

THE  
CARTER CENTER



NATIONAL ELECTIONS IN LIBERIA

FALL 2011

FINAL REPORT

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# NATIONAL ELECTIONS IN LIBERIA

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THE  
CARTER CENTER



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## FOREWORD

By John Stremlau  
*Vice President for Peace Programs, The Carter Center  
Co-leader of Election Observation Mission to Liberia*

Liberia's 2011 national elections were another important step in establishing the foundation for sustainable democratic governance, national integration, and economic development in a country still struggling to overcome the wreckage of war.

The Carter Center was pleased to be invited to observe these elections by Liberia's National Elections Commission (NEC) and to be cordially received by the leaders of all the main political parties, including President Ellen Johnson Sirleaf and her chief opponent, Ambassador Winston Tubman. Throughout the process, our observers benefited from the warm hospitality and help we received from the Liberian people and from the voters and poll workers who patiently and peacefully demonstrated their personal commitment to this most basic democratic right.

Our mission was led by former Nigerian Head of State General Dr. Yakubu Gowon, whose magnanimous policy of "no victors, no vanquished" following his country's terrible civil war is admired in Liberia

as elsewhere in Africa and beyond. We were very fortunate to partner with the Electoral Institute for Sustainable Democracy in Africa (EISA), which is based in South Africa but has become a leader among nongovernmental international election observer organizations across Africa. For each round of the elections, we jointly deployed more than 50 observers from approximately 25 countries, including 16 African countries.

We wish to thank the U.S. government and Humanity United for supporting the Carter Center's work in Liberia financially and U.S. Ambassador Linda Thomas-Greenfield and her staff for their timely assistance to the mission. The United Nations Mission in Liberia (UNMIL) provided valuable logistical support and advice, and we gratefully acknowledge the personal role of the secretary-general's special representative, Ellen Margrethe Løj, in facilitating this assistance. We also benefited from collegial advice and consultation among the other, predominantly African, international observer missions to Liberia, notably the delegations from the Economic Community of West African States (ECOWAS) and the African Union.

In addition to the robust African and international interest in Liberia's election, we also are encouraged by the degree of citizen engagement. More than 60 Liberian civil society organizations were accredited by the NEC and subsequently deployed several thousand observers, with a presence at 75 percent of the polling stations Carter Center–EISA observers visited on the day of the election. At the pinnacle of this massive domestic effort was the Election Coordinating Committee (ECC), an umbrella organization with a large cohort of trained observers who, in turn, helped ensure that Liberian observers followed the same agreed-upon set of election observation principles that the major international nongovernmental and intergovernmental observer groups affirmed at the United Nations in 2005.



*Dr. John Stremlau participates in a meeting with the heads of other international observer delegations.*

Deborah Hakes



## NATIONAL ELECTIONS IN LIBERIA

Democratic governance is new to Liberia. Although it is Africa's oldest independent republic, gaining international recognition from the United States and other governments in 1847, it was ruled until 1980 by an oligarchy descended from former slaves and free blacks who colonized the territory under the auspices of the American Colonization Society with little regard for the rights and privileges of Liberia's indigenous peoples. The military coup in 1980 was followed by a horrific period of oppression and armed conflicts until African and U.N. peacemakers finally restored a fragile political accord, and the United Nations supervised elections in 2005.

Not until 2011 was there a national electoral management body capable of running a national election, with major candidates for president appealing to all ethnic groups and forging broad coalitions in pursuit of a national mandate. As the report that follows documents, there were some important problems, and we offer more than a dozen recommendations for improving the process in the future. This was, however, in our judgment, the best run and most credible election in the country's history, despite a boycott of the presidential runoff by the opposition Congress for Democratic Change (CDC).

Liberia's peaceful democratic development is vital for the Mano River subregion of West Africa, where the proliferating conflicts in the 1990s were famously decried as a harbinger of "the coming anarchy" in

regional and world affairs. The Liberian people appear committed to a different path, but we all know that a credible election is not enough. Constitutional term limits and an aging political elite will require a new generation of leaders by the next presidential election in 2017. International partnerships will be critical to help strengthen the democratic institutions to support this transition and check abuses of power.

The Carter Center will continue its present work with the Ministry of Justice and the Ministry of Internal Affairs to help advance access to justice and civic education. Also, we have forged a complementary partnership with the Ministry of Information to advance citizens' access to information,

so essential for public confidence in government and for resolving issues that affect the lives of millions of Liberians. Additionally, the Carter Center's Mental Health Program has underway an innovative training and service effort aimed at alleviating the ravages of mental illness, much of it resulting from the terrible traumas of the recent civil wars.

In an era of global economic uncertainty and reduced donor budgets, and with democratic transitions elsewhere competing for attention and funds, sustained donor engagement is still needed while Liberia works toward more transparent and inclusive governance, self-reliance, and a middle-income status by 2030. The Carter Center is pleased to be part of this international commitment to Liberia's development.

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*Liberia's peaceful democratic development is vital for the Mano River subregion of West Africa.*

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## EXECUTIVE SUMMARY

The 2011 presidential and legislative elections were an important test for Liberia's transition from civil war to democratic, constitutional government. They were the second elections since the signing of the Comprehensive Peace Accord (CPA) in 2003 and were widely seen as an opportunity to consolidate peace and accelerate Liberia's political and economic recovery. Despite the opposition's decision to boycott the presidential runoff and the tragic but isolated outbreak of violence on Nov. 7, the elections demonstrated the government's commitment to organizing genuine elections and the commitment of the vast majority of Liberians to peaceful participation in the democratic process. Looking ahead, it will be critical for the government to take concrete steps to heal the divisions exposed by the elections and to advance the difficult processes of political reform and inclusive economic development.

The National Elections Commission (NEC) faced a number of significant challenges in organizing the elections. Whereas elections in both 1997 and 2005 were conducted under special legal arrangements, with significant organizational and logistical assistance from international partners, the 2011 elections were the first under the 1986 constitution and the first since before the civil war in which the NEC was responsible for organizing all aspects of the electoral process. These challenges were amplified by the need for new constituency demarcation and a national referendum in August 2011 that addressed candidacy requirements, the system for determining the outcome of legislative elections, the mandatory retirement age for justices, and the date of the poll. The late organization of the referendum left crucial aspects of

the legal framework uncertain until just weeks before the election. Despite these challenges, the NEC performed admirably, organizing the election on time and demonstrating its capacity to conduct credible and transparent elections in the future.

Nearly 1.8 million people registered to vote, an increase of nearly 40 percent from 2005. Although there were some concerns about double registration and the registration of underage voters, no serious problems with the voter roll were reported on election day.

Sixteen parties or coalitions registered candidates for president and vice president, and more than 900 candidates competed for the Senate and House of Representatives. Although there were several minor attacks on candidates' property in Monrovia, and candidates at times employed negative and potentially

inflammatory rhetoric, in general campaigning was vibrant and peaceful. Political parties and independent candidates were free to travel throughout the country and had sufficient space to assemble and to share their views with potential voters.

At the same time, however, there were persistent reports—in several cases independently investigated and confirmed by The Carter Center—that government officials at multiple levels denied opposition parties access to public facilities to hold campaign events and that there was misuse of state resources, especially by the ruling Unity Party (UP). The elections law needs to be strengthened to incorporate provisions on campaigning that currently are scattered in codes of conduct and other regulations. The government of Liberia also must ensure that public space is open to all parties and candidates, public resources are not abused, and individuals who violate

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*The elections demonstrated the government's commitment to organizing genuine elections and the commitment of the vast majority of Liberians to peaceful participation in the democratic process.*

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## NATIONAL ELECTIONS IN LIBERIA

the law are held accountable. These measures are critical to ensuring the fairness of the electoral process and the broadest possible public confidence in election results.

The first round of the elections, held on Oct. 11, was peaceful, orderly, and transparent. Despite long lines, observers reported that the polls opened on time and voters turned out in great numbers to cast their ballots. With only a few exceptions, poll workers conducted themselves in an impartial and professional manner, under the watchful eye of numerous party agents and domestic observers. Although observers noted a number of minor procedural irregularities, especially during the counting process, none were significant enough to affect the overall integrity of the vote. This conclusion was reinforced by similar findings reported by observers from the Economic Community of West African States (ECOWAS), the African Union (AU), and the Elections Coordinating Committee (ECC), a network of 2,000 domestic observers, among others. Turnout during the first round was 1,288,716, or 71.6 percent of all registered voters.

The tally process was more contentious. On Oct. 15, while tallying was ongoing, nine opposition parties signed a joint statement alleging widespread fraud during voting, counting, and tallying and withdrew their party agents. Their assertion of fraud was based on a limited number of cases of irregularities on record of the count (RoC) forms and photographs of three ballot boxes that the opposition Congress for Democratic Change (CDC) argued showed evidence of tampering. While Carter Center observers reported a number of clerical mistakes, computational errors, and other procedural irregularities during the tally, they found no evidence of systematic fraud or manipulation of election results. The opposition was never able to substantiate its claims of fraud but nonetheless sought to delay or challenge the process.



Deborah Hakes

*Liberians line up at a polling station in Monrovia.*

No party won an absolute majority during the first round of the presidential elections, automatically triggering a runoff between the UP, which won 43.9 percent, and the CDC, which won 32.7 percent. However, the CDC announced on Nov. 4 that it would boycott the runoff and, on Nov. 7, organized an illegal rally at its headquarters in Congotown. During this rally, CDC partisans spilled onto Tubman Boulevard and threw stones at police from the Emergency Response Unit (ERU). Police fired tear gas and then live ammunition into the unarmed crowd. Video, photographs, and credible eyewitness reports suggest that the police used excessive force and that at least two people were killed before United Nations Mission in Liberia (UNMIL) troops stepped in and prevented the situation from deteriorating further. Later that day, police arrested more than 80 CDC partisans and closed seven media outlets affiliated with the opposition. These individuals were later released and the media outlets allowed to reopen.

A Special Commission of Inquiry into the events of Nov. 7, established by the president on Nov. 13, recommended that Police Commissioner Marc Amblard be replaced. While this represented an important step, further steps will be needed to restore confidence in the police. Following its initial report,



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the president asked the commission to continue its work.

From a technical perspective, the presidential runoff election that took place on Nov. 8 was well-administered, transparent, and conducted in accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, however, it was marred by the CDC boycott, violence, and low voter turnout. These events exposed deep divisions within Liberian society and mounting feelings of exclusion that will need to be addressed as the new government works to unify the country. In addition, the election highlighted the weakness of opposition political parties and the challenges Liberia will face as it seeks to build a vibrant, multiparty democracy. This will be crucial to the country's long-term stability.

The Carter Center recommends a number of important steps to improve the conduct of elections in the future. In order to strengthen the legal framework for elections, the government of Liberia should reform the elections law to incorporate provisions scattered throughout the various regulations and codes of conduct promulgated by the NEC. In addition, steps should be taken to harmonize the legal framework for electoral dispute resolution. Concurrently, the NEC should take steps to strengthen its liaison offices; increase training for polling staff, especially on procedures for counting and tallying; and increase support to voter education programs.

The Carter Center urges the international community to support Liberia's electoral reform efforts, well in advance of the next elections. This support should include technical assistance and training for political parties to improve communication with the NEC and to ensure broader knowledge of parties' rights and

obligations under the elections law. In light of the clashes on Nov. 7, the U.N. Security Council may wish to consider extending UNMIL's mandate beyond 2012 to permit further security sector reform and ensure that previous gains are not reversed. Finally, support for national reconciliation efforts that include members of opposition political parties should be increased.

The Carter Center's election observation mission was part of a 20-year commitment to work with the Liberian people to help build peace, support democratic development, and improve health. The

mission included four mobile teams of long-term observers (LTOs), supported by a core team based in Monrovia. Carter Center observers deployed in mid-September 2011 to witness campaigning and election preparations and remained in country until Nov. 25 to observe the tally process, the resolution of electoral disputes, and the announce-

ment of final results. For both rounds of the elections, The Carter Center partnered with the South Africa-based Electoral Institute for Sustainable Democracy in Africa (EISA) to deploy delegations of more than 50 short-term observers (STOs) to all 15 Liberian counties. Based on their findings, The Carter Center issued six substantive public statements that assessed the quality of the electoral process against domestic laws and Liberia's obligations for democratic elections under international law. The Carter Center's statements played an important role in shaping the public's understanding and international perceptions of the electoral process. The Carter Center will remain engaged in Liberia working with the government, civil society organizations, and community leaders to support access to justice, access to information, and mental health.

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## THE CARTER CENTER IN LIBERIA

President Carter and The Carter Center have a long history of involvement in Liberia, beginning with President Carter's official visit to Monrovia on April 3, 1978, only the second to sub-Saharan Africa by a U.S. president. The Center opened its first office in Liberia in 1992. Over the past 20 years, The Carter Center has initiated programs in conflict resolution, support to civil society, human rights, access to information, access to justice, mental health, and elections. The 2011 elections were the third in Liberia observed by the Center.

In 1991, ECOWAS invited President Carter to help support ECOWAS' ongoing peace initiatives to end Liberia's civil war. From 1993 to 1996, the Center led a series of Track Two initiatives to facilitate dialogue and build the capacity of civil society organizations in civic education, human rights, and reconciliation. These efforts led to the creation of the Liberian Network for Peace and Development (LNPD) and the Liberian Initiative for Peace-Building and Conflict Resolution (LIPCORE). The Center's presence was disrupted by the resumption of armed conflict in Monrovia in 1996.

Following the Abuja Accord, the Center was invited to observe Liberia's special elections in July 1997. Engagement began with assistance to consultations to establish an electoral code of conduct and initiatives to strengthen civil society and improve communication between political parties and the election commission. On election day, the Center deployed a delegation of 40 international observers to 10 of Liberia's 13 counties. The delegation was led by President Carter, former Benin President Nicephore

Soglo, and former U.S. Sen. Paul Simon. In its preliminary statement, dated July 21, 1997, The Carter Center applauded the high turnout and commended the Economic Community of West African States Monitoring Group's (ECOMOG) role in providing security. The statement noted a "peaceful and orderly election" that represented "an important step forward in ... the peace process."

Following the election, the Center began a new phase of programming aimed at strengthening the new Liberian Commission on Human Rights, building media independence, and developing civil society's capacity to address human rights. These programs were designed to test President

Charles Taylor's commitment to institute real democratic reforms. They continued until November 2000, when, following several private letters urging specific actions, President Carter sent an open letter to President Taylor stating that the Liberian government's record on human rights made the Center's continued presence in the country impossible.

In March 2001, with the prospect of renewed full-scale war looming, prominent opposition politicians requested President Carter's assistance to initiate a dialogue leading to elections. Carter Center representatives visited Liberia and several neighboring countries in an effort to build momentum for talks. Ultimately, peace talks began in Abuja, Nigeria, in 2002 under the auspices of ECOWAS and culminated in the 2003 Comprehensive Peace Accord, signed in Accra, Ghana. This agreement ended the second phase of Liberia's civil war and established a time line for elections in October 2005.

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*Over the past 20 years, The Carter Center has initiated programs in conflict resolution, support to civil society, human rights, access to information, access to justice, mental health, and elections.*

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## NATIONAL ELECTIONS IN LIBERIA

During the 2005 electoral process, the Center opened two separate offices. One, in partnership with Electoral Reform International Services (ERIS), provided technical support to strengthen political parties, train a network of domestic observers, and support civic and voter education. Another supported the deployment of three teams of long-term international observers. On election day, the Center partnered with the National Democratic Institute (NDI) to deploy 40 international observers to 10 counties. For the runoff presidential election, 28 international observers were deployed to nine counties. Overall, the Center and NDI determined that both rounds of the elections had been peaceful and well-administered.

In 2006, The Carter Center began a new set of programs in cooperation with the ministries of Justice and Internal Affairs to help improve access to justice,

especially for Liberians living in rural areas. These were joined in 2009 by programs in Mental Health and Access to Information. All three programs are ongoing as of this writing and represent the Center's continuing commitment to peace, justice, and long-term development in Liberia.

The Center conducted three assessment missions in preparation for the 2011 elections, in October 2010, January 2011, and June 2011. These missions met with officials in the government of Liberia, the National Elections Commission (NEC), political parties, civil society groups, and representatives of the diplomatic community. The Center formally began its 2011 Liberia election observation mission at the beginning of September with the arrival of a core team and establishment of an office on Mamba Point in Monrovia.



