatively)?

**Select Multiple:**

Candidate/Party Agents	International observers	Citizen observers
Polling staff	Voters	Security
Local government officials	Religious/traditional leaders/chiefs	Other

**ANSWER ONLY IF Question #109 is equal to "Yes"**

111. If any interference, please describe:

*How were groups causing interference and what was the impact?*

112. Were any party agents denied complaint forms?

**Select One:**

Yes No

**ANSWER ONLY IF Question #112 is equal to "Yes"**

113. If yes, please describe:

114. Were there any officially lodged complaints?

*If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.*

**Select One:**

Yes No

---

**ANSWER ONLY IF Question #114 is equal to "Yes"**

115. If 'yes,' please describe:  
*Who filed complaints? What were the reasons? How were they addressed?*

**ANSWER ONLY IF Question #114 is equal to "Yes"**

116. If "yes," how were complaints recorded?

**Select Multiple:**

Polling place journal      Election complaint form  
Verbally reported but not written down.

117. Were there any problems reported to you by those present rather than those observed directly by you?

*(e.g., agents, observers, voters)*

**Select One:**

Yes      No

**ANSWER ONLY IF Question #117 is equal to "Yes"**

118. If 'yes,' please describe:  
*Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.*

119. How would you evaluate voters' understanding of voting procedures?

**Select One:**

Adequate      Inadequate      Not observed/observable

**ANSWER ONLY IF Question #119 is equal to "Inadequate"**

120. Please describe the reasons for not choosing Adequate:

121. How would you evaluate party/candidate agents' performance?

**Select One:**

Appropriate      Inappropriate      Not observed/observable      Inadequate

**ANSWER ONLY IF Question #121 is equal to "Inappropriate"**

122. Please describe the reasons for not choosing Appropriate:

123. End of Observation (polling place):

124. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

**Select One:**

I have read and understand the definitions.

125. What is your team's evaluation of the implementation of procedures by staff at this polling place?

*This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #125 is equal to "Poor"**

126. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #125 is equal to "Not Credible"**

127. What were the main reasons for not choosing Very Good or Reasonable?

128. Before moving ahead, please review the following definitions regarding the overall assessment of the ELECTION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - The environment and process fully allowed voters to exercise freely their right to vote. The process was fully transparent. REASONABLE - The environment and process were acceptable in ensuring that voters could freely exercise their right to vote. Any observed problems did not affect significantly the integrity or transparency of the process. POOR - For some voters, the environment or process was not conducive to the free exercise of the right to vote, equality, or transparency. Observed problems may have compromised the integrity of the process. NOT CREDIBLE - The environment or the process prevented voters from freely exercising their right to vote or affected the fairness of polling. Observed problems likely compromised the integrity of the polling process.*

**Select One:**

I have read and understand the definitions.

129. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #129 is equal to "Poor"**

130. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #129 is equal to "Not Credible"**