Deborah Hakes

*Former U.S. President Jimmy Carter observes voting during the 2005 election.*



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The Carter Center established a separate election observation mission office in Monrovia from the end of August through mid-December 2011.



Davor Corluka, security and logistics officer; Mariusz Wojtan, observer coordinator; and Alexander Bick, election observation mission director, were part of the Monrovia-based core team that supported the observation mission.

### ELECTION OBSERVATION METHODOLOGY

Since 1989, The Carter Center has observed more than 80 elections in 36 countries. Carter Center election observation missions are conducted in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups. By observing the election, the Center provides an impartial, objective assessment of the quality of the electoral process and the extent to which it meets Liberia's obligations under national and international law. Election observation demonstrates international support for the democratic process, helps to detect and expose fraud, and enhances the transparency and integrity of the electoral process as a whole. In this way, international election observation contributes to elections as

*By observing the election, the Center provides an impartial, objective assessment of the quality of the electoral process and the extent to which it meets Liberia's obligations under national and international law.*

a means of establishing legitimate authority and holding governments accountable to their people.

The Center was formally invited to observe all aspects of Liberia's electoral process by the NEC, the body responsible for organizing and administering national elections, and was welcomed by representatives of the major political parties during consultations in January and June 2011.

The Carter Center's mission in Liberia included both long- and short-term international observers, supported by a core team of professional staff based in Monrovia. Activities spanned the period from Sept. 1 until Nov. 28, 2011, including observer teams for both the presidential and legislative elections on Oct. 11, 2011, and the presidential runoff on Nov. 8, 2011. During this time, The Carter Center released six public statements and reports on all aspects of Liberia's electoral process.



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Elizabeth Plachta

*Long-term observers attended training in Monrovia before deploying to their areas of responsibility.*

### Deployment of Long-Term International Election Observers

Following three days of briefings in Monrovia, on Sept. 15, 2011, The Carter Center deployed eight long-term observers (LTOs) in four mobile two-person teams. LTOs represented six different countries and had experience in election observation, election administration, and investigative journalism.<sup>1</sup> Three LTOs previously had worked on elections in Liberia. Each team was assigned an area of responsibility that included one or more counties: LTO Team One was based in Monrovia, with responsibility for Montserrado County. LTO Team Two was based in Gbarnga, with responsibility for Bong, Lofa, Margibi, and Nimba counties. LTO Team Three was based in Tubmanburg, with responsibility for Bomi, Gbarpolu, Grand Bassa, Grand Cape Mount, and River Cess counties. LTO Team Four was based in Zwedru, with responsibility for Grand Gedeh, Grand Kru, Maryland, River Gee, and Sinoe counties. This deployment plan allowed the mission to track electoral developments in all 15 Liberian counties.

During the pre-election period, LTOs familiarized themselves with their areas of responsibility and

assessed key issues, including electoral preparations, recruitment of election staff, voter and civic education, and the campaign environment. LTOs also prepared briefings and made logistical arrangement for the arrival of Carter Center STOs. During both rounds of the elections, LTOs briefed short-term observers (STOs) and integrated into the larger Carter Center delegation. During the postelectoral period, LTOs remained deployed to observe the tally process at the magisterial level, assess local responses to the announcement of election results, and observe and report on the resolution of election disputes. LTOs submitted weekly reports to the core team in Monrovia.

### Deployment of Short-Term International Election Observers and Delegation Leadership

The Carter Center organized two separate delegations of STOs to observe polling and counting on election day during each round of Liberia's elections. Both delegations were led by Gen. Dr. Yakubu Gowon, former head of state of Nigeria, along with Dr. John Stremlau, vice president for Peace Programs at The Carter Center. During both rounds, the Center partnered with the Electoral Institute for Sustainable Democracy in Africa (EISA) to hold joint briefings and to deploy integrated teams throughout Liberia.

This partnership provided an important opportunity for interinstitutional cooperation and made it possible for the integrated mission to deploy observers to all 15 Liberian counties.

The first delegation of Carter Center STOs arrived in Monrovia on Oct. 5, 2011, to receive two days of briefings in advance of deployment Oct. 8–12, 2011. These briefings focused on Liberian history and politics, the legal and institutional framework for elections, observation checklists and methodology,

<sup>1</sup> Carter Center LTOs were from Canada, Kenya, Nigeria, Norway, Sierra Leone, and the United States.

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*The Carter Center organized two separate delegations of STOs to observe polling and counting on election day during each round of Liberia's elections.*

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Deborah Hakes

*The joint Carter Center and EISA delegation included more than 55 observers during the first round of voting.*

security, and reporting. The 55 STOs in the integrated Carter Center–EISA mission represented 20<sup>2</sup> countries on four continents. Following the election, STOs returned to Monrovia for a debriefing and press conference.

The second delegation of Carter Center STOs arrived in Monrovia on Nov. 2, 2011. As in the first round, they received briefings in Monrovia before deploying to the counties on Nov. 6 to observe polling, counting, and tallying. STOs remained in the counties until Nov. 10 in order to observe tallying in all 19 magisterial areas. The second integrated Carter Center–EISA mission included 52 observers representing 18 countries.<sup>3</sup>

STOs used a system of randomization developed by Dr. Susan Hyde at Yale University to select polling places in a manner that ensured a randomized set of polling stations could be visited in each area of deployment. Observers reported their findings from each polling place using observation checklists that reflected official electoral procedures. In addition, The Carter Center piloted new custom software and

smart phones to collect data from observers. This new software provided real-time access to observers' findings from across the country. Smart phones used on the mission were donated by Google Inc.

During the mission, Carter Center delegation leadership met with the chair of the NEC; representatives of Liberian civil society organizations, the United Nations, and the diplomatic community; heads of the international observer delegations; and “standard-bearers” (presidential candidates) of the main political parties. During the second round of the elections, Gen. Gowon met several times with Winston Tubman, Congress for Democratic Change (CDC) standard-bearer, in an effort to gather information on

<sup>2</sup> Carter Center and EISA STOs for national elections on Oct. 11, 2011, were from Cameroon, the United States, the United Kingdom, the Democratic Republic of the Congo, Sierra Leone, the Czech Republic, Malawi, Poland, Norway, Kenya, Nigeria, South Africa, New Zealand, Uganda, South Sudan, Lesotho, Mozambique, Ethiopia, Ivory Coast, and Zimbabwe.

<sup>3</sup> Carter Center and EISA STOs for the presidential runoff on Nov. 8, 2011, were from Nigeria, the United States, Zambia, Mozambique, South Africa, Norway, France, the United Kingdom, New Zealand, Sierra Leone, Kenya, Uganda, South Sudan, Togo, Canada, Lesotho, the Czech Republic, and Cameroon.



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the pre-electoral violence and to encourage the CDC to accept the results of the election.

### Release of Public Statements

The Carter Center contributed to public debate about the electoral process by issuing periodic public statements and reports. These included statements on the campaign period, voting and counting on election day, tallying, and the post-electoral environment. Several of these statements included specific recommendations addressed to the NEC, the government of Liberia, political parties, the media, and civil society in order to improve the electoral process.

Public statements and reports included information related to:

- The degree to which election preparations and election administration met Liberia’s obligations under national and international law
- The conduct, credibility, and transparency of polling, counting, and tallying operations on and following election day
- Electoral disputes and parties’ and candidates’ access to mechanisms for dispute resolution

- Political party organization, adherence to the political parties code of conduct, and the openness and fairness of the campaign period
- The role of the Liberian media, the treatment of journalists, and press freedom

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*The Carter Center  
contributed to public debate  
about the electoral process  
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statements and reports.*

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- The scope and nature of work by domestic observer groups and the participation of Liberian civil society organizations in the electoral process

- Other human rights concerns.

Carter Center statements and reports on Liberia’s election are included in an appendix at the end of this report.

### Criteria for Election Assessment

The Carter Center assesses elections against a country’s domestic legal framework and its obligations for democratic elections under international law. This allows The Carter Center to evaluate each stage of the electoral process and the extent to which it adheres to international standards. In addition to the 1986 constitution and 2004 elections law, Liberia is a member state of the United Nations, the African Union, and the Economic Community of West African States and is party to the following treaties and declarations:



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| Treaty/Declaration  | Status               | Year          |
|---|----------------------|---------------|
| International Covenant on Civil and Political Rights  | Ratified             | 22 Sept 2004  |
| International Convention on the Elimination of all Forms of Racial Discrimination                             | Acceded <sup>4</sup> | 5 Nov 1976    |
| International Convention on Economic Social and Cultural Rights   | Ratified             | 22 Sept 2004  |
| Convention on the Elimination of Discrimination Against Women   | Acceded              | 17 July 1984  |
| Convention on the Political Rights of Women   | Signed               | 9 Dec 1953    |
| Convention on the Rights of the Child   | Acceded              | 4 June 1993   |
| United Nations Convention Against Corruption  | Acceded              | 16 Sept 2005  |
| United Nations Convention on the Rights of Persons with Disabilities  | Signed               | 30 March 2007 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Signed               | 22 Sept 2004  |
| Universal Declaration of Human Rights   | Adopted <sup>5</sup> | 1948          |
| African Charter on Human and People's Rights  | Ratified             | 8 Aug 1982    |
| Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa                 | Ratified             | 14 Dec 2007   |
| African Convention on Preventing and Combating Corruption   | Ratified             | 20 June 2007  |
| African Charter on Democracy, Elections, and Governance <sup>6</sup>  | Signed               | 18 June 2008  |
| ECOWAS Protocol on Democracy and Good Governance  | Signed               | 21 Dec 2001   |
| ECOWAS Protocol on the Fight Against Corruption   | Signed               | 21 Dec 2001   |

<sup>4</sup> Accession and ratification of a treaty are procedurally different, although the substantive results of both processes are identical. Ratification implies that a country has first signed the treaty, whereas accession connotes that a country has not previously signed or was not in a position to sign a treaty, whatever may be the reasons.

<sup>5</sup> As a declaration, the UDHR has not undergone a process of ratification; however, it is widely considered binding as an example of customary international law. The UDHR was originally adopted by 48 countries in 1948.

<sup>6</sup> The African Charter on Democracy, Elections, and Governance; the ECOWAS Protocol on Democracy and Good Governance; and the ECOWAS Protocol on the Fight Against Corruption have not yet entered into force.



## HISTORICAL AND POLITICAL BACKGROUND

Liberia was settled by former slaves and other free blacks in the 1820s, with support from the American Colonization Society, a private organization that supported repatriation rather than emancipation as a solution to the problem of race in the United States. In 1847, the settlers declared their independence and founded the Republic of Liberia, naming the capital Monrovia in honor of U.S.

President James Monroe. Politics in the new republic were dominated by the descendants of the original settlers and by the True Whig Party, which controlled the Liberian legislature and presidency for more than 100 years.

This changed dramatically in 1980, when Master Sgt. Samuel Doe organized a bloody coup and established the first government led by the majority indigenous Liberians. In 1985, Doe organized national elections in which he ran as a

civilian candidate for the National Democratic Party of Liberia (NDPL), with his main opposition coming from Jackson F. Doe of the Liberian Action Party (LAP). The election was marred by fraud and intimidation, and Samuel Doe is widely believed to have stolen the election during the final tally. This led to an unsuccessful coup attempt by Thomas Quiwonkpa and brutal reprisals against his followers in Nimba County.

In 1989, Charles Taylor led an uprising as the head of the National Patriotic Front for Liberia (NPFL). This marked the beginning of a seven-year civil war in which Liberia's infrastructure and institutions were devastated. After numerous attempts at mediation, the 1996 Abuja Accord finally brought an end to the conflict and made possible the holding of national

elections in July 1997. The agreement set a very rapid time table for disarmament and election preparations, meaning that candidates had little time to organize, and many did not feel secure to campaign outside Monrovia, where Taylor's forces remained in control. Taylor won 75.3 percent of the vote as the head of the National Patriotic Party (NPP), while Ellen Johnson Sirleaf of the Unity Party (UP) finished second with 9.6 percent.

Although Taylor enjoyed enormous resource advantages and there were widespread reports of intimidation, international observers from the European Union, the Economic Community of West African States (ECOWAS), the Friends of Liberia, and The Carter Center determined that voters were able to express their will and that the election was the best means available to end the conflict and legitimize

a return to civilian government.

Repression by Taylor's government and armed challenges by forces of the Liberians United for Reconciliation and Democracy (LURD) and, later, the Movement for Democracy in Liberia (MODEL) led to the resumption of war in 1999. In August 2003, Taylor was forced into exile in Nigeria and a broad range of Liberian stakeholders met in Accra, Ghana, to negotiate the Comprehensive Peace Agreement (CPA). This agreement ended the second phase of Liberia's civil war, established a transitional government, and set a time line for elections in October 2005. An estimated 250,000 people out of total population of 3 million had died from fighting since 1989, and up to half of the population had been displaced.

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## NATIONAL ELECTIONS IN LIBERIA

The 2005 elections were held under the framework of the CPA, with significant organizational and logistical assistance from the United Nations. Among other things, the CPA suspended a number of constitutional provisions in order for the elections to proceed. These included the requirement that a census be held before constituency demarcation, the 10-year residency requirement for presidential and vice presidential candidates, and the requirement of an absolute majority for both presidential and legislative elections.

In the first round of the presidential elections, held on Oct. 11, 2005, George Weah's Congress for Democratic Changes (CDC) came in first with 28.3 percent of the vote. Ellen Johnson Sirleaf and the UP came in second with 19.8 percent, while Charles Brumskine's Liberty Party (LP) and Winston Tubman, running on the National Democratic Party of Liberia (NDPL) ticket, gained 13.9 percent and 9.2 percent, respectively. In the Nov. 8 runoff, Sirleaf beat Weah 59.4 percent to 40.6 percent. The CDC was not expecting this turnaround and alleged widespread fraud. These charges were not supported by concrete evidence, and the courts rejected Weah's challenge. International observers, including The Carter Center, ECOWAS, and the European Union, did not report any serious irregularities in either round of the elections. Sirleaf was inaugurated as president of the Republic of Liberia in January 2006.

Over the next five years, the Liberian government made important strides in rebuilding roads, standardizing payment to civil servants, reforming the military and the police, restoring electricity to parts of Monrovia, and normalizing Liberia's relations with the international community, including a successful program to relieve Liberia's international debt. At the same time, gains outside of Monrovia remained limited, and there were persistent

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### OVERVIEW OF LIBERIA

#### Population

Estimated at 3,887,000 (2012)

#### Languages

English (official), 16 indigenous languages

#### Ethnic Groups

16 ethnic groups, none larger than one-fifth of the population

#### Literacy Rate

58 percent overall

#### Religion

Christian (85 percent), Muslim (12 percent), other (1.5 percent), no religion (1.5 percent)

*Source: U.S. State Department, Background Note: Liberia*



## NATIONAL ELECTIONS IN LIBERIA

allegations of corruption. In addition, although the CPA-established Truth and Reconciliation Commission made its recommendations in 2009, these were never implemented, in part due to controversial provisions that precluded full discussion of the document.

The 2011 presidential and legislative elections served as a test of the consolidation of democracy in Liberia. Since elections in 1997 and 2005 were each held under special legal arrangements, they were the first to be held under the country's 1986 constitution, as well as the first since the civil war in which the NEC was responsible for organizing all aspects of the electoral process. These challenges were amplified by the need for constituency demarcation and preparations for

a national referendum held on Aug. 23, 2011. The extensive negotiations required to reach agreement on each of these processes considerably compressed the electoral time table, and the late organization of the referendum in particular meant that crucial aspects of the legal framework—including candidacy requirements, the system for determining the outcome of legislative elections, and the date for the poll—remained uncertain until just weeks before the election.

The best organized parties heading into the elections were the incumbent UP, the CDC, the LP, and the newly formed National Union for Democratic Progress (NUDP), led by former warlord and Nimba County senior Sen. Prince Johnson.

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*The 2011 presidential and legislative elections served as a test of the consolidation of democracy in Liberia.*

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# ELECTORAL INSTITUTIONS AND THE FRAMEWORK FOR THE ELECTIONS

Effective electoral institutions and a sound legal framework are essential to ensuring that a country upholds its international obligations, including, but not limited to, conducting periodic genuine elections that accurately reflect the will of the people for democratic elections.<sup>7</sup>

## LEGAL FRAMEWORK FOR THE ELECTIONS

In Liberia, the legal framework for the conduct of the 2011 elections includes the constitution, the elections law as amended by the Electoral Reform Law of 2004, organic laws of the courts, the law on political parties, and regulations and decisions of the NEC.

According to the constitution, Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is republican with three separate coordinate branches: the legislative, the executive, and the judicial. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches can hold office in or exercise any of the powers assigned to either of the other two branches except as otherwise provided. The constitution states that Liberia is a state governed by the rule of law, in which human dignity, civil and political rights and freedoms, justice, and political pluralism represent supreme values that are guaranteed.

The constitution provides for all of the fundamental rights common to a democratic state, and it provides an adequate basis for the conduct of democratic elections if implemented in a transparent and

consistent manner. These include equality before the law and the rights of freedom of expression, association, and assembly.<sup>8</sup> The will of the people constitutes the basis of state power. This will is expressed by free elections periodically conducted and based on universal, equal, direct, secret, and freely expressed suffrage.<sup>9</sup> Any person or association alleging that any of the rights granted under the constitution or contravened by any legislative or directive of the government may file a challenge in the courts asking that the law

or government action be declared unconstitutional.<sup>10</sup>

However, the constitution also states that “only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.”<sup>11</sup>

Exclusionary provisions based on ethnicity are incompatible with democratic election standards that provide for the enjoyment of rights free from discrimination on the basis of race or national origin.<sup>12</sup>

The present elections law was adopted in 1986 and subsequently amended by the Electoral Reform Law in 2004. Although the law is comprehensive in that it governs all elections held in Liberia, many of its provisions are broad and vague as to the details of

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*The constitution provides for all of the fundamental rights common to a democratic state, and it provides an adequate basis for the conduct of democratic elections if implemented in a transparent and consistent manner.*

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7 International Covenant on Civil and Political Rights (ICCPR), Art. 25(b); Universal Declaration of Human Rights (UDHR), Art. 21

8 Arts. 11(c), 15, and 17 of the constitution, guaranteeing the equality before law and the rights of expression, association, and assembly

9 ICCPR, Art. 26; General Comment 32, para. 8

10 Art. 26 of the constitution

11 Art. 27 of the constitution

12 ICCPR, Art. 25



## NATIONAL ELECTIONS IN LIBERIA

### LEGAL FRAMEWORK

#### Form of Government

- Liberia is a unitary state divided into 15 county administrations.
- Using a republican government structure, there are three separate branches: the executive, the legislative, and the judicial.

#### Legal Rights in Liberia

- As outlined in the 1986 constitution, Liberia is governed by rule of law.
- Legal system is based on combination of Anglo-American common law and customary law.
- The constitution provides equality before the law and freedom of expression, association, and assembly.
- Citizens have the right to petition government if a legislative directive is interpreted to be unconstitutional.

#### Legal Framework for Elections

- The 1986 elections law that currently regulates election administration was amended by the Electoral Reform Law in 2004.
- Electoral law also encompasses the rules and regulations adopted by the National Elections Commission, which has the force of law.
- The Aug. 23, 2011, referendum passed into law a provision that changed the election of members of the legislature from an absolute majority of votes cast to a simple majority of votes cast.
- The constitution mandates that a runoff election is held the second Tuesday following an election and determined by a simple majority of votes.

#### Electoral System

- Presidential elections are determined by an absolute majority (50 percent plus one vote) of votes cast.
- The executive term of office is set at six years.
- Senatorial candidates are elected to serve nine-year terms.

the rules of the election. It is supplemented by regulations and codes of conduct adopted by the NEC. This has resulted in an overall legal framework that is contained in many different documents with different levels of legal significance.

Although the regulations of the NEC have the force of law, it is questionable whether the various codes of conduct are enforceable through the normal legal channels, as they are voluntary and not considered regulations adopted by the NEC. Importantly, various provisions of the codes of conduct deal with substantive issues that should be included in the elections law or formal NEC regulations, including provisions on the use of public resources, campaign rules such as the placement of posters on public buildings, and regulation of the media.

It is preferable from a legal and rights perspective that all provisions that are meant to be enforceable on various stakeholders be contained in the elections law. This avoids ambiguities and confusion over what parts of the legal framework are enforceable and against whom are they enforceable. According to Article 5(c) of the constitution, the government is obligated “to take steps, by appropriate legislation and executive orders, to eliminate . . . such abuses of power as the misuse of government resources . . . .” Having the provisions on these topics in codes of conduct that have doubtful legal significance does not satisfy this constitutional mandate.<sup>13</sup>

<sup>13</sup> See also ICCPR, Art. 2; ACHPR, Art. 1, which obligates states to take the necessary steps to give effect to human rights.



## NATIONAL ELECTIONS IN LIBERIA

### THE AUG. 23 NATIONAL REFERENDUM

Portions of the 1986 constitution that were suspended during the 2005 elections were restored following the inauguration of the new government in January 2006. As a result, the entire constitution was in effect throughout the 2011 electoral process. In February and March 2007, the NEC organized two consultative forums with political parties, alliances, coalitions, civil society organizations, and other stakeholders, during which it was agreed that certain provisions of the constitution relating to elections should be amended.

After several years of debate, both the House and Senate agreed to four proposed amendments to the constitution. These four amendments were determined by referendum on Aug. 23, 2011, less than two months before elections scheduled for Oct. 11, 2011. The NEC was required to conduct the referendum in line with Article 91(a) of the constitution that states that any amendment must be ratified by “two-thirds of registered voters, voting in a referendum” held not sooner than one year after the passage of the amendments in the legislature. The ambiguity of the comma following the word “voters” led to questions about whether this meant two-thirds of all registered voters or only two-thirds of those registered voters who had actually voted in the referendum. The NEC took the latter position and was never formally challenged, but the issue was discussed at length in the media and by political parties and may have influenced their subsequent decision concerning how to count ballots cast in the referendum.

Separately, several political parties argued that the referendum was illegal because under Article 92 of the constitution, referendum propositions should have been posted in the official Gazette. Though all four proposed amendments were voted on in the same referendum on Aug. 23, 2011, Article 92 required

that each amendment be individually approved by the voters. The referendum ballot consisted of four propositions:

1. A provision to shorten the residency requirement for the president and vice president. Article 52(c) of the Liberian Constitution requires that in order to be eligible to hold the office of president and vice president, a person must have been resident in Liberia for 10 years prior to their election. This provision would have shortened and clarified the requirement to five consecutive years.
2. A provision to increase the mandatory retirement age for all justices to 75. Article 72(b) of the Liberian Constitution sets the mandatory retirement age for chief justice, associate justices of Supreme Court, and judges of the subordinate courts at 70. The amendment would have raised the retirement age to 75.
3. A provision to change the date of elections for the presidency and legislature. Article 83(a) of the Liberian Constitution sets general elections for “the second Tuesday in October of each election year.” This would have moved elections to the second Tuesday in November.
4. A provision to change the electoral system for legislative elections. Article 83(b) of the Liberian Constitution mandates an absolute majority for both presidential and legislative elections, with a second round if no candidate achieves 50 percent plus one vote. The amendment would have left the system for selecting the president unchanged, while changing the system for the House and Senate to a simple majority (or plurality).

On Aug. 29, 2011, the NEC announced that none of the four propositions had passed. This was based on an NEC resolution to include invalid votes in the

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## NATIONAL ELECTIONS IN LIBERIA

total number of votes cast when determining whether or not the referendum questions achieved the necessary approval of two-thirds of voters. The results of the referendum, and particularly the failure to delay the election date or modify the electoral system for legislative elections to a simple majority, created a very tight schedule for the NEC and left open the possibility of potentially dozens of runoff elections for legislative seats. The NEC, UNDP, and IFES started exploring ways to extend the date for runoff elections within the constitutional framework.

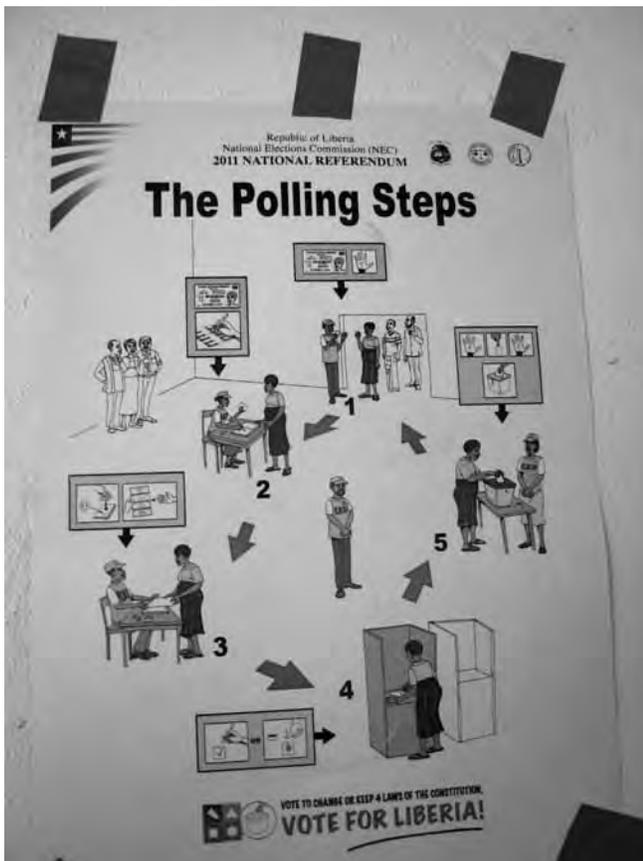
At the same time, lawyers for the NDPL filed a petition with the Supreme Court in Monrovia arguing that invalid ballots should not have been included in the total of votes cast. For the purpose of determining when a candidate has received an “absolute majority” of votes, Article 1.2(e) of the elections law explicitly

excludes counting of the votes of “voters whose ballot papers are rejected.” On Sept. 20, the Supreme Court ruled that the invalid ballots should not have been included in the total votes cast. Although this ruling did not affect three of the provisions, it did result in the necessary two-thirds “yes” votes required to amend the system of legislative voting to a simple majority.

### ELECTORAL SYSTEM

The Liberian electoral system is grounded in the 1986 constitution. Article 83(b) prescribes that elections of public officers shall be determined by an absolute majority of the votes cast (50 percent plus one vote). As noted above, the Aug. 23, 2011, referendum changed this to require only a simple majority of votes to determine the winner of legislative elections. However, an absolute majority is still required for the presidential election. The two presidential tickets that received the greatest number of valid votes in the first round participate in the runoff. The ticket with a majority of valid votes cast in the runoff is declared the winner.<sup>14</sup> The president and vice president serve a term of six years.

The constitution is not clear on the timing for runoff elections. Article 83(b) states only that “a second ballot shall be conducted on the second Tuesday following,” without making explicit what the runoff must follow. The constitutional amendment required by the Aug. 23 referendum attempted to clarify this, stating that “a second ballot shall be conducted on the second Tuesday following the expiry of the time provided in Article 83(c).” However, this too is vague, since Article 83(c) references a number of different time periods, including the 15-day deadline for declaring the election results and several deadlines for filing and consideration of complaints and appeals.



Daniel Wright

*A voter education poster produced by the NEC depicts the process of voting in the referendum.*

<sup>14</sup> This provision was revised by the Aug. 23, 2011, constitutional referendum, clarifying “votes cast” to “valid votes cast.”



## NATIONAL ELECTIONS IN LIBERIA

Article 4.15 of the elections law interprets the constitution by providing that the second round is to be held “the second Tuesday following the announcement of the results of the first round.” Despite outstanding complaints against the first-round results at the time of the second round, the NEC did not postpone the holding of the second round.

The senatorial candidates receiving the highest number of votes in each of the 15 counties are considered elected and serve a term of nine years. The seats for the House of Representatives are allocated in line with provisions of the Joint Resolution LEG-002 (2010), which increased the number of legislative districts from 64 to 73. Representatives serve a term of six years.

### ELECTION MANAGEMENT

The NEC is an autonomous public body nominated by the president with the consent of the Senate. It is responsible for all aspects of organizing and conducting national elections in Liberia. During the 2011 electoral process, NEC received technical assistance from IFES, funded by the United States Agency for International Development (USAID) and the United Nations Development Program (UNDP), which oversaw the European Union “basket fund” for election support. UNMIL provided limited logistical assistance, including airlift of elections materials to difficult-to-access locations in the southeast and in Lofa and Gbarpolu counties. Security for the elections was the responsibility of the Liberian National Police (LNP), supplemented by officers from the Bureau of



Deborah Hakes

*A billboard outside the NEC building reminds Liberians to carefully consider their choices before voting. In the background, a second billboard calls for the peaceful use of “ballots over bullets.”*



## NATIONAL ELECTIONS IN LIBERIA

Immigration and Naturalization (BIN), with support from UNMIL.

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 supported by an executive director and an administrative division. The commission has offices in 19 magisterial areas in 15 counties. Each office is led by a magistrate and assistant magistrate, who oversee the work of electoral supervisors, presiding officers, and other staff. There are 1,780 precincts that also served as voter registration centers during the registration period. Within these precincts, 4,457 polling places were established across the country for voting on election day. Each polling place was limited to a maximum of 500 voters.

With only minor exceptions, electoral preparations undertaken by the NEC demonstrated that it had sufficient logistical and human resources to administer an election consistent with the elections law. In spite of poor infrastructure in some counties, the NEC delivered electoral materials to all polling places in accordance with the established electoral calendar. NEC recruited and trained more than 26,000 poll workers for election day. Many of these poll workers had practical experience gained during the referendum held in August. For the runoff election, the NEC rehired many of the same polling workers who served during the first round. As there was only one election in the second round, the number of polling place staff was reduced from six to five.

In advance of the elections, several political parties questioned the impartiality and competence of the NEC, citing in particular the commission's inconsistent standards with respect to early campaigning by the Unity Party (UP) and opposition parties. Misprints on the referendum ballot and on an NEC training poster did not enhance confidence in the

NEC's capabilities. Nevertheless, Carter Center observers reported that, with only a few exceptions, NEC officials throughout the country operated in a professional and dedicated manner.

### 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>15</sup> Liberia's Constitution and the elections law establish a process for challenging electoral disputes and provide the NEC with original jurisdiction over the elections law, regulations, and codes of conduct as well as grant the NEC the power to fine, suspend registration, and order corrective measures. Appeal on election-related matters is directly to the Supreme Court, which must issue a ruling within seven days.

During the electoral period, the NEC sought to strengthen the mechanisms for electoral dispute resolution by hiring one permanent hearing officer based in Monrovia and 19 temporary assistants, called "local hearing officers," to provide technical assistance to magistrates at the county level.<sup>16</sup> While the hearing officer was a legal professional, local hearing officers were primarily law students. The precise role and authority of the local hearing officers were never formally defined, leading to inconsistent practice.

Offenses for which the penalty is below \$500 are meant to be heard by the magistrate, while other complaints are to be heard by the hearing officers. Rulings of the hearings officers are then approved by a vote of the NEC, and decisions of the magistrate are appealable to the NEC and then to the Supreme Court. In practice, however, some county magistrates

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*With only minor exceptions, electoral preparations undertaken by the NEC demonstrated that it had sufficient logistical and human resources to administer an election consistent with the elections law.*

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<sup>15</sup> ICCPR, Art. 2; ACHPR, Art. 7

<sup>16</sup> This was the first election in which hearing officers and assistants were utilized in the complaints process.



## NATIONAL ELECTIONS IN LIBERIA

delegated all complaints to the hearing officers.<sup>17</sup> Some local hearing officers also made decisions on complaints without consulting the magistrates, who have the sole authority to decide complaints under their jurisdiction.<sup>18</sup>

The delineation of first-instance jurisdiction in the elections law between the magistrate offices and the NEC board of commissioners also was unclear.<sup>19</sup> In practice, complainants and even magistrates did not clearly understand who was responsible for resolving individual complaints. While some magistrates sought advice from the NEC, others decided unilaterally. Conversely, some complaints filed directly with the NEC in Monrovia were later forwarded to the magistrates for resolution. Finally, the legal framework is unclear whether complainants must exhaust the administrative review process at the NEC prior to submitting a complaint to the courts.<sup>20</sup>

Although the NEC was able to resolve more than 50 election-related disputes, the lack of written regulations and rules of procedure for handling these disputes undermined the clarity, consistency, timeliness, and overall effectiveness of the dispute resolution process.<sup>21</sup>

### CONSTITUENCY DEMARCATION

Throughout 2010, there was protracted struggle between the legislature and executive over setting the threshold number for constituency demarcation. Inability to reach agreement on a threshold bill caused significant delays in election planning and preparation.