131. What were the main reasons for not choosing Very Good or Reasonable?

132. Any other comments?

## 4 Closing/Counting Liberia Runoff Liberia IEOM 2017



User/Team

Observation Time

1. County:	<b>Select One:</b> Bomi Bong Gbarpolu Grand Bassa Grand Cape Mount Grand Gedeh Grand Kru Lofa Margibi Maryland Montserrado Nimba River Cess River Gee Sinoe
2. Electoral district: <i>(The electoral district should be found in the polling precinct and polling places signs)</i>	
3. Is the precinct in an urban or rural area? <i>Urban: county capitals; Rural: outside county capitals.</i>	<b>Select One:</b> Urban Rural
5. Number of polling places at the precinct: <i>If the precinct and the polling place are the same, please answer "1."</i>	
6. Were there obstacles or barriers on the way to the precinct that could have inhibited general access? <i>Examples of barriers might include distance from villages or a dysfunctional bridge.</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #6 is equal to "Yes"</b>	
7. If 'yes', describe: <i>Describe the barriers to public access and to what extent it affected voter franchise.</i>	
8. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the precinct? <i>If there is only one polling place per "precinct," then please answer this question as "OUTSIDE the polling place." Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
9. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the precinct (but outside the polling place)? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
10. Was queue management at the polling precinct effective?	<b>Select One:</b> Yes No
11. How many queue controllers were working at the precinct?	
<b>ANSWER ONLY IF Question #5 is greater than 2</b>	
12. If the precinct has more than 2 polling places, are there extra precinct queue controllers?	<b>Select One:</b> Yes No Not applicable
<b>ANSWER ONLY IF Question #5 is greater than 2</b>	
13. If the precinct has more than 2 polling places, do the queue controllers have an electronic device with the final registration roll on it to aide them in finding the voters polling place?	<b>Select One:</b> Yes No Not applicable
14. Was queue management at the polling place effective?	<b>Select One:</b> Yes No
15. Did every polling place in the precinct have a sign listing all the voter ID numbers assigned to the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #5 is greater than 1</b>	
16. Polling place number:	
17. Start of Observation (polling place) (please use 24 hour clock): <i>For example: 6:00 pm should be 18:00 hrs.</i>	
18. Number of staff working at the polling place:	
19. Number of FEMALE staff present:	
20. If present, please indicate the presiding officer's gender: <i>If the presiding officer appears before departure, please adjust this answer.</i>	<b>Select One:</b> Female Male
21. Number of registered voters: <i>(Ask the presiding officer or the voter identification officers for the exact number of voters in the Final Registration Roll (FRR). The number of registered voters can be found on the cover page of the FRR)</i>	
22. Number of female voters as recorded in the gender data capturing sheet:	
23. Number of male voters as recorded in the gender data capturing sheet:	
24. Approximate number of voters who have voted:	
25. Number of voters who were added to the "addition to the FRR form.":	
26. Were any unauthorized voters added to the "addition to the FRR form?" <i>Following the Supreme Court ruling only poll workers, police/security on duty, and drivers for international observer missions are allowed to be added to the "addition to the FRR"</i>	<b>Select One:</b> Yes No Not observed
<b>ANSWER ONLY IF Question #26 is equal to "Yes"</b>	
27. Who was added to the "addition to the FRR form?"	<b>Select Multiple:</b> Voters not found on the voter list poll watchers not registered at that place Other
<b>ANSWER ONLY IF Question #27 includes "Other"</b>	
28. If other, please describe:	
29. Which, if any, prohibited or disruptive circumstances did you observe in the polling place? <i>Security agents are allowed inside only at the invitation of the presiding officer. Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning Prohibited campaign material Intimidation Trucking activities Violence Significant disorder Security (more than 2 agents) Other None
<b>ANSWER ONLY IF Question #29 does not include "None"</b>	
30. If any issues, please describe: <i>What were the prohibited/disruptive circumstances and how did they affect the process?</i>	