Articles 80(d) and (e) of the constitution state that each constituency shall have an approximately equal population of 20,000 or such number of citizens as the legislature shall prescribe in keeping with population growth and movements as revealed by a national census. Following the 2008 national census, the House proposed two separate versions of a threshold

bill, each proposing to expand the existing 64 seats by a significant number. President Sirleaf refused to sign both of these on the grounds that an expansion of this size was unaffordable. At the same time, the legislature refused to pass any version of a bill that

would reduce the number of seats in the least populous counties. Eventually, both houses agreed on a resolution that the president accepted on Aug. 2, 2010. This resolution added nine seats proportionally to the counties with the most population growth, while all other of the 15 counties retained their existing numbers,

with no county having less than two seats. The counties that gained seats were Lofa (1), Bong (1), Nimba (2), Margibi (1), Bassa (1), and Montserrado (3).

The fact that this expansion was done on the basis of a political compromise and not on the basis of the census as required by Article 80 of the constitution was widely criticized. The Liberty Party's attempt to challenge the threshold bill at the Supreme Court led to a temporary injunction, but the court ruled in June 2011 that the NEC was authorized to proceed with demarcation on the basis of information contained in the voter registration list.

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*Inability to reach agreement on a threshold bill caused significant delays in election planning and preparation.*

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17 The magistrates did not participate in the training of the local hearing officers.

18 Article 2.24 of the elections law. For example, a complaint filed by John J. Weah, a representative candidate in District #13, Montserrado County, alleging vote buying and ballot fraud and requesting a recount, was dismissed by the local hearing officer in a written decision of Oct. 27. A subsequent appeal to the NEC board of commissioners was dismissed by the central hearing officer in a written decision dated Nov. 14.

19 Art. 2.24 of the elections law provides, in part, that "Magistrate of Elections shall have the power and jurisdiction in the first instance to hear and determine all election offenses in which the penalty provided is not more than \$500. In all other offenses, the commission shall have the original administrative jurisdiction subject only to review by the Supreme Court of Liberia."

20 Art. 26 of the constitution provides that any person or association that alleges a constitutionally protected right is violated or any legislation is constitutionally contravened has the right to bring a suit against the government in a claims court, with appeals from judgment to the Supreme Court.

21 Art. 8 of the above-noted regulation specifically requires the NEC to adopt rules of procedure for "the hearing process, investigation, and determination of challenges and complaints by the NEC."



## PRE-ELECTION DEVELOPMENTS

Carter Center LTOs arrived in Liberia on Sept. 10 and deployed approximately one month before presidential and legislative elections on Oct. 11, 2011. During this time, they visited all 15 Liberian counties and met with representatives of the NEC, UNMIL, political parties and independent candidates, civil society organizations, and ordinary voters. Carter Center observers were present for the final weeks of the campaign period, elections preparations, and the resolution of complaints relating to candidates and campaigning.

### VOTER REGISTRATION

The voter registration process is recognized as critical to the right to vote and should be made accessible to the broadest pool of citizens possible to ensure universal and equal suffrage are protected as required by Liberia's international commitments.<sup>22</sup>

Although voter registration was not directly observed by The Carter Center, members of the core team and LTOs discussed the registration process with stakeholders throughout Liberia. Voter registration took place from Jan. 10 to Feb. 6, 2011, with photo identification cards issued to each registered voter. At the conclusion of the registration period, the NEC announced that it had registered 1.8 million people out of an anticipated 2.1 million. This represented a considerable increase over 2005, when 1.3 million voters were registered.

Observers from the diplomatic community and domestic observers under the umbrella of the Elections Coordinating Committee (ECC) reported that overall the process went smoothly. However, there were persistent concerns about double

registration and the registration of underage voters, especially in Lofa County. The NEC was able to identify approximately 10,000 individuals who may have

attempted to register twice and referred this list to the Ministry of Justice, but no action was taken. In addition, the NEC identified approximately 7,000 individuals as possibly underage, based on visual examination of photos on the voter roll. Despite a series of consultations and reviews at both headquarters and at the local level, NEC officials ultimately decided not

to remove any names from the voter roll.

Problems were also reported by the National Muslim Council, which alleged to the NEC that members of the Mandingo ethnic group were being prevented from registering on the basis of ethnicity. At the same time, there were allegations that Mandingo from Guinea crossed the border to register illegally in Liberia. While unable to verify these reports, The Carter Center notes that the protection of religious and ethnic minorities is critical to a democratic society.

Several political parties complained that they were unable to get access to, or copies of, the final registration roll at the magistrate offices, even though Sections 30 and 31 of the voter registration regulations indicate that it should be available at all magistrate offices for public inspection and copying. Carter Center observers reported the final registration roll was available at only four of 10 magistrate offices visited in mid-September. According to NEC officials,

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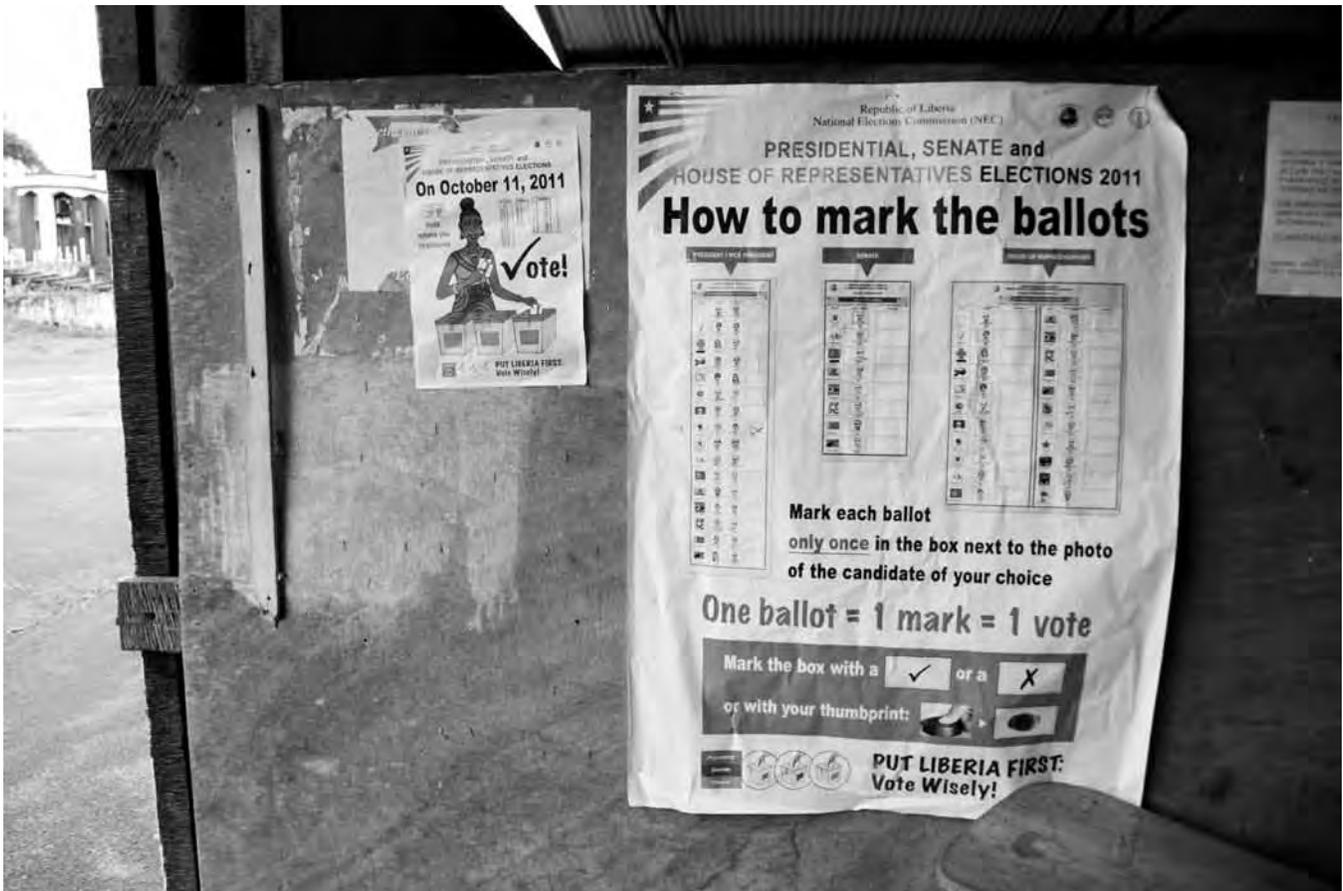
*The NEC announced that it had registered 1.8 million people out of an anticipated 2.1 million. This represented a considerable increase over 2005, when 1.3 million voters were registered.*

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<sup>22</sup> UNHRC, General Comment 25, para. 11; ICCPR, Art. 25(b)



## NATIONAL ELECTIONS IN LIBERIA



Deborah Hakes

*The NEC posted many posters and flyers reminding Liberians when and how to vote in the national elections.*

however, all political parties were given an electronic copy of the national voter registration list in early August, several weeks before the Aug. 23 referendum.

In the future, the NEC will need to be more vigilant in assessing the age of people seeking to register to vote and to ensure that no group faces discrimination during the registration process. In addition, NEC should take steps to ensure that copies of the complete voter register are available for consultation at all magistrate offices.

### VOTER EDUCATION

Effective voter education is crucial to ensuring that an informed electorate can properly exercise their right to vote.<sup>23</sup> High rates of illiteracy and low levels of access to the media outside of Monrovia make

robust voter education programming particularly important in Liberia.

The NEC, which is responsible for ensuring sufficient voter education, undertook a range of activities in cooperation with Liberian civil society organizations and international partners, including UNDP, IFES, the National Democratic Institute (NDI), and IREX. The NEC directly recruited over 150 civic educators to conduct voter education in the counties, corresponding to two civic educators per electoral district. In addition, NEC and its international partners contracted 36 civil society organizations to carry out voter education programs throughout the country. These groups produced mobile cinema on election

<sup>23</sup> UNHRC, General Comment 25, para. 11; African Charter on Human and People's Rights, Art. 13



## NATIONAL ELECTIONS IN LIBERIA

themes, organized workshops, hung informational posters, produced and distributed radio announcements, and conducted door-to-door education campaigns. There were also several candidate debates, organized by the Press Union of Liberia (PUL), the Liberian Media Initiative, and NDI.

Despite these efforts, the impact of civic and voter education activities appears to have been limited, especially in rural areas and in the southeast of the country.

Based on interviews with political parties, civil society organizations, and NEC officials at the county level, Carter Center observers reported that voter education materials often arrived late, programs were too short, and civil society groups that had received funding to carry out voter education programs were unprepared or unfamiliar with local languages and the local terrain. These limitations were evident on election day, when observers reported that many voters appeared confused by voting procedures and required assistance

from polling staff. Voter education activities need to be substantially strengthened in the future in order to reach a majority of voters.

### CANDIDATES, PARTIES, AND CAMPAIGNS

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>24</sup>

#### Candidate Registration

The NEC was responsible for administering candidate registration. Candidate nomination took place from July 20 to Aug. 15, 2011, and the provisional list of candidates was published online and in newspapers on Aug. 22. There were no formal objections at this stage, and the final list was published on Sept.

10. The NEC carried out this process in a transparent manner, though some political parties complained that the commission did not fully satisfy its obligation to scrutinize

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*Many voters appeared confused by voting procedures and required assistance from polling staff.*

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Elizabeth Plachta

Young UP supporters participate in a rally in Monrovia.

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<sup>24</sup> 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 restrictions. All citizens are guaranteed the right of equal access to the public services and property of their country, and any derogation from this right that gives advantage to a particular party or candidate may be considered discriminatory. ICCPR, Art. 19(2); ACHPR, Art. 13(2)



## NATIONAL ELECTIONS IN LIBERIA

candidate qualifications, and the issue of whether several candidates met the residency requirement was ultimately referred to the Supreme Court. Sixteen parties or coalitions registered candidates for president and vice president. There were 99 candidates for the Senate and 810 candidates for the House of Representatives.

### Campaigning

The campaign period began on July 5 and ended on Oct. 9, 2011, allowing for a day of silence prior to the election. The Carter Center observed campaign events in all 15 counties and concluded that, although candidates at times employed negative and potentially inflammatory rhetoric, campaigning was vibrant and generally peaceful. Political parties and independent candidates were able to move freely and to convey their message to potential voters, and in general, Liberians showed considerable enthusiasm to participate in the political process.<sup>25</sup> However, observers received numerous complaints from opposition political parties that their posters were torn down and replaced by posters for the UP as well as isolated reports of intimidation.<sup>26</sup> In addition, observers reported that parties often distributed bags of rice and cash to local residents during the course of campaign events. While this practice appears to be very common, any effort to use money or other resources to influence voters is prohibited under the elections law Section 10.4 and punishable by a fine or imprisonment.

During the campaign period, there were a number of arson attacks, primarily against property in Monrovia, but none of these was definitively linked to any political party. In its Oct. 3, 2011, statement on campaigning, The Carter Center called on all parties “to reconfirm their commitment to nonviolent participation in the electoral process, to refrain from inflammatory rhetoric or other actions that could lead to violence, and to ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels.”<sup>27</sup>



Alexander Bick

A local Liberian newspaper covers the Carter Center’s statement on the campaign period.

### Access to Public Facilities

Inequitable access to public buildings and public spaces for campaign events undermines the aspiration of a level playing field during the campaign period.<sup>28</sup> Access for political parties to public facilities

<sup>25</sup> ICCPR, Art. 19 (stating that everyone shall have the right to freedom of expression for information and ideas of all kinds)

<sup>26</sup> In one case, the CDC and NPP filed a complaint to the NEC in Grand Kru County alleging that their posters had been torn down and replaced with UP posters. They received a written reply on Sept. 20 from the NEC magistrate promising to investigate. The Center also was informed of a case in which candidates from LTP, MPC, LDP, and OCPOL alleged that several UP candidates threatened them in an attempt to restrict their campaign activities in River Gee. An official complaint was filed with NEC on Sept. 27, 2011.

<sup>27</sup> Carter Center Statement, *Carter Center Reports Vibrant and Generally Peaceful Campaigning in Liberia; Urges Steps To Level Playing Field*, Oct. 3, 2011

<sup>28</sup> African Charter on Human and People’s Rights, Art. 13



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in Liberia is ensured by Article 10.21 of the Liberian election law, which states, “Political parties are also privileged to use, and shall not be denied the right to use any public building or such facilities necessary and appropriate for their purpose,” so long as a “timely request” is made.<sup>29</sup> Although a number of opposition rallies and other party events were held in public facilities, Carter Center observers received several complaints from political parties that they had been denied access.

Most notably, the LP filed a complaint with the NEC on Aug. 22, 2011, concerning the refusal of the superintendent of Lofa County to grant the party use of the administrative hall in Voinjama City. The NEC ruled in favor of the LP, finding that the superintendent had unjustly denied the party access and should be penalized.<sup>30</sup> Minister of Internal Affairs Harrison Karnwea assured The Carter Center that clear instructions had been given to superintendents, but no action was taken in response to the NEC’s ruling.

In another case, the CDC complained that they had been denied access to the Samuel Kanyon Doe Stadium in Monrovia to hold a rally. Carter Center investigations revealed that on the dates requested by the CDC, the “entire SKD complex” had been booked in advance, in the name of Minister Etmonia Tarpeh, for an untitled conference for 30 people. At a meeting with The Carter Center, Minister Tarpeh was not able to explain the nature of this conference or to identify any of the expected participants. This raised serious questions about her commitment to equal access. No action was taken by the government of Liberia to investigate the matter further.

### Misuse of State Resources

The use of state resources for party campaigning is a violation of the elections law and of Liberia’s international obligations with respect to campaign finance.<sup>31</sup> Political parties and civil society organizations

consistently complained about the misuse of state resources, especially government-owned vehicles used for campaigning purposes. The Liberia Democratic Institute (LDI) cataloged dozens of specific cases, predominantly involving the governing UP, but also

CDC, LP, and NUDP.<sup>32</sup> Carter Center observers reported seeing government vehicles at UP campaign events in Bong, Grand Bassa, and Montserrado counties. While the line between official business and campaigning is not always easy to draw, and although incumbents often enjoy some advantages, these examples represent clear violations of the law.