31. Were any of the following materials missing, insufficient, or incorrect?	<b>Select Multiple:</b> Ballot papers - president Ballot stamp Batteries Addition to the FRR form VR card punch	Indelible ink Tamper evident envelopes (TEE) Ballot box(es) Solar lamp Polling place journal	Tactile ballot guide Seals Final Registration Roll/FRR Complaint forms Other	Rubber bands Pens None
<b>ANSWER ONLY IF Question #31 includes "Other"</b>				
32. If 'other', please describe:				
<b>ANSWER ONLY IF Question #31 does not include "None"</b>				
33. If materials are missing, insufficient, or incorrect, please describe:				
34. Does the polling place appear to be accessible to physically challenged persons, including the elderly?	<b>Select One:</b>	Yes	No	
<i>Could physically challenged persons access the polling place independently or with dignity?</i>				
<b>ANSWER ONLY IF Question #34 is equal to "No"</b>				
35. If 'no', describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:				
36. Did you observe the official closing of the polling place?	<b>Select One:</b>	Yes	No	
<i>Generally, a polling place is closed when announced by the presiding officer. Depending on regulations and implementation, it may be distinct from the time of the last vote.</i>				
<b>ANSWER ONLY IF Question #36 is equal to "No"</b>				
37. If 'no', please describe:				
38. At what time was the closing of the polling place announced?				
39. Approximately how many voters were waiting in the queue at the time of closing?	<b>Select One:</b>	0	1-10	11-25
		26-50	51-100	More than 100
40. Did you observe the last vote at the polling place?	<b>Select One:</b>	Yes	No	
<b>ANSWER ONLY IF Question #40 is equal to "Yes"</b>				
41. If 'yes', at what time did the last voter vote?				
<b>ANSWER ONLY IF Question #40 is equal to "Yes"</b>				
42. Were all eligible persons in the queue at the time of closing allowed to vote?	<b>Select One:</b>	Yes	No	Not observed
<b>ANSWER ONLY IF Question #40 is equal to "Yes"</b>				
43. Were any and all voters prevented from joining the queue after closing?	<b>Select One:</b>	Yes	No	Not observed
44. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. <i>FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.</i>				
<b>Select One:</b> I have read and understand the definitions.				
45. How closely did the CLOSING ANNOUNCEMENT procedures adhere to regulations? <i>At 18:00, the precinct presiding officer instructs the voting precinct queue controller to ensure that all voters in the voting precinct have joined the voting precinct queue. If the voting precinct does not have a door, or, if the queue is too large to fit inside the voting precinct, the queue controller stands at the end of the line and ensures that no voter attempts to join the queues after 18:00.</i>	<b>Select One:</b>	Fully	Adequately	Inadequately
		Not at all	Not observed	
<b>ANSWER ONLY IF Question #45 is equal to "Inadequately"</b>				
46. Please describe the reasons for not choosing Fully or Adequately:				
<b>ANSWER ONLY IF Question #45 is equal to "Not at all"</b>				
47. Please describe the reasons for not choosing Fully or Adequately:				
48. How closely did the QUEUE MANAGEMENT procedures adhere to regulations? <i>The queue controller stands at the end of the line and ensures that no voter attempts to join the queues after 18:00.</i>	<b>Select One:</b>	Fully	Adequately	Inadequately
		Not at all	Not observed	
<b>ANSWER ONLY IF Question #48 is equal to "Inadequately"</b>				
49. Please describe the reasons for not choosing Fully or Adequately:				
<b>ANSWER ONLY IF Question #48 is equal to "Not at all"</b>				
50. Please describe the reasons for not choosing Fully or Adequately:				
51. How closely did the SEALING OF BALLOT BOXES SLOTS adhere to regulations? <i>The presiding officer seals the slots of the ballot boxes</i>	<b>Select One:</b>	Fully	Adequately	Inadequately
		Not at all	Not observed	
<b>ANSWER ONLY IF Question #51 is equal to "Inadequately"</b>				
52. Please describe the reasons for not choosing Fully or Adequately:				
<b>ANSWER ONLY IF Question #51 is equal to "Not at all"</b>				
53. Please describe the reasons for not choosing Fully or Adequately:				
54. How closely did the RECORDING OF SEAL NUMBERS procedures adhere to regulations? <i>The presiding officer records the number of seals in the Record of Seals Form and ask agents to sign it.</i>	<b>Select One:</b>	Fully	Adequately	Inadequately
		Not observed/observable	Not at all	
<b>ANSWER ONLY IF Question #54 is equal to "Inadequately"</b>				
55. Please describe the reasons for not choosing Fully or Adequately:				
<b>ANSWER ONLY IF Question #54 is equal to "Not at all"</b>				
56. Please describe the reasons for not choosing Fully or Adequately:				
57. How closely did the SECURING OF SENSITIVE POLLING MATERIALS procedures adhere to regulations?	<b>Select One:</b>	Fully	Adequately	Inadequately
		Not at all	Not observed	
<b>ANSWER ONLY IF Question #57 is equal to "Inadequately"</b>				
58. Please describe the reasons for not choosing Fully or Adequately:				

**ANSWER ONLY IF Question #57 is equal to "Not at all"**

59. Please describe the reasons for not choosing Fully or Adequately:

60. Did the presiding officer reconcile the number of spoiled, discarded and unused ballot papers and calculate the number of ballots in the ballot box? **Select One:**  
Yes No

**ANSWER ONLY IF Question #60 is equal to "No"**

61. If no, please describe what the polling place staff did to reconcile the ballots?

62. Number of ballots received:

63. Number of discarded ballots:

64. Number of unused ballots:

65. Number of ballots in box:

66. Number of invalid ballots:

67. Number of valid ballots:

68. Number of votes for WEAH, GEORGE MANNEH, CDC Candidate:

69. Number of votes for BOAKAI, JOSEPH NYUMA, UP Candidate:

70. Number of spoiled ballots:

71. How closely did the RECONCILIATION OF BALLOT ACCOUNTS procedures adhere to regulations?

*(The presiding officer writes down the number of ballot papers taken from the ballot box in the worksheet. If there are discrepancies with the numbers as per the reconciliation of unused/spoiled/discarded ballots, s/he should inform the agents present note the discrepancy and continue with the sorting and counting of the ballots).*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #71 is equal to "Inadequately"**

72. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #71 is equal to "Not at all"**

73. Please describe the reasons for not choosing Fully or Adequately:

74. How closely did BALLOT VERIFICATION AND SORTING adhere to regulations?

*Polling staff should place ballots face down, check for the official stamp and count them in bundles of 50. Ballots with no stamps should be placed separately and counted as invalid. The presiding officer should start sorting the ballot papers into stacks or groupings according to the voter's choice of candidates, as well as, the stack or groupings for invalid ballot papers. S/he should show ballots to the agents present before placing them in the stack, but he/she should not give ballots or allow agents to touch the ballots).*

**Select One:**  
Fully Adequately Inadequately Not at all  
Not observed/observable

**ANSWER ONLY IF Question #74 is equal to "Inadequately"**

75. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #74 is equal to "Not at all"**

76. Please describe the reasons for not choosing Fully or Adequately:

77. How closely did the COMPLETION OF THE RECORD OF THE COUNT FORM procedure adhere to regulations?

*The presiding officer should complete the record of the count form after completing the count.*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #77 is equal to "Inadequately"**

78. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #77 is equal to "Not at all"**

79. Please describe the reasons for not choosing Fully or Adequately:

80. Were all the boxes (fields) on the record of the count filled in?

**Select One:**  
Yes No

**ANSWER ONLY IF Question #80 is equal to "No"**

81. If no, what was not filled in?

82. Did agents have an opportunity to sign the record of the count?

**Select One:**  
Yes No Not observed

**ANSWER ONLY IF Question #82 is equal to "No"**

83. If 'no', please describe:

84. Did any AGENTS decide not to sign the record of the count?

**Select One:**  
Yes No Not observed

**ANSWER ONLY IF Question #84 is equal to "Yes"**

85. If 'yes', please describe:

*List which parties did not sign and reasons why.*

86. How closely did POSTING OF RESULTS at the polling place procedures adhere to regulations?

**Select One:**  
Fully Adequately Inadequately Not at all  
Not observed/observable

**ANSWER ONLY IF Question #86 is equal to "Inadequately"**

87. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #86 is equal to "Not at all"**

88. Please describe the reasons for not choosing Fully or Adequately:

89. How closely did the PACKING OF MATERIALS adhere to regulations?

*The tamper-evident envelope 1 (TEE1) should contain the used / unused ballot papers and the discarded and spoiled ballot papers envelopes. The TEE2 should contain the FRR, the official stamp, unused ballot box seals and polling staff badges. The TEE3 should contain originals of the presiding officer's worksheet, the presiding officer's journal, and the presidential record of the count RC-01. Envelopes should not be sealed until the count is completed.*

**Select One:**  
Fully Adequately Inadequately Not at all Not observed

**ANSWER ONLY IF Question #89 is equal to "Inadequately"**

90. Please describe the reasons for not choosing Fully or Adequately:

**ANSWER ONLY IF Question #89 is equal to "Not at all"**

91. Please describe the reasons for not choosing Fully or Adequately:

92. Are there CDC party agents present in the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #92 is equal to "Yes"</b>	
93. How many female CDC party agents are present in the polling place? <i>If there are no female CDC party agents present, Please submit "0".</i>	
<b>ANSWER ONLY IF Question #92 is equal to "Yes"</b>	
94. How many male CDC party agents are present in the polling place? <i>If there are no male CDC party agents present, Please submit "0".</i>	
95. Are there UP party agents present in the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #95 is equal to "Yes"</b>	
96. How many female UP party agents are present in the polling place?	
<b>ANSWER ONLY IF Question #95 is equal to "Yes"</b>	
97. How many male UP party agents are present in the polling place?	
98. Are there other party agents present in the polling place?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #98 is equal to "Yes"</b>	
99. How many female party agents from other parties are present in the polling place?	
<b>ANSWER ONLY IF Question #98 is equal to "Yes"</b>	
100. How many male party agents from other parties are present in the polling place?	
<b>ANSWER ONLY IF Question #99 is greater than or equal to 1</b>	
101. If "other female agent," which party did she represent:	
<b>ANSWER ONLY IF Question #100 is greater than or equal to 1</b>	
102. If "other male agent," which party did he represent?	
103. Which observer organizations are present?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
<b>ANSWER ONLY IF Question #103 does not include "None"</b>	
104. Which organizations have a female observer?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
<b>ANSWER ONLY IF Question #103 does not include "None"</b>	
105. Which organizations have a male observer?	<b>Select Multiple:</b> LEON ECC EU NDI AU ECOWAS Council of Churches None
106. Which, if any, of the following groups did not have sufficient access to the process? <i>Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations; not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.</i>	<b>Select Multiple:</b> Candidate/Party agents International observers Citizen observers Polling staff Media Other None Not applicable
<b>ANSWER ONLY IF Question #106 does not include "None"</b>	
107. If any, please describe: <i>How were groups denied access and what was the impact?</i>	
108. Did you observe any interference leading to negative impact on the election process?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #108 is equal to "Yes"</b>	
109. If so, which of the following groups interfered (negatively)?	<b>Select Multiple:</b> Candidate/Party Agents International observers Citizen observers Polling staff Media Voters Security Local government officials Religious/traditional leaders/chiefs Other
<b>ANSWER ONLY IF Question #108 is equal to "Yes"</b>	
110. If any interference, please describe: <i>How were groups causing interference and what was the impact?</i>	
111. Were any party agents denied complaint forms?	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #111 is equal to "Yes"</b>	
112. If yes, please describe:	
113. Were there any officially lodged complaints? <i>If applicable, near the end of your observation, ask the Presiding Officer if present or ask observers from other organizations or party/candidate agents.</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #113 is equal to "Yes"</b>	
114. If "yes," how were complaints recorded?	<b>Select Multiple:</b> Polling place journal Election complaint form Verbally reported but not written down.
<b>ANSWER ONLY IF Question #113 is equal to "Yes"</b>	
115. If 'yes', please describe: <i>Who filed complaints? What were the reasons? How were they addressed?</i>	
116. Were there any problems reported to you by those present rather than those observed directly by you? <i>(e.g., agents, observers, voters)</i>	<b>Select One:</b> Yes No
<b>ANSWER ONLY IF Question #116 is equal to "Yes"</b>	
117. If 'yes,' please describe: <i>Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.</i>	
118. How would you evaluate party/candidate agents' performance?	<b>Select One:</b> Appropriate Inappropriate Not observed/observable Inadequate
<b>ANSWER ONLY IF Question #118 is equal to "Inappropriate"</b>	
119. Please describe the reasons for not choosing Appropriate:	
120. End of Observation (polling place):	