Also of concern was the placement of campaign posters on public buildings.

Notwithstanding the NEC’s public statement that political parties had not broken the law, the practice created the impression that public property, which belongs to all Liberians, was being used for the advantage of one or another political party. The voluntary Code of Conduct for Political Parties defines public resources as “all properties held in trust for the collective use of citizens of Liberia, including but not limited to government of Liberia property, state-owned corporations, and all other resources not privately held.” Resolution 5 further states that “Political parties shall not utilize public resources for party activities...” In its Oct. 3, 2011, statement on campaigning, The Carter Center called on all political parties,

*Although a number of opposition rallies and other party events were held in public facilities, Carter Center observers received several complaints from political parties that they had been denied access.*

<sup>29</sup> Art. 10.21 of the Liberian election law

<sup>30</sup> The refusal to grant access to public facilities is a violation of the election law and can result in a penalty of up to \$500.00. See section 10.21 of the election law.

<sup>31</sup> States must take measures to prevent corruption. Treaty obligations establish the general requirement and indicate that states shall promote transparency in public decision-making as a means of combating corruption. U.N. Convention Against Corruption, Art. 18 and 13; African Union Convention on Corruption, Art. 7

<sup>32</sup> LDI, “Abuse of Incumbency, Administrative Resources and Political Corruption in the 2011 Presidential and Legislative Elections,” separate reports for July and August 2011



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and especially the governing UP, to desist from placing campaign posters on public buildings.<sup>33</sup> This issue should be addressed explicitly in the elections law.

### Political Parties and the NEC

Although observers reported a close working relationship between the political parties and the NEC in the counties, in Monrovia, relations between the political parties and the NEC were strained for much of the electoral process. The Carter Center welcomed the NEC's Code of Conduct for Political Parties<sup>34</sup> and its efforts to resolve disputes through the Interparty Coordinating Committee (IPCC), but the latter mechanism was not sufficiently robust to maintain smooth relations between the NEC and the parties. While the parties reportedly failed to send senior representatives or to disseminate important information following meetings, opposition parties in particular complained that the NEC was unresponsive to their concerns.

More generally, most political parties in Liberia remain focused on leading personalities, are institutionally weak, and lack a basic understanding of their rights and responsibilities under the law, even at senior levels of the party leadership. Programming to strengthen political parties and to facilitate communication between parties and the NEC would greatly reduce the likelihood of conflict and should form an important part of democracy assistance in future elections.

### CAMPAIGN FINANCE

The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.<sup>35</sup> The campaign finance rules contained in the regulations adopted by the NEC are comprehensive and detailed and largely satisfy Liberia's inter-

national commitments in this area. An important shortcoming, however, is the lack of any requirement that parties submit an interim report before election day, which would allow voters to evaluate contributions and spending by candidates and political parties before casting their votes. In addition, the NEC lacks the capacity to carry out thorough audits of campaign finance documentation submitted by parties and candidates. Both of these measures would help ensure greater transparency of political party financing.

The constitution provides that “[a]ny citizen,

political party, association, or organization, being of Liberian nationality or origin, has the right to contribute to the funds and election expenses of any political party or candidate.”<sup>36</sup> Contributions must be accompanied by a filing with the NEC that includes the source, date of the remittance, and the amount of the

contribution.<sup>37</sup> No corporate or business organization or labor union may contribute to the funds or the election expenses of any political party or candidate.<sup>38</sup>

The campaign finance regulations for political parties and candidates require that in-kind gifts, such as goods and services given to political parties or candidates, constitute contributions and must be calculated at the reasonable market value on the date received.<sup>39</sup> Candidates may make expenses on behalf of their campaigns from their personal funds, but

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*Most political parties in Liberia remain focused on leading personalities, are institutionally weak, and lack a basic understanding of their rights and responsibilities under the law, even at senior levels of the party leadership.*

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33 Carter Center Statement, *Carter Center Reports Vibrant and Generally Peaceful Campaigning in Liberia; Urges Steps To Level Playing Field*, Oct. 3, 2011

34 The Code of Conduct for Political Parties was signed by all the major parties except the LP.

35 UNCAC, Art. 7

36 Art. 82 (a) of the constitution of Liberia

37 NEC Suggested 2011 Regulation Forms, Form 4

38 NEC Campaign Finance Regulations, Sec. 8(1)

39 Campaign Finance Regulations, Sec. 7



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these must be included within the applicable expense limits and reported to the NEC. Elections expenses are limited to: \$2 million for president; \$1 million for vice president; \$600,000 for senator; and \$400,000 for representatives.<sup>40</sup>

All candidates and political parties were required to submit a form to the NEC with their nomination papers, stating their assets and liabilities as of July 10, 2011. Fifteen days after the announcement of final results of each election, they were required to furnish a report of assets and liabilities and a financial summary of contributions and expenses.<sup>41</sup> Political parties that participated in the runoff election on Nov. 8 were required to submit reports 15 days after the announcement of final results of the runoff election. The NEC, in consultation with the political parties, agreed to postpone the deadline for submission until Dec. 15, 2011. At the time of this writing, several parties still have not submitted the required documentation.

The NEC is required to make all campaign finance reports public and available for public inspection at the NEC office in Monrovia during regular working hours.<sup>42</sup> In addition, the NEC has an internal audit committee that, within 60 days of an election, may complete a certified audit of the book of accounts of any political party or candidate.<sup>43</sup> The NEC is responsible for reviewing the committee's findings and determining whether administrative sanctions should be imposed for "election infractions" or "election offenses."<sup>44</sup> These can result in fines of up to \$50,000 for political parties or \$25,000 for individuals.

Just before the first round of the election, the legislature passed a law entitled "An Act To Sustain Democracy Through Public Financing of Political Parties, Coalitions, and Alliances." The act would have provided public financing to political parties beginning in 2012, based on parties' performance

in the 2011 elections. The amounts distributed per annum would be \$2 million to the party that wins the presidency, \$1 million to the party that comes in second in the presidential election, \$500,000 to the party that comes in third in the presidential election, \$18,000 for each member of the Senate a party elects, and \$12,000 for each member of the House a party elects. Although President Sirleaf did not sign this bill, it is expected that debate on public financing for political parties will resume in the new legislature.

### THE MEDIA

International obligations related to the media and elections include freedom of expression and opinion as well as the right to seek, receive, and impart information through a range of media.<sup>45</sup> Although The Carter Center did not conduct a comprehensive analysis of media coverage during the pre-election period, observers interviewed media representatives in all 15 counties and discussed media coverage of the

elections with representatives of political parties, independent candidates, civil society organizations, and UNMIL.

Observers reported that candidates and campaign events received considerable coverage both in the capital and in local media. However, they noted complaints from several opposition political parties that media outlets in the counties used discrimina-

tory pricing to discourage equal access to the media. A broad range of stakeholders noted that Liberian media outlets did not show sufficient independence

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*Observers reported that candidates and campaign events received considerable coverage both in the capital and in local media.*

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40 NEC Campaign Finance Regulations, Secs. 9 and 11

41 NEC Campaign Finance Regulations, Sec. 14(2)

42 NEC Campaign Finance Regulations, Sec. 16(1)

43 NEC Campaign Finance Regulations, Sec. 17(1)

44 NEC Campaign Finance Regulations, Sec. 18

45 ICCPR, Art. 19



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or impartiality in their reporting and often repeated rumors rather than corroborating sources. A number of journalists reported that they had been intimidated by political party officials during campaigning, including a case where a journalist was forced to delete photographs taken at a CDC rally in Nimba County.

In addition, during the pre-election period, attention focused on the indefinite suspension of Ambruss Mneh as managing director of the Liberian Broadcasting Service (LBS) and his replacement by the chairman of the board, Alhaji Kromah. Political parties and civil society raised concerns that this action was linked to the airing of a live press conference in which Ambassador George Weah, vice standard-bearer of the CDC, made comments critical of the president. While Liberia enjoys considerable press freedom, and journalists are, for the most part, free to air their views in print, online, and on the radio and television without fear of harassment, the timing of this decision raised questions about the neutrality and credibility of LBS during a sensitive moment in the campaign period.

### ELECTORAL DISPUTE RESOLUTION

Prior to the elections, several challenges were filed with the Supreme Court on election-related provisions of the constitution. One complaint, discussed above, related to the Aug. 23, 2011, referendum. Lawyers for the NDPL argued that the NEC should not have counted invalid ballots in determining the results of the referendum. On Sept. 20, the Supreme Court ruled in favor of the complainant. This reversed the outcome of provision four of the referen-

dum, with the immediate effect of amending the constitution to remove the absolute majority requirement to determine the winner of legislative elections.

Another constitutional challenge was filed by the Movement for Progressive Change (MPC) on Sept. 21 against the NEC's decision to register six of the candidates for president. The complainant alleged that the candidates—including Winston Tubman (CDC), Charles Brumskine (LP), Prince Johnson (NUDP), Kennedy Sandy (Liberia Transformation Party, LTP), Dew Mayson (National Democratic Coalition, NDC), and Ellen Johnson Sirleaf (UP)—had for significant peri-

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*Twenty-nine complaints  
were filed with the NEC  
before election day.*

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ods of time lived abroad and therefore did not meet the constitutional 10-year residency requirement. The court ruled that Article 52(c) of the constitution could apply only to a constitutional period and was in effect suspended by the civil crisis. Because Article 52(c) was suspended in 2004 and reinstated in 2006, the 10-year residency requirement would not apply until 2016, by which time a 10-year constitutional period will have passed. It is worth noting that the court did not take this opportunity to provide an unambiguous definition of residency.

Twenty-nine complaints were filed with the NEC before election day. Fourteen of them concerned the domicile of voters. Other complaints concerned citizenship, whether a voter had a criminal record that would prevent them from voting, and denial to use a public building for campaign purposes. With the exception of the last of these, discussed above, the complaints concerned minor issues that did not affect the overall conduct of the campaign.



## ELECTION DAY—PRESIDENTIAL AND LEGISLATIVE ELECTIONS ON OCT. 11

The voting process is the cornerstone of the obligation to fulfill genuine, periodic elections that express the will of the people.<sup>46</sup>

Consistent with Article 83(a) of the constitution, the NEC organized presidential and legislative elections on Oct. 11, 2011, the second Tuesday in October.

The elections offered voters throughout Liberia the opportunity to choose among candidates for president and vice president, senator, and House of Representatives.

Ballots for the election were printed in Ghana and South Africa. Prior to election day, UNDP hired 86 trucks, 298 pickups, 194 motorbikes, 132 canoes, and 1,944 porters to help ferry election materials to various polling places across the country. Porters were used to convey election materials to polling places that were not accessible by vehicle, while the canoes were used to get polling materials across rivers and along the seacoast. Additionally, the NEC provided nine trucks, 46 pickups, and 76 motorbikes to help in the retrieval of electoral materials.

The Carter Center partnered with the EISA to deploy 27 teams of international observers to all 15 Liberian counties on election day, with multiple teams deployed to the most populous counties, including Bong, Grand Bassa, Lofa, Margibi, Montserrado, and Nimba. Deployment took place by vehicle early on the morning of Oct. 8. With the exception of teams deployed to the southeast, which did not reach their destinations until Oct. 9, this provided observers with two full days to familiarize themselves with their areas of responsibility. On election day, teams were required to fill out paper forms

at each polling station and to register their observations electronically using special software developed for Android phones.<sup>47</sup>

Carter Center–EISA observers completed 357 forms based on visits to 282 different polling places on election day. These included reports on 27 poll

openings, 22 poll closings, and 22 counting processes. In their reports, Carter Center–EISA observers characterized the polling process overall as either “good” or “very good” in 99 percent of the polling places they visited.

### OPENING

Carter Center–EISA observers reported that the atmosphere on election day was peaceful and calm with no incidents of violence. They noted long queues of voters waiting patiently, despite the rain. Of the 27 opening of polling places observed, six did not open promptly at 8:00 a.m., though none opened later than 8:30 a.m.<sup>48</sup> Observers did not find evidence of campaign materials within 100 meters of polling places. Overall, the opening process was smooth and orderly.

### POLLING

Carter Center–EISA observers reported that poll workers acted in an impartial and professional manner in most cases. Most presiding officers appeared

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*The Carter Center partnered with the EISA to deploy 27 teams of international observers to all 15 Liberian counties on election day.*

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<sup>46</sup> ICCPR, Art. 25

<sup>47</sup> Software and ODK Collect training were provided by Tom Smyth of the Georgia Institute of Technology.

<sup>48</sup> The average delay in opening was 11 minutes.



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Deborah Hakes

*Long lines of voters waited outside polling stations despite the rain.*



Deborah Hakes

*Gen. Dr. Yakubu Gowon (center), delegation leader, and Alexander Bick, head of the election observation mission, observe at a polling station in Monrovia.*

well-trained and effective. However, queues at some stations were not managed efficiently and voting proceeded slowly, especially in the morning. In 22 percent of polling places observed, polling staff did not explain to each voter how to properly mark the ballot as outlined in the training manual.

Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 10 percent of polling places, observers reported that polling staff failed to check the index finger for ink before locating the voter's name in the registration roll. However, this was checked by polling staff before applying the ink.

Observers reported that the issue of underage voters, which was raised by several parties as a potential problem, did not appear to be a significant concern on election day.<sup>49</sup>

Carter Center–EISA observers reported that secrecy of the ballot could not be adequately ensured in 8 percent of polling places observed. In most cases, this resulted from inadequate space in the polling place or assistance provided by the presiding officer.

The presence of party agents is important to ensuring the transparency and credibility of the polling process. Representatives of political parties and

independent candidates were present in 99 percent of observed polling places. Carter Center–EISA observers noted the presence of UP agents in 94 percent of polling stations visited, while CDC party agents were present in 89 percent of the stations. Party agents from the LP and NUDP were present in 68 and 44 percent of polling stations visited, respectively. Carter Center–EISA observers also reported a significant number of representatives for independent candidates.

In many polling places, party agents were active in pointing out procedural issues as they arose, and these issues were resolved by the presiding officer. In others, party agents appeared not to fully understand the process or their rights, especially with respect to the procedure for filing formal complaints. Carter Center–EISA observers reported that no official complaints were filed at the polling places they visited.

<sup>49</sup> Nine instances of potential underage voting were reported, six of them in Lofa County. In one case, the voter was refused the right to vote and told to go to the local NEC office to seek a resolution. In two cases, the voters produced identification verifying their age and were allowed to vote. In a fourth case, a registered voter was not permitted to vote because he could not provide proof of age. In a fifth case, the presiding officer indicated to observers he had turned away five registered voters because he suspected that they were underage.



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### CLOSING AND COUNTING

A transparent and nondiscriminatory vote counting process is an essential means of ensuring that the fun-



*Red presidential ballots are spread on a table to begin the counting process.*

Deborah Hakes

damental right to be elected is fulfilled.<sup>50</sup> In the polling places observed, closing and counting took place in a sometimes tense but peaceful atmosphere. The closing time was respected, and those in line at 6:00 p.m. were allowed to vote. However, the level of understanding of closing and counting procedures among both NEC staff and party agents was significantly lower than it was for polling procedures. In many polling places observed, counting procedures—and especially procedures for reconciliation—were not strictly followed. Nevertheless, Carter Center–EISA observers reported that this did not appear to affect the integrity of the count.

Throughout the counting process, observers reported that the rules for determining whether or not a ballot was invalid were inconsistently applied. In 14 percent of polling stations visited, observers noted



Deborah Hakes

*Polling staff work by lantern light to finish counting votes.*

<sup>50</sup> U.N. Convention Against Corruption, Art. 13(a); ICCPR, Art. 25(b)



## NATIONAL ELECTIONS IN LIBERIA



Deborah Hakes

*After marking her ballots, a female voter gets her finger inked by a female poll worker.*

that the proper procedure was not adhered to fully. However, observers reported that the intent of the voter remained the guiding principle in determining validity and that procedural lapses did not appear to impact the integrity of the process.

Carter Center–EISA observers reported that the results form had been displayed outside the polling place, as required, in 18 of 22 polling stations observed at closing. The display of results forms immediately after the count is an important element of transparency, and this requirement should be strictly adhered to.

### PARTICIPATION OF WOMEN

State obligations to promote equality for women derive, in part, from political obligations regarding absence of discrimination and the right of all citizens to participate in the public affairs of their country regardless of gender.<sup>51</sup> Women played a prominent

role in the Liberian peace process, and the country enjoys the distinction of having Africa's first elected female president. At the same time, however, the percentage of female candidates that contested the 2011 elections was low. Of 925 candidates, 105 were women, including 87 candidates for the House of Representatives, 12 candidates for the Senate, and six candidates for the presidency and vice presidency. This represents approximately 11 percent of all candidates.

On election day, Carter Center–EISA observers reported that women were well-represented in polling places as domestic observers, party agents, and poll workers. Of the polling places visited, 39 percent had at least one female domestic observer, 74 percent had at least one female party agent, and 94 percent had at least one female poll worker. Overall, 41 percent of all poll workers were female at the polling places visited.

### DOMESTIC AND INTERNATIONAL OBSERVERS

Domestic observation activities help to mobilize support for the electoral process, disseminate important information about the election, and discourage potential fraud. More than 60 organizations sought and received accreditation from the NEC to deploy domestic observers. The accreditation process was transparent and well-administered.

On election day, several thousand domestic observers deployed throughout Liberia to monitor polling and counting. These included 2,000 domestic observers from the Election Coordinating Committee (ECC), an umbrella organization composed of two pre-existing pro-democracy and peacebuilding coalitions, the Civil Society Organizations National Committee for Election Monitoring (CSO–NEC) and the National Coalition for Election Monitors (NACEM). The ECC was chaired by Search for Common Ground/Talking Drum Studio and received financial support and technical assistance from NDI

<sup>51</sup> ICCPR, Art. 25(a)



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and the Open Society Institute for West Africa (OSIWA). Large delegations of domestic observers were also fielded by the Liberian Council of Churches (LCC) and the Mano River Women’s Peace Network (MARWOPNET).

Carter Center–EISA observers noted the presence of domestic observers at 75 percent of polling places visited on election day. ECC observers were present at 57 percent of polling places visited, while representatives of the LCC were present at 14 percent. Through their presence at polling places and subsequent public statements, domestic observers played an important

role in enhancing the credibility and transparency of the electoral process.

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*Carter Center–EISA  
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visited on election day.*

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In addition to The Carter Center and EISA, the significant interest and support of the international community for Liberia’s elections were evidenced by delegations of international observers from the African Union and ECOWAS, as well as diplomatic delegations organized by the U.S. Embassy, EU member states, and the Federal Republic of Nigeria.

Among these delegations, ECOWAS was by far the largest, with 150 observers deployed to all 15 counties, with logistical support from UNMIL.



## POSTELECTION DEVELOPMENTS

Carter Center observers remained deployed in the counties after election day and observed the electoral process and the postelectoral environment, including tallying, the announcement of results, and the resolution of postelection disputes.

### THE TALLY PROCESS

An efficient and transparent tally process is a critical component of a credible election that ensures the will of voters is accurately and comprehensively reflected in the final results.<sup>52</sup> According to NEC procedures, the tally should be conducted at the magistrate level and the results transmitted to the national tally center in Monrovia. The tally process at the magistrate offices comprises four steps: (1) intake (2) copying and distributing copies of the record of the count (RoC) form (3) entering results in the database (4) storage of processed materials.

Seven teams of Carter Center observers witnessed the tally process for the presidential and legislative elections in 12 of the 19 magisterial areas over the period Oct. 12–17, 2011. Their work included conducting interviews and observation in magistrate offices in Lower and Upper Montserrado, Bomi, Lower and Upper Bong, Grand Bassa, Lower and Upper Nimba, Grand Gedeh, Grand Cape Mount, Margibi, and Maryland counties.

Observers reported a number of key findings. First, no tamper-evident envelopes (TEE3s, containing, among other items, the RoC form) received at the magistrate offices showed any sign of tampering.<sup>53</sup> In many cases, TEE1s and TEE2s (containing nonsensitive materials) were enclosed within or affixed to the

ballot boxes rather than delivered to the magistrate office, but in general the intake process was smooth and orderly.

Agents for several parties and candidates were present at all magistrate offices observed. In several cases, domestic observers, representatives of the media, and members of the international community also were present.<sup>54</sup> A photocopier was available at all magistrate offices in order to provide copies of the RoC form to party and candidate agents and

observers. In at least two cases, however, the copy machine broke down for an extended period of time and copies could not be distributed in line with tally procedures. The layout of the magistrate office for tallying was not always conducive to monitoring by party and

candidate agents and observers, who could not see the data entry screen. In addition, copies of the record of the count from the tally database form were not distributed or posted for viewing in a timely fashion, especially in Lower and Upper Montserrado. This limited the transparency of the tally process.

RoC forms enclosed in the TEE3 contained numerous computational errors, empty fields, and other mistakes. In most cases, the error was easily discovered and corrected, either on sight or by comparing the

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*Seven teams of Carter Center observers witnessed the tally process for the presidential and legislative elections in 12 of the 19 magisterial areas.*

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<sup>52</sup> ICCPR, Art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, Art. 1

<sup>53</sup> In Upper Nimba, Carter Center observers reported that many envelopes were never sealed before delivery. Party agents did not object, however, and no official complaints were filed.

<sup>54</sup> A number of these agents departed following the press release issued by opposition parties on Oct. 15, though some remained and signed the final Declaration of Preliminary Results form. See “Electoral Dispute Resolution.” Access of political party agents and domestic observers is supported by Liberia’s international commitments, such as the International Convention on Civil and Political Rights, Art. 25; UNHCR, General Comment 25, para. 20.



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RoC form against the presiding officer's worksheet. In all cases observed, NEC staff followed the tally procedure and did not alter the number of votes received by any party or candidate. However, contrary to the tally procedure, in numerous cases at multiple magistrate offices, discrepancies were removed by adjusting the number of unused ballots or invalid votes, with the consent of the party agents present. Carter Center observers reported only two cases in which errors or corrections on the record of the count form affected the number of votes cast for a party or candidate.<sup>55</sup> The Carter Center is aware of two other cases nationwide.<sup>56</sup> In all of these cases, the problem was identified and corrected.

A number of results were placed in quarantine because the discrepancy amounted to more than 2 percent of the total votes cast, consistent with the tally procedures.

However, in several instances, including magistrate offices in Montserrado and Upper Nimba, discrepancies of 4 percent and 7 percent were not quarantined. Elsewhere, discrepancies of less than 2 percent were quarantined. This suggests that the 2-percent threshold was not clearly understood by NEC staff. Observers reported that recounts based on quarantine were conducted for several polling places, but this was not always done according to the tally procedures.

In several cases, the division of functions among NEC staff was not strictly followed, or the process was made to move more quickly by distributing copies of the record of the count from the tally database, rather than reading the results aloud. Carter Center observers noted that procedural inconsistencies, including errors on the record of the count forms, appeared to be due to limited experience or insufficient training of NEC staff and that there was no evidence of fraud or of any systematic effort to change the results in favor

of any party or candidate. Carter Center observers reported an earnest effort on the part of NEC staff to correct discrepancies with the consent of party agents, and the process improved markedly over the course of the tally.

Overall, the tally process was conducted in a manner that upholds Liberia's international obligations to ensure that the will of the voter is respected and expressed through genuine elections that are free from corruption.<sup>57</sup>

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### ELECTION RESULTS

The NEC released progressive election results at a series of press conference beginning on Oct. 13. Results were also made available online. Final election results were announced on Oct. 25, 2011, within the timeframe required by the constitution.

Voter turnout nationwide was 1,288,716, or 71.6 percent of all registered voters. In the presidential election, incumbent President Ellen Johnson Sirleaf of the UP received 530,020 total votes, or 43.9 percent. Winston Tubman of the CDC received 394,370 total votes, or 32.7 percent, while the third place candidate, Prince Johnson of the NUDP, received 139,786 total votes, or 11.6 percent. President Sirleaf won in all

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<sup>55</sup> In one case in Lower Montserrado, a discrepancy of 138 votes in the presidential race was identified and a recount conducted. The recount found that the Congress for Democratic Change (CDC) had received 153, rather than 15 votes, as noted on the record of the count form. The form was corrected and copies distributed to the party agents. In a second case, Munah Pelham, a CDC candidate for the House of Representatives in Montserrado County, complained that the number of votes she received had been switched with another candidate. A recount found that this was true, and the record of the count form was corrected.

<sup>56</sup> The first case in Upper Montserrado involved an error where 95 votes for the CDC in the presidential race were read as 15 votes. The error was corrected on the record of the count form. The second case involved a Liberty Party (LP) candidate in Maryland County.

<sup>57</sup> ICCPR, Art. 25(b)



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but five counties—Grand Gedeh, Maryland, and Montserrado—where Tubman secured the most votes; Grand Bassa, won by Brumskine; and Nimba, won by Johnson. Because no candidate received an absolute majority of 50 percent plus one vote, the NEC was required to hold a runoff election.

In the House of Representatives, which expanded from 64 to 73 members as a result of the threshold bill, the UP remained the largest party, winning 24 seats. The CDC remained the second largest party, winning 11 seats. The LP won seven seats, NUDP won six seats, and the NDC five seats. NPP and the Alliance for Peace and Democracy (APD) each won three seats. The largest gain compared to 2005 was among independent candidates, who won 10 seats. The number of parties in the House increased from eight to 10, with no party controlling a majority. Eight women were elected.

In the Senate, where elections were held for junior senator only, corresponding to 15 of the 30 seats, the UP won four seats to maintain its lead with a total of 10 seats. The NPP won four seats, making it the second largest party in the Senate, with six total seats. CDC won two seats, for a total of three seats. NUDP and APD each won one seat for a total of two seats. Nine parties are represented in the Senate. Only two of 15 incumbent junior senators were able to hold their seats. Four members of the Senate are women.

## ELECTORAL DISPUTE RESOLUTION

The NEC is commended for conducting public hearings into complaints, with the right to present witnesses and documentary evidence and to make oral argument. This is an important element of due process and transparency in resolving electoral disputes. Following the Oct. 11 elections, more than 50 official complaints were submitted to the NEC at polling places, magistrate offices, and the NEC headquarters in Monrovia.<sup>58</sup> These were adjudicated on an

ongoing basis, with assistance from the UNDP NEC legal adviser.

At the same time, the legal framework for resolving election disputes did not mandate written decisions on complaints, and, in practice, written decisions were not issued by the NEC in all cases or were issued with undue delay, undermining transparency and the right to appeal. There was also an inconsistent application of evidentiary rules at NEC hearings with no established procedures.<sup>59</sup> Though due process calls for parties to be notified in writing of their right to appeal decisions, the NEC did not do so.<sup>60</sup> Decisions were available upon request at the NEC but were not posted on the premises as required by Article

8(2) of the complaints regulation. Posting decisions on the NEC website would have further increased transparency of the complaints process. In addition, in many cases, the NEC relied heavily on the UNDP legal adviser, who maintained a database of complaints and in some cases heard complaints in person.

There also was an apparent lack of stakeholders' awareness and understanding of rights and procedures for filing complaints. The NEC, for example, reported that several complaints lacked the required technical information. By contrast, opposition parties expressed concerns about the NEC's capacity to fairly resolve complaints, and observers reported that party agents generally opted to inform party leadership of irregularities rather than to file an official complaint.<sup>61</sup>

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*Because no candidate received an absolute majority of 50 percent plus one vote, the NEC was required to hold a runoff election.*

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<sup>58</sup> The 2011 election was the first time that complaints could be filed at polling stations, with standard complaint forms available; complaints had to be forwarded at the close of polls to the magistrate offices to be dealt with. Carter Center election day observers reported no official complaints were filed at the polling places they visited.

<sup>59</sup> In some cases, strict evidentiary rules in the civil procedure law were applied though not applicable, while in other cases, relaxed evidentiary rules more conducive to administrative hearings were applied.

<sup>60</sup> The NEC senior legal adviser was uncertain about whether hearing officer decisions could be appealed directly to the Supreme Court or if they must first be appealed to the board of commissioners.

<sup>61</sup> There was one allegation that polling station staff refused to provide a complaint form to a CDC agent.



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Opposition concerns included, among other things, early campaigning, denial of access to public space, misuse of state resources, vote buying, ballot stuffing, bias in the determination of valid versus invalid ballots, and irregularities during the counting and tallying processes.

Many complaints were submitted beyond the 48-hour deadline. While magistrates did not consider these complaints, the NEC continued to consider late complaints filed at its headquarters in Monrovia. Most complaints were dealt with by the NEC within a few weeks of election day. Many were dismissed for lack of evidence or because complainants did not present themselves at hearing. Others were withdrawn. No NEC decisions were appealed to the Supreme Court between the first and second rounds of the election.

A further concern is that the requirement in Article 4.15 of the elections law that any runoff election be held on the second Tuesday following the announcement of results of the first round is not harmonized with the period in which results may be challenged.<sup>62</sup>

### Allegations of Fraud in the Presidential Election

Three complaints that were filed by opposition parties alleged widespread irregularities and fraud in the first round of the presidential election, including ballot stuffing and tampering with results, and requested recounts or invalidation of the results. These complaints were not adjudicated by the NEC prior to the holding of the runoff.<sup>63</sup>

The most widely publicized of these cases was a CDC complaint, filed on Oct. 18, alleging systemic fraud and requesting that national results for the presidential election be invalidated.<sup>64</sup> Carter Center observers attended the complaint hearings and

reviewed relevant documents and the written decision rendered in the case. The CDC requested and was granted five adjournments of hearings for various reasons, including the need to gather witnesses.<sup>65</sup> Over the course of the hearings, the CDC and NEC presented several witnesses, and final arguments were heard the day before the runoff on Nov. 7. The decision of the NEC hearing officer was issued in writing on Nov. 10, two days after the holding of the second round, dismissing the claim based on lack of evidence.<sup>66</sup>

The NEC's conclusion has a sound legal basis. Testimony and photo evidence submitted by the CDC were not sufficient to prove widespread fraud.

The CDC's main allegation was that one incident, in which three sealed ballots boxes were witnessed being reopened by polling officials after the count,

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62 Under Article 83(c) of the constitution, complaints can be filed against election results up to seven days after results are declared, the NEC has up to 30 days to consider the complaint, an appeal against the NEC decision can be filed within seven days to the Supreme Court, the NEC then has seven days to forward the case file to the Supreme Court, and the court then has seven days to adjudicate the appeal. However, the same article requires that the results be declared no later than 15 days after the casting of ballots.

63 Under the legal framework, the NEC has up to 30 days to adjudicate complaints concerning the results but can decide on complaints earlier.

64 In CDC's written final argument, it contended that NEC's "handling election material contrary to guidelines and regulations" amounted to electoral fraud.

65 The complaint was initially filed on Oct. 13 and then withdrawn; an amended complaint was filed on Oct. 18. The CDC made a motion to the NEC to stop the election campaign pending hearing of the complaint. The hearing officer denied the request and informed the CDC it could seek the injunction in court but the CDC did not.

66 The NEC board of commissioners did not make the decision on the complaint as required under Article 2.4 of the elections law. Another complaint challenging the first-round presidential election results, filed by presidential candidate Cecilia Ndebe (Liberian Reconstruction Party), was dismissed by the NEC on Nov. 18 for lack of evidence; the decision was appealed to the Supreme Court. A complaint filed by presidential candidate Gladys Beyan (Grassroots Democratic Party of Liberia) was withdrawn.



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implied ballot stuffing in that case and countrywide. However, its witness testified that she did not actually observe any ballot stuffing.<sup>67</sup> Two NEC witnesses provided credible explanations of the incident, testifying that RoC forms had been inadvertently put in two ballot boxes that were then sealed. The records had to be retrieved in order to deliver them to the tally center at the magistrate's office before the boxes were sent to the magisterial warehouse, necessitating opening of the boxes.<sup>68</sup> The NEC further submitted into evidence a tally confirmation report indicating that both RoC forms were delivered intact, in their tamper-evident envelopes, to the tally center.<sup>69</sup> No evidence was presented that indicated that these forms had been altered in any way.<sup>70</sup>

While the NEC decision in this case recognized that the testimony of the CDC's witnesses exposed inappropriate handling of election materials, it concluded that it did not establish fraud to any extent. This finding is consistent with the observations and assessment of The Carter Center. The CDC appealed the NEC decision to the Supreme Court on Nov. 15.<sup>71</sup>

### Complaints Related to Legislative Elections

The majority of the remaining complaints concerned the legislative elections, including allegations of vote buying and intimidation, election day campaigning, obstruction of party or candidate agents, bribing election officials, irregularities in voting and counting procedures, ballot stuffing, and tampering with results.