---

121. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF CLOSING AND COUNTING PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

**Select One:**

I have read and understand the definitions.

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process*

122. What is your team's evaluation of the implementation of procedures by staff at this polling place?

*This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #122 is equal to "Poor"**

123. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #122 is equal to "Not Credible"**

124. What were the main reasons for not choosing Very Good or Reasonable?

125. Before moving ahead, please review the following definitions regarding the overall assessment of the ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

**Select One:**

I have read and understand the definitions.

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process*

126. What is your team's overall assessment of the election environment and process at this polling place?

**Select One:**

Very Good      Reasonable      Poor      Not Credible

**ANSWER ONLY IF Question #126 is equal to "Poor"**

127. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #126 is equal to "Not Credible"**

128. What were the main reasons for not choosing Very Good or Reasonable?

129. Any other comments?

## 5 Aggregation Liberia Runoff Liberia IEOM 2017



User/Team

Observation Time

1. County:	<b>Select One:</b> Bomi    Bong    Gbarpolu    Grand Bassa    Grand Cape Mount Grand Gedeh    Grand Kru    Lofa    Margibi    Maryland Montserrado    Nimba    River Cess    River Gee    Sinoe
2. Magisterial Office location:	
4. Were there obstacles or barriers on the way to the tally center that could have inhibited general access? <i>Examples of barriers might include distance from villages or a dysfunctional bridge.</i>	<b>Select One:</b> Yes    No
<b>ANSWER ONLY IF Question #4 is equal to "Yes"</b>	
5. If "yes," describe: <i>Describe barriers to access to public access and to what extent they affected the process.</i>	
6. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning    Prohibited campaign material    Intimidation Unauthorised security personnel    Violence    Significant disorder Other    None
7. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center? <i>Select "None" if you did not observe any prohibited or disruptive circumstances.</i>	<b>Select Multiple:</b> Prohibited campaigning    Prohibited campaign material Unauthorised security personnel    Intimidation    Violence Significant disorder    Other    None
8. How many tally desks are in the tally center? <i>Observers should observe the tally at one desk at a time (for no less than two hours) and fill out a separate aggregation form for each desk observed.</i>	
9. Start of Observation (Please use 24 hour clock): <i>For example 5:00pm should be 17:00 hrs.</i>	
10. Does the center appear to be accessible to physically challenged persons, including the elderly? <i>Such barriers could include more than 3 step to enter the center or others.</i>	<b>Select One:</b> Yes    No
<b>ANSWER ONLY IF Question #10 is equal to "No"</b>	
11. If "no", describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons.	
12. Were any of the following materials or equipment missing, insufficient, or incorrect?	<b>Select Multiple:</b> photo copier    paper    internet    computers    electricity Other
13. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. <i>FULLY - The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY - The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY - The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL - The procedure was omitted or was not followed meaningfully. NOT OBSERVED - Due to circumstances other than those described by the above, the observer was not able to assess the procedure.</i>	<b>Select One:</b> I have read and understand the definitions.
14. How closely did the RECEIPT OF MATERIALS procedures adhere to regulations?	<b>Select One:</b> Fully    Adequately    Inadequately    Not at all Not observed/observable
<b>ANSWER ONLY IF Question #14 is equal to "Inadequately"</b>	
15. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #14 is equal to "Not at all"</b>	
16. Please describe the reasons for not choosing Fully or Adequately:	
17. Did the count reading officer give copies of the record of account forms to the party/candidate agents? <i>The counting reading officer will request from the election supervisor to make and issue copies of the Record of the Count Form for all party/campaign agents.</i>	<b>Select One:</b> Always    Mostly    Sometimes    Never
<b>ANSWER ONLY IF Question #17 is not equal to "Always"</b>	
18. Please explain why the procedure was not followed:	
19. How closely did the QUARANTINED MATERIALS/RESULTS procedures adhere to regulations? <i>Results should be quarantined for the whole precinct if TEEs are missing for any of the polling places within a precinct. Material results should be quarantined for a polling place if there are unexplained signs of tampering or if there are discrepancies greater than 2% in the total number of ballots received and the number of valid and invalid votes.</i>	<b>Select One:</b> Fully    Adequately    Inadequately    Not at all Not observed/observable
<b>ANSWER ONLY IF Question #19 is equal to "Inadequately"</b>	
20. Please describe the reasons for not choosing Fully or Adequately:	
<b>ANSWER ONLY IF Question #19 is equal to "Not at all"</b>	
21. Please describe the reasons for not choosing Fully or Adequately:	

---

22. How closely did the TALLY procedures adhere to regulations?  
*For each Record of the Count, the Count Reading Officer will begin by reading out loud the, county name, electoral district, voting precinct code, voting precinct name, and polling place number. As the Count Reading Officer is reading the record of the count, the data entry officer will enter the information into the tally database (ET-O1). Then the count reading officer will proceed with reading the number of "Votes Obtained" by each candidate; the number of "Total Valid Votes" cast; the number of "Total Invalid Votes" cast; and the number of "Total of Valid and Invalid Votes" cast.*

**Select One:**  
 Fully    Adequately    Inadequately    Not at all  
 Not observed/observable

---

**ANSWER ONLY IF Question #22 is equal to "Not at all"**  
 23. Please describe the reasons for not choosing Fully or Adequately:

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**ANSWER ONLY IF Question #22 is equal to "Inadequately"**  
 24. Please describe the reasons for not choosing Fully or Adequately:

---

25. How closely did the PROCLAMATION/DISPLAY OF RESULTS procedures adhere to regulations?  
*The Magistrate will print out the provisional results and post it in the Magistrate office in order to keep the voters updated on the results of the Presidential election.*

**Select One:**  
 Fully    Adequately    Inadequately    Not at all  
 Not observed/observable

---

**ANSWER ONLY IF Question #25 is equal to "Inadequately"**  
 26. Please describe the reasons for not choosing Fully or Adequately:

---

**ANSWER ONLY IF Question #25 is equal to "Not at all"**  
 27. Please describe the reasons for not choosing Fully or Adequately:

---

28. How many polling places are being processed by this tally center?  
*Please find the total number of polling places that will be tallied at this center.*

---

29. Number of polling place results received to date:  
*Include TOTAL number of results quarantined.*

---

30. Number of polling places results (TEEs) quarantined to date:  
*Leave blank if unknown/not observable.*

---

**ANSWER ONLY IF Question #30 is greater than 0**  
 31. If greater than "0" please describe:

---

32. How many quarantined results have been processed to date?

---

33. How many recounts were ordered?  
*Leave blank if unknown or unobserved.*

---

**ANSWER ONLY IF Question #33 is greater than or equal to 1**  
 34. What were the reasons for the recount(s)?

---

35. Were there any results that should have received scrutiny but did not?  
**Select One:**  
 Yes    No

---

**ANSWER ONLY IF Question #35 is equal to "Yes"**  
 36. If 'yes', describe:

---

37. How many polling places have been tallied at the time of your observation?

---

38. Are there CDC party agents present in the polling place?  
**Select One:**  
 Yes    No

---

**ANSWER ONLY IF Question #38 is equal to "Yes"**  
 39. How many female CDC party agents are present in the polling place?  
*If there are no female CDC party agents present. Please submit "0".*

---

**ANSWER ONLY IF Question #38 is equal to "Yes"**  
 40. How many male CDC party agents are present in the polling place?  
*If there are no male CDC party agents present. Please submit "0".*

---

41. Are there UP party agents present in the polling place?  
**Select One:**  
 Yes    No

---

**ANSWER ONLY IF Question #41 is equal to "Yes"**  
 42. How many female UP party agents are present in the polling place?