Two complaints filed after the legislative elections alleged that an elected legislator did not meet eligibility requirements for holding office, in particular that they were not Liberian citizens.<sup>72</sup> One of the complaints challenged the mandate of an NUDP

senator-elect from Nimba County, Thomas Grupee, on grounds that he was a U.S. citizen and had voted in U.S. elections.<sup>73</sup>

Though the evidence presented at the hearing appeared to show that Mr. Grupee was a U.S. citizen, the NEC dismissed the claim on Nov. 18 based on lack of evidence. The NEC's written decision did not fully examine all relevant evidence presented at the hearing.<sup>74</sup> The

complainant did not pursue a Supreme Court appeal, instead attending a special Nimba "peace conference"

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*While The Carter Center acknowledges the steps taken by the NEC to hear and resolve complaints in a timely fashion, observers noted that complaints requesting recounts were not dealt with in a formal manner and were not handled directly by NEC authorities.*

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67 When asked on cross-examination how many ballot boxes did he think were broken into, the CDC secretary-general stated, "I do not know the number, but the number goes beyond human imagination."

68 The CDC witness testified that a polling official had explained to her that the boxes were being opened because something had to be removed from the box prior to transport to the NEC storage facilities.

69 In its decision, the NEC took notice that the ballots had been counted in full view of the CDC's agents and the records of count placed in TEEs, recorded by the polling staff, and witnessed by party agents and observers. The CDC's agents were also at the tally center to ensure that the results announced at the polls were exactly the same as those included in the tally.

70 Other evidence submitted by the CDC included two RoC forms (one for 70a House of Representatives race and one for the presidential race) that contained errors and witness testimony of two incidents in which ballot boxes were transported without proper escort and were seized by the police and turned over to the NEC.

71 Under Article 83 of the constitution, NEC decisions on complaints can be appealed to the Supreme Court within seven days, though it is unclear whether a decision of an NEC hearing officer (as opposed to the board of commissioners) is directly appealable to the Supreme Court.

72 The elections law is unclear as to whether and how an already elected candidate can have his or her mandate withdrawn on grounds that he or she did not meet candidate eligibility requirements.

73 The complaint was filed by the second place independent candidate, the former superintendent of Nimba County. Art. 22.1 of the Law on Aliens and Nationality provides, in part, that people who obtain foreign citizenship or vote in foreign elections automatically lose their Liberian citizenship.

74 Though Mr. Grupee claimed to have a U.S. permanent residence permit, he refused to produce it as proof that he was not a U.S. citizen as he claimed. He admitted to frequently traveling back and forth to the U.S., but his Liberian passport had no entry/exit stamps as required by U.S. immigration for all noncitizens, strongly supporting the complainant's allegation that Mr. Grupee is a U.S. citizen.



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at which the two parties reconciled and agreed to work together in the interest of the country.<sup>75</sup>

### Recounts

The legal framework does not regulate the conduct of recounts, including what circumstances require a recount or new election in any or all polling stations, the deadline for adjudicating the request, and the procedures that will govern a recount.<sup>76</sup> While The Carter Center acknowledges the steps taken by the NEC to hear and resolve complaints in a timely fashion, observers noted that complaints requesting recounts were not dealt with in a formal manner and were not handled directly by NEC authorities. The UNDP NEC legal adviser had a significant decision-making role in dealing with requests for recount, though by law the NEC board of commissioners (with assistance of NEC staff) should have been deciding on such matters.<sup>77</sup>

Ten recounts were granted based on complaints; in five of these, significant errors were detected in the RoC forms and corrected.<sup>78</sup> In one case—Maryland,

District 3—the recount led to a change in a House seat, with a seat that had been given to the UP awarded to the LP.<sup>79</sup> According to the NEC, in this case the recount revealed a consistent pattern of LP valid votes having been placed in the pile of invalid votes. Subsequently, the UP filed a complaint to get the seat back, alleging that its party agents were not invited or present at the recount. However, Carter Center observers present at the recount confirm that UP agents were present. The magistrate denied the UP's complaint on Oct. 25, and it was refiled at the NEC headquarters on Oct. 28. The NEC hearing was held only on Nov. 23 after the UP requested the Supreme Court to order the hearing to be conducted before the candidates were certified on Nov. 28. In their ruling on the matter, the Supreme Court ordered the NEC to recount the votes and for the results of the recount to be respected. The recount was held Jan. 18–19, 2012, and the LP candidate was again declared the winner and allowed to take his seat.

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75 Another complaint challenging the Liberian citizenship of an elected House representative in Grand Cape Mount District 3 was withdrawn on Nov. 17 after the petitioner was unable to obtain documentary proof from the UNHCR of the representative-elect's Sierra Leone citizenship and refugee status in Liberia.

76 For instance, procedures should regulate who will conduct the recount, where it must be conducted, who is to be present, etc.

77 In one case, the UNDP NEC legal adviser overrode a decision of the NEC hearing officer to recount 14 ballot boxes with alleged irregularities. The UNDP adviser insisted that only one box should be recounted, and if irregularities were found, the other boxes would be recounted. The complainant candidate was not satisfied with the UNDP adviser's proposal and did not show up for the recount of the one box.

78 According to the UNDP NEC legal adviser, four of the five discrepancies identified in the recounts were obviously inadvertent mistakes and in one case, arguably fraud.

79 Initially, only particular polling places raised in the complaint were recounted. However, when corrections were made and a 50-vote gap between the first (UP) and second place (LP) vote-getters was revealed, a recount of the entire district was conducted, which led to a switch in the top two candidates.



## RUNOFF DEVELOPMENTS

Following the first round of the election, The Carter Center reported that election day had been free from violence, transparent, and well-administered. These findings were supported by similar statements by international observer missions organized by the Economic Community of West African States (ECOWAS), the African Union (AU), and EISA (Electoral Institute for Sustainable Democracy in Southern Africa), along with domestic observers from the Elections Coordinating Committee (ECC), the Liberian Council of Churches (LCC), the Mano River Union Peace Network (MARWOPNET), and others. A subsequent report by The Carter Center found that the tally process, though marked by numerous computational and other minor irregularities, accurately reflected the results of the election and was free from evidence of systematic fraud.

### CDC BOYCOTT

Despite the findings of observers, on Oct. 15 nine opposition political parties, including the CDC, rejected the results of the election and withdrew their party agents from observing the tally on account of “massive flaw[s]” in the electoral process. Among their complaints were NEC rigging of the elections, ballot stuffing, and tampering with results. Shortly thereafter, Prince Johnson announced his support for President Sirleaf. Charles Brumskine later announced his and the Liberty Party’s support.

One of the CDC’s primary demands was effectively met when NEC Chairman James Fromayan resigned on Oct. 30, announcing that he hoped that “there [would] be no further obstacle or precondition for their participation in the Nov. 8 presidential runoff election.”<sup>80</sup> Fromayan’s place was taken by Cllr. Elizabeth Nelson, the NEC co-chair, who possessed clear legal authority for the overall administration

of the second round of the election.<sup>81</sup> Tubman said he welcomed the resignation but said that CDC’s participation in the upcoming election was still conditional upon the response to a number of other demands. On Nov. 1, CDC Chairman Geraldine Doe Sheriff submitted a letter to the NEC demanding a number of “administrative arrangements” required to

ensure CDC participation. These included reforms and new mechanisms—many of them inconsistent with the elections law, the Liberian Constitution, or international best practices—that CDC hoped would improve the transparency of the electoral process.<sup>82</sup> The CDC did not attend a meeting scheduled by the NEC to discuss the feasibility of these arrangements

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<sup>80</sup> The resignation followed an official letter sent by Fromayan to CDC’s Vice Standard Bearer George Weah in which it was wrongly stated that the CDC had received the highest number of votes in the first round.

<sup>81</sup> At the time of Fromayan’s resignation, it was not possible to appoint a new chairman because the Senate was not sitting during the electoral period. However, the election law (Art. 2.11) provides that the co-chairman is authorized to act in the absence of the chair.

<sup>82</sup> The CDC letter covered issues that included CDC representation on the NEC, international observers with more active roles in the election process, security and verification of election materials, measures to lower the rate of invalid votes, broader definition of legitimate voters, access to the NEC election system, and access to government facilities and media. Letter from the CDC to the NEC dated Nov. 1, 2011



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and to provide additional access to NEC tabulation and ballot storage facilities.

Subsequent efforts to facilitate dialogue as well as discussions in Abuja initiated by Nigerian President Goodluck Jonathan failed to produce any breakthrough. Ambassador Tubman insisted that the second round was unconstitutional because their official complaints had remained unaddressed. President Sirleaf called on all Liberians to vote and suggested that Ambassador Tubman's call for a boycott encouraged Liberians to "violate the constitution." ECOWAS and the U.S. State Department issued statements that dismissed the CDC's complaints and encouraged the party to participate. The Carter Center issued a statement on Nov. 6, indicating that Liberians have "a fundamental right to participate in public affairs, including the right to choose whether or not to cast a vote, in an atmosphere free from fear and intimidation."

The CDC's boycott of the runoff contributed to a muted campaign period. Observers reported no campaign activities to encourage CDC partisans to vote, either in Monrovia or the counties. Instead, CDC partisans in the counties awaited instructions from Monrovia. In the capital, party leadership focused on protest rallies aimed at encouraging its supporters not to participate in the runoff. Unlike in the first round, when the UP held rallies and other large events, in the second round, the UP focused on door-to-door campaigning organized at the county and district level. In several cases, Carter Center observers reported that UP campaign teams were distributing gifts such as bags of rice to voters. They also reported the use of government vehicles in UP campaign convoys. Finally, observers witnessed a large rally in Monrovia on Nov. 6 at which the president was joined by a number of prominent opposition politicians, including Togba Nah Tipoteh and Prince Johnson.

### VIOLENCE ON NOV. 7

On Nov. 7, the CDC organized a march beginning at its party headquarters in Monrovia, despite a provision of the Code of Conduct for Political Parties that prohibits parties from conducting election-related activities within 24 hours of the poll and without the necessary authorization from the authorities.

This decision was followed by a tragic confrontation between police and CDC supporters. The march began peacefully at CDC headquarters, but party supporters subsequently spilled out onto the main thoroughfare of Tubman Boulevard where they came into confrontation with police from the Police Support Unit (PSU) forces and Emergency

Response Unit (ERU). The police had barricaded parts of Tubman Boulevard in order to keep the road clear and to prevent the crowd moving in the direction of the nearby presidential residence.

The police fired tear gas into the crowd and protesters threw rocks and bottles at security forces. Both Reuters and Al Jazeera reported that the police fired live ammunition into the crowd. At various points, UNMIL peacekeepers confronted the police as they attempted to separate CDC supporters from the police. At least two people were reported killed in the clashes,<sup>83</sup> and at least two police officers were injured. Video recordings clearly show the escalation of the violence, including a senior police officer brandishing a pistol within the CDC's compound and being restrained by UNMIL forces and being taken away by his own men. The violence on Nov. 7 contributed

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*The CDC's boycott of the runoff contributed to a muted campaign period.*

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83 The total number of deaths on Nov. 7, 2011, remains disputed. In several statements, the government of Liberia has maintained that only one person was killed. A credible eyewitness informed The Carter Center that he had seen three bodies at the CDC headquarters, but later was informed that one of the men recovered. In a story dated Nov. 7, 2011, Al Jazeera's Yvonne Ndege, who was at the scene, reported being shown "three dead bodies." In a story dated Nov. 9, 2011, Reuters reported that "at least two" people had died. In a statement dated Nov. 8, the Elections Coordinating Committee, a domestic observer group, cited three deaths.



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to an atmosphere of fear and intimidation that undermined the right to security of person.<sup>84</sup>

Later the same day, The Carter Center learned that at least 84 people, including approximately 20 women, were detained.<sup>85</sup> Some reportedly showed signs of physical abuse. Following review of the cases, all detainees were released on Nov. 9. The Carter Center also was informed that Muna Pelham, CDC representative-elect from Montserrado County, was denied permission to leave Liberia and that her passport was seized. The commissioner of the Bureau of Immigration and Naturalization (BIN) confirmed that Ms. Pelham was one of approximately 20 individuals who were under investigation for inciting violence at the CDC headquarters and were not permitted to travel.

The Ministry of Information subsequently released a statement denying that any Liberian had been denied the right to move freely.

### THE 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>86</sup> and international law.<sup>87</sup> Any restrictions must be clearly justified, reasonable and objective, and based in the law. The courts play a critical role in the electoral process by ensuring that elections are conducted according to the law and with respect for fundamental rights, including freedom of



Deborah Hakes

*A newspaper vendor sells local papers with headlines discussing the 10-year residency clause for presidential candidates.*

expression and the press. In doing so, the courts must remain independent of the government at all times, and judicial proceedings must accord with the rule of law, due process, and the principle of transparency.

84 The right to security of the person is applicable throughout the electoral process and requires that individuals be free from physical violence at all times; ICCPR, Art. 9; African Charter on Human and Peoples Rights (ACHPR), Art. 6.

85 This was confirmed by the Ministry of Justice on Nov. 9.

86 Constitution of Liberia, Art. 15 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.”

87 International Covenant on Civil and Political Rights, Art. 19



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On Nov. 7, the Liberian government, through court-ordered police action on request of the ministries of Justice and Information, closed down three media outlets, including seven radio and television stations.<sup>88</sup> A petition filed by the government in support of the court order alleges the respondents, as owners and operators of various media institutions, were illegally using these outlets by broadcasting hate speech against the government and deliberately spreading misinformation and messages of violence in connection with their reporting of the CDC boycott and Nov. 7 rally.<sup>89</sup> The station managers were summoned to appear in criminal court on Nov. 10. The Carter Center raised concerns about the closures in its Nov. 10, 2011, Preliminary Statement on the Runoff Election and then closely followed the legal proceedings and reviewed the relevant legal documents and court decision in the matter.

Carter Center analysts found that the trial did not meet minimum standards for due process and rule of law. Even though it was a civil matter, the trial was held in a criminal court, and the court ordered, on request of the prosecution, that the respondents produce the relevant broadcasts as evidence against themselves.<sup>90</sup> The prosecutor submitted documentary evidence directly to the court, without public presentation, in contravention of due process standards that require all evidence to be submitted through witnesses.<sup>91</sup> In its decision of Nov. 15, the court found the media outlets guilty of an unspecified criminal offense,<sup>92</sup> referring to “hate messages and spreading misinformation having the propensity to cause insurrection and public disorder,”<sup>93</sup> and concluded that the closures were legally grounded.<sup>94</sup> The court noted that those types of messages are “not contemplated by the constitution as freedom of speech and press freedom” though it failed to recognize that

the constitution provides that those freedoms “shall not be curtailed, restricted, or enjoined by government save during an emergency declared in accordance with the Constitution.”<sup>95</sup> In this case, no state of emergency had been declared.

The court ruled the respondents were subject to penalty but would be spared punishment to ensure that “press freedom prevails.”<sup>96</sup> The court ordered the reopening of the media outlets with a “strong warning” that if they “repeat the act which this court has determined to be hate messages and call to insurrection, the Ministry of Information may revoke the permits and licenses issued

to respondents.”<sup>97</sup> This decision leaves the media vulnerable to undue discretion of the government to

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88 These outlets include Kings FM Radio, Clar TV, Power FM Radio and TV, Love FM Radio and TV, and Shaita FM Radio.

89 The petition cites violations of the elections law provisions (Articles 10.18, 10.19, 10.24, and 10.25) that have no applicability to media outlets (only political parties and candidates) and do not authorize their closure. Further, the cited provisions prohibit criticism of the electoral process outside of filing an official complaint, which is in and of itself an unjustifiable restriction on freedom of expression.

90 The Carter Center was informed by a Liberian legal expert that the alleged conduct is not a criminal offense in Liberia and that any judicial action would have to be civil in nature. Furthermore, Article 21(h) of the constitution of Liberia provides that in all criminal cases the accused shall “not be compelled to furnish evidence against himself.”