---

**ANSWER ONLY IF Question #41 is equal to "Yes"**  
 43. How many male UP party agents are present in the polling place?

---

44. Are there other party agents present in the polling place?  
**Select One:**  
 Yes    No

---

**ANSWER ONLY IF Question #44 is equal to "Yes"**  
 45. How many female party agents from other parties are present in the polling place?

---

**ANSWER ONLY IF Question #44 is equal to "Yes"**  
 46. How many male party agents from other parties are present in the polling place?

---

**ANSWER ONLY IF Question #45 is greater than or equal to 1**  
 47. If "other female agent," which party did she represent:

---

**ANSWER ONLY IF Question #46 is greater than or equal to 2**  
 48. If "other male agent," which party did he represent?

---

49. Which observer organizations are present?  
**Select Multiple:**  
 LEON    ECC    EU    NDI    AU    ECOWAS  
 Council of Churches    None

---

**ANSWER ONLY IF Question #49 does not include "None"**  
 50. Which organizations have a female observer?  
**Select Multiple:**  
 LEON    ECC    EU    NDI    AU    ECOWAS  
 Council of Churches    None

---

**ANSWER ONLY IF Question #49 does not include "None"**  
 51. Which organizations have a male observer?  
**Select Multiple:**  
 LEON    ECC    EU    NDI    AU    ECOWAS  
 Council of Churches    None

---

52. Which, if any, of the following groups did not have sufficient access to the process?  
*Sufficient: Full access; Able to perform their function Deficient: Not able to participate as stipulated in the regulations: not permitted entry. Time limited in violation of regulations. Applied to one, some or all groups.*

**Select Multiple:**  
 Center staff    Candidate/Party agents    International observers  
 Citizen observers    Media    Security    Other    None

---

**ANSWER ONLY IF Question #52 does not include "None"**

53. If any, please describe:

*How were groups denied access and what was the impact?*

54. Did you observe any interference leading to negative impact on the election process?

**Select One:**

Yes No

**ANSWER ONLY IF Question #54 is equal to "Yes"**

55. If so, which of the following groups interfered (negatively)?

**Select Multiple:**

Candidate/Party Agents International observers Citizen observers  
Polling staff Media Voters Security  
Local government officials Religious/traditional leaders/chiefs Other

**ANSWER ONLY IF Question #54 is equal to "Yes"**

56. If any interference, please describe:

*How were groups causing interference and what was the impact?*

57. Were there any officially lodged complaints?

**Select One:**

Yes No

**ANSWER ONLY IF Question #57 is equal to "Yes"**

58. If 'yes', please describe:

*Who filed complaints? What were the reasons? How were they addressed?*

**ANSWER ONLY IF Question #57 is equal to "Yes"**

59. How were officially lodged complaints recorded?

**Select Multiple:**

Tally Center Journal Verbal reported but not written down.  
Complaint forms

60. Were there any problems reported to you by those present rather than those observed directly by you?

**Select One:**

Yes No

**ANSWER ONLY IF Question #60 is equal to "Yes"**

61. If 'yes', please describe:

*Please note the actors involved, how it was resolved, the apparent impact and any supporting evidentiary corroboration.*

62. How would you evaluate party/candidate agents' performance?

**Select One:**

Appropriate Inappropriate Not observed/observable Inadequate

**ANSWER ONLY IF Question #62 is not equal to "Inappropriate"**

63. Please describe the reasons for not choosing Appropriate:

64. End of Observation:

65. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

**Select One:**

I have read and understand the definitions.

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process.*

66. What is your team's evaluation of the implementation of the tally procedures?

**Select One:**

Very Good Reasonable Poor Not Credible

**ANSWER ONLY IF Question #66 is equal to "Poor"**

67. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #66 is equal to "Not Credible"**

68. What were the main reasons for not choosing Very Good or Reasonable?

69. Before moving ahead, please review the following definitions regarding the overall assessment of the ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed.

*VERY GOOD - Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process.*

**Select One:**

I have read and understand the definitions.

*REASONABLE - Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process POOR - Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE - Important procedures were not followed correctly, and these problems likely compromised the integrity of the process*

70. What is your team's overall assessment of the election environment at this tally center?

**Select One:**

Very Good Reasonable Poor Not Credible

**ANSWER ONLY IF Question #70 is equal to "Poor"**

71. What were the main reasons for not choosing Very Good or Reasonable?

**ANSWER ONLY IF Question #70 is equal to "Not Credible"**

72. What were the main reasons for not choosing Very Good or Reasonable?

73. Any other comments?

# Invitation to Observe



OFFICE OF THE EXECUTIVE DIRECTOR

Republic of Liberia

## NATIONAL ELECTIONS COMMISSION

TUBMAN BOULEVARD, 9<sup>th</sup> & 10<sup>th</sup> STREETS, SINKOR – P. O. BOX 2044  
MONROVIA, LIBERIA

Email: [info@necliberia.org](mailto:info@necliberia.org)



FAX: 23177226245

December 2, 2016

Mr. Pewee Flomoku  
Chief of Party  
Carter Center  
Mamba Point  
Monrovia, Liberia

Dear Mr. Flomoku:

**Ref: Invitation to Observe the 2017 Voter Registration Exercise**

I am pleased to present compliments on behalf of the National Elections Commission (NEC) and write to inform your institution that in keeping with the timeline for the 2017 General Elections, the Commission will conduct Voter Registration from February 1 to March 7, 2017. The 2017 Voter Registration Exercise will take place in 2,080 registration centers across the country. Accreditation of Observers for the Voter Registration Exercise will be held from December 5, 2016 to January 20, 2017.

In view of the aforementioned, the National Elections Commission is pleased to invite observer organizations to observe the 2017 Voter Registration Exercise. International Observer organizations may pick up accreditation forms at the Political Affairs/ Observer Coordination Section at NEC headquarters while national organization can pick up accreditation at both NEC Headquarters and the NEC 19 Magisterial Offices across the County. Accreditation time is from 9:30AM to 5:00PM, Monday to Friday excluding public holidays.

Once the accreditation forms are filled out and returned, the Commission will prepare and issue accreditation cards to observe the Voter Registration Exercise at the various centers. Additional details and documentation will be provided during the accreditation process.

*On behalf of the National Elections Commission, I wish to welcome your organization to observe the 2017 Voter Registration exercise and look forward to working with your observers.*

Kind regards,

Sincerely,

C.A. Lamin Lighe  
EXECUTIVE DIRECTOR

# Elections and Runoff Results

## Runoff Elections Results

December 26, 2017

Turnout of Reported Polling Places: 1,218,124 (55.8%)

President and Vice President Results

Candidate	Votes	Percentage
WEAH, George Manneh (CDC)	732,185	61.5%
BOAKAI, Joseph Nyuma (UP)	457,579	38.5%

---

## Presidential and Representative Elections Results

October 10, 2017

Turnout of Reported Polling Places: 1,641,922 (75.2%)

### President and Vice President Results

Candidate (Party)	Votes	Percentage
BOAKAI, Joseph Nyuma (UP)	446,716	28.8%
BRUMSKINE, Charles Walker (LP)	149,495	9.6%
COOPER, Macdella M. (LRP)	11,645	0.7%
COOPER, Oscar (IND)	10,381	0.7%
CUMMINGS, Alexander B. (ANC)	112,067	7.2%
DWEH, SR., George Sluwer (RDC)	4,935	0.3%
FAHNBULLEH, JR, Henry Boima (LPP)	11,560	0.7%
FREEMAN, Simeon C. M. (MPC)	6,682	0.4%
JOHNSON, Prince Y. (MDR)	127,666	8.2%
JONES, Joseph Mills (MOVEE)	12,854	0.8%
KPADEH, Aloysius William (IND)	5,922	0.4%
MATOR, Yarkpajuwur N. (IND)	1,940	0.1%
MCINTOSH, Wendell J. E. (CDA)	1,646	0.1%
SANDY, Kennedy Gbleyah (LTP)	5,343	0.3%
TUIDER, William Wiah (NLP)	4,920	0.3%
UREY, Benoni Wilfred (ALP)	24,246	1.6%
WEAH, George Manneh (CDC)	596,037	38.4%
WENTO, Macdonald A. (UPP)	8,968	0.6%
WHAPOE, Jeremiah Z. (VOLT)	3,946	0.3%
WILES, Isaac Gbombadee (DJP)	6,379	0.4%
<b>Total</b>	<b>1,553,348</b>	<b>100.0%</b>

## ■ The Carter Center at a Glance

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in

80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.



Martin Frank



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