91 A number of videotapes and newspaper articles were submitted to the court. Rejecting the defendant’s motion to refuse the evidence based on violation of due process, the judge noted that he would need the evidence in order to make a determination in the matter.

92 Under Article 21(c) of the Liberian Constitution and international law, a defendant has a right to know the charges against him or her.

93 The messages were apparently given by CDC officials at the Nov. 7 rally and broadcast by the stations.

94 R.L. by and through the Ministries of Justice and Information v. The Mgmt of Royal Communication, Kings FM Radio, Clar TV, Power FM Radio and TV, Love FM Radio and T.V. and Shaita FM Radio (Nov. 15, 2011)

95 Id.; Art. 15(a) of the Constitution of Liberia

96 Ministries v. Mgmt of Royal Communications

97 Id.



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prosecute and revoke licenses, as it does not provide any clear guidance regarding prohibited actions.<sup>98</sup> It could also lead to self-censorship.

The Carter Center recognizes the Liberian government's generally good track record in upholding freedom of expression and media freedom and urges it to reconsider its recent divergent approach in this respect and to continue to guarantee these constitutionally and internationally protected rights in accordance with the law. It is also imperative that the courts resist pressure by the authorities under all circumstances, act independently and transparently, and deal with all judicial matters in accordance with the rule of law and due process.

The Carter Center also urges the media to undertake responsible and independent journalism, not to allow themselves to be unduly influenced by political actors, and to continue to assert its freedom and obligation to report all news in an accurate, fair, and balanced manner. The establishment of a legal framework on media and an

independent media regulatory body, based on a fully inclusive and participatory process involving all relevant stakeholders in government, media, and civil society, should be considered.

### VOTER EDUCATION

As in the first round of the elections, the NEC trained and deployed 150 civic and voter educators and worked in cooperation with a number of civil society organizations, with support from UNDP, IFES, and NDI. Carter Center observers noted that the intensity of civic education activities varied widely by county and was significantly less than during the first round. In some cases, voter education materials were insufficient and/or arrived late, limiting the time available for raising awareness about the second round of the elections. Observers also reported that political uncertainty concerning the boycott by the CDC had a negative effect on participation in civic education trainings, particularly in rural areas.

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*The Carter Center also urges the media to undertake responsible and independent journalism, not to allow themselves to be unduly influenced by political actors, and to continue to assert its freedom and obligation to report all news in an accurate, fair, and balanced manner.*

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<sup>98</sup> This event should be examined together with the firing of the public broadcaster's director during the first-round campaign period following the airing of a CDC rally, which led to an almost incomplete absence of the broadcaster's coverage of any opposition party for the remainder of the election period. Additionally, the owner of one of the closed media outlets, Paul Mulbah, was fired from his position as special security adviser for the Liberian National Police while the criminal proceedings were ongoing against the media outlets.



## ELECTION DAY — PRESIDENTIAL RUNOFF ELECTION OF NOV. 8

In light of the CDC boycott and violence on Nov. 7, the atmosphere on the morning of election day was tense, especially in Monrovia. Many voters remained at home in the morning to assess the situation before casting their votes later in the day.

The Carter Center again partnered with EISA to deploy 22 teams of international observers to all 15 Liberian counties on election day. Separate teams were sent to each of the 19 magisterial areas in order to observe the tally process. Deployment took place on the morning of Nov. 6. Because of security concerns, observers were asked to remain in county capitals until the late morning, when they began visiting polling places in rural areas. As in the first round, on election day teams were required to fill out paper forms at each polling place they visited and also to register their observations electronically using special software developed for Android phones.

Carter Center–EISA observers completed 283 observations based on visits to 231 different polling places on election day. These included reports on 17 poll openings, 21 poll closings, and 20 counting processes. In their reports, Carter Center–EISA observers characterized the overall polling process as either “good” or “very good” in 98 percent of polling places visited.

### OPENING

Carter Center–EISA observers witnessed openings in every county except Montserrado. Of the 17 openings observed, two did not open promptly at 8:00 a.m., though none opened later than 8:10 a.m.<sup>99</sup> Observers

did not find evidence of campaign materials within 100 meters of polling places. In general, opening proceeded smoothly. However, there were reports that at least three polling places in Monrovia needed to be relocated at the last minute because of security concerns.

### POLLING

The atmosphere during polling was peaceful and calm with no incidents of violence at the polling places visited by Carter Center–EISA observers. There were few lines, and turnout appeared to be substantially lower than in the first round.

Carter Center–EISA observers reported that poll workers acted in an impartial and professional manner in most cases. Identification procedures were followed, and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In

24 percent of polling places visited, observers reported that polling staff failed to check voters’ fingers for ink. In addition, observers reported that secrecy of the ballot was not adequately ensured in 5 percent of polling places observed. In most cases, this resulted from insufficient space or inadequate setup of the polling place.<sup>100</sup> This represented a modest improvement over

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*In light of the CDC boycott and violence on Nov. 7, the atmosphere on the morning of election day was tense, especially in Monrovia.*

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<sup>99</sup> In one case reported (Electoral District 15, Precinct 30160), the polling precinct was reallocated shortly before the polls kicked off due to the disagreement of the owner of the property, a CDC member, to use it for the voting purposes.

<sup>100</sup> In four instances, the assistance provided to the voters was not in accordance with the procedures.



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the first round, when ballot secrecy was not assured in 8 percent of polling places observed.

Observers noted the presence of UP party agents in 94 percent of polling stations visited, while CDC party agents were observed to be present in only one polling place nationwide. This suggests that the boycott was successfully communicated to party agents at the local level.

In 52 percent of polling places visited, domestic observer groups were present, especially the Elections Coordination Committee (ECC), which deployed 1,725 observers in all 15 counties. Carter Center–EISA observers also encountered domestic observers from the Liberian Council of Churches (LCC) and MARWOPNET. Carter Center–EISA observers reported that no official complaints were filed at the polling places they visited.

### CLOSING

In the polling places observed, closing and counting took place in a peaceful atmosphere.<sup>101</sup> The closing time was respected in all but two observed cases, where polling places closed before 6:00 p.m.

Poll workers' understanding of closing and counting procedures appeared to have improved since the first round of elections. However, in some polling places, reconciliation procedures were not strictly followed, though observers reported that this did not appear to affect the

integrity of the count. On a positive note, the number of invalid ballots at polling places observed dropped by half (from 8 percent to 4 percent) in comparison to the average observed during the first round. Carter Center–EISA observers reported that record of the count forms were displayed outside 20 of 21 polling places observed.

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*Poll workers' understanding of closing and counting procedures appeared to have improved since the first round of elections.*

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<sup>101</sup> In Monrovia, there was one incident reported where at one polling place in Paynesville some unidentified people tried to prevent the election materials from being picked up by the NEC personnel.



## POSTRUNOFF ELECTION DEVELOPMENTS

Carter Center–EISA observers remained deployed in the counties until Nov. 10 to witness the tally process at all 19 magistrate offices. In addition, Carter Center LTOs remained deployed until Nov. 25 to observe the conclusion of the tally and the postelectoral environment, including the announcement of results and the resolution of postelection disputes.

### THE TALLY PROCESS

Carter Center–EISA observers witnessed the tally process at all 19 magistrate offices Nov. 9–10. In addition, three teams of Carter Center LTOs remained at magistrate offices for several more days in Grand Gedeh, Upper Nimba, and Lower Montserrado counties until the conclusion of the tally process.

Observers reported that the tally process was carried out smoothly and transparently, with greater adherence to administrative procedures than during the first round of the elections. NEC staff at the magistrate offices displayed considerably greater confidence in, and knowledge of, the tally procedures. However, in some cases electoral materials from a single precinct did not arrive at the same time. For example, some tamper-evident envelopes (TEEs), including the TEE3, were delayed in Upper and Lower Nimba and Lower Bong counties. In several cases, including Upper Montserrado and Margibi counties, observers reported that TEE3s were not sealed prior to delivery to the magistrate office. In all but three cases, photocopies of the RoC form were produced and distributed to party agents and observers in line with the procedures. In the remaining

three cases, observers reported delays in distributing copies of the RoC form.<sup>102</sup>

Computational and clerical errors were common on RoC forms, but in all reported cases these were quarantined and corrected in line with the tally procedures. In no case did this affect the total votes obtained by any candidate. In several cases, observers reported that small discrepancies revealed during the tally resulted from the number of ballot papers received by the polling places differing from 550, the amount of ballot papers that all polling stations were supposed to receive. In no observed case did this difference exceed five ballot papers.

Procedures for entering results into the data-

base were followed in most observed cases. However, as in the first round, in several cases observers reported that the division of duties among magistrate office staff was not strictly followed<sup>103</sup> and that the setup of the magistrate offices made it difficult to observe the process of entering the results to the database. In Margibi County, observers noted that the record of the count from the tally database form (ET-02) was not displayed after data entry.

Observers encountered no CDC party agents during the tally process, presumably as a result of the

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*Observers reported that the tally process was carried out smoothly and transparently, with greater adherence to administrative procedures than during the first round of the elections.*

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<sup>102</sup> In Grand Gedeh, party agents did not receive copies of the RoC for each polling place but instead were issued copies of the Progressive Tally Result. In Maryland County, the copy machine temporarily broke down but was later repaired and copies were distributed. In Grand Cape Mount, forms were not distributed before Carter Center observers departed on Nov. 11, 2011.

<sup>103</sup> In Upper Nimba, several important personnel—including the magistrate and assistant magistrate—were absent for most of the tally process.



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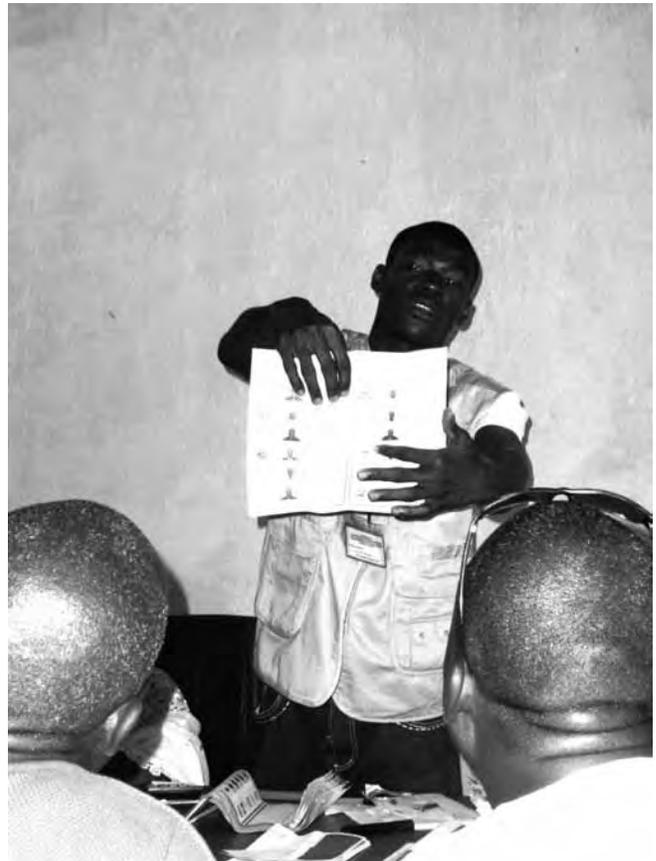
party's decision to boycott the election. UP party agents were present at many magistrate offices, but in smaller numbers than during the first round of the elections and often for a shorter period of time. Domestic and international observers were present at all 19 magistrate offices. Carter Center observers reported no formal complaints challenging the tally process.

### ANOMALOUS RESULTS IN GRAND GEDEH COUNTY

At the same time, the tally process revealed anomalous results in Grand Gedeh County, traditionally the stronghold of the CDC. These anomalies included a dramatic swing in support for the UP, polling station results of 100 percent votes for one candidate, and marked differences in turnout at polling places within the same precinct. These anomalies were identified independently by NEC and by Carter Center observers who witnessed the tally process at the Grand Gedeh magistrate office in Zwedru and conducted interviews with polling staff, voters, representatives of political parties, domestic observers, and other stakeholders in all three electoral districts in Grand Gedeh Nov. 12–18.

The NEC performs a number of internal checks on results transmitted to the National Tally Center during the tally process to identify potential irregularities.<sup>104</sup> For the runoff, NEC performed a supplemental check to examine variation in the results from the first and second round of the elections. This check revealed concentrations of polling places with significantly higher support for the UP in the second round in Nimba County, where Prince Johnson endorsed the president, and in Grand Gedeh County, traditionally a stronghold of the CDC. In Grand Gedeh, the UP received 13,795 votes in the second round, as opposed to 4,514 votes in round one.<sup>105</sup> This represented higher support for UP at 117 of the 131 polling places in the county. Of these, NEC selected and carried out recounts for 11 polling places.<sup>106</sup>

Carter Center observers witnessing these recounts reported no conclusive evidence of tampering, ballot



Nicholas Jahr

*NEC staff conduct a recount of votes in Grand Gedeh County.*

stuffing, or fraud. However, observers reported seeing consecutive ballots with similar markings and a majority of cases in which only two seals were placed on ballot boxes instead of four. Subsequent interviews and investigation suggested that publicly posted RoC forms were removed from many polling places on the night of the election.<sup>107</sup> In addition,

<sup>104</sup> These checks are designed to identify cases where: (1) the number of votes exceeds the number of registered voters in a polling place; (2) turnout is 95 percent or higher in a polling place; (3) there is a discrepancy between the number of ballots cast and total votes; and (4) one candidate receives 100 percent of the votes.

<sup>105</sup> While turnout nationally decreased substantially, from 71.6 percent to 38.6 percent, in Grand Gedeh, turnout increased in the second round at 18 different polling places.

<sup>106</sup> NEC officials reported that the recounts had not shown any evidence that RoC forms had been altered.

<sup>107</sup> Interviews on Nov. 17 and 18, 2011



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observers identified several cases in which results from one polling place differed markedly from results at other polling places within the same precinct, in one case by more than 400 percent.<sup>108</sup> Polling staff at one such precinct interviewed by Carter Center observers strongly implied that these results did not accurately reflect the outcome of voting on election day.<sup>109</sup> Numerous interviews, including with domestic observers, suggested that turnout was substantially lower at many polling places than the figures reported by NEC.<sup>110</sup>

Overall, The Carter Center concluded that the tally process was conducted in general accordance with Liberia’s obligations to ensure that the will of the voter is respected and expressed through genuine elections that are free from corruption.<sup>111</sup> The noted anomalies appeared to be limited to specific polling places in Grand Gedeh County and did not affect the outcome of the presidential runoff election as a whole. Nevertheless, they raise serious questions about the integrity and transparency of the electoral process in Grand Gedeh County. The Carter Center urges the NEC and its partners to undertake a close review of electoral administration in Grand Gedeh and, in the event that malfeasance is detected, to take appropriate actions to hold those responsible accountable.

### INDEPENDENT COMMISSION OF INQUIRY

On Nov. 11, President Sirleaf announced the creation of a Special Independent Commission of Inquiry to gather evidence on the events at the CDC headquarters on Nov. 7, 2011. Sister Mary Laurene Brown, president of Stella Maris Polytechnic, was selected to serve as chair. Other members of the commission included Jerome Korkoya, Una Thompson, Augustine Zayzay, Joe Gbalah, and Konatee Kofa, who served as legal counsel.<sup>112</sup> The commission submitted its report

to the president on Nov. 25. The following day, an executive mansion press release indicated that the National Security Council had endorsed the commission’s recommendation to dismiss Mark Amblard, inspector-general of police.

While accepting its report, the president asked the commission to continue its investigation, especially into the shootings on Nov. 7. The commission’s initial report included a number of findings that appear to be inconsistent with video footage and credible eyewitness accounts. The report stated, for example, that only nine live rounds were fired “to disperse the crowd,” despite reports that at least one individual was shot at point blank range within the grounds of the CDC compound; it also concluded that the LNP was “the only security apparatus which discharged live ammunition,” despite video that reportedly shows an officer from the Special Security Services (SSS) shooting his weapon within the CDC compound. Finally, the report determined that only one person was killed, despite press and credible eyewitness accounts of at least two dead bodies. The Carter Center commends the president’s decision to

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*Anomalies appeared to be limited to specific polling places in Grand Gedeh County and did not affect the outcome of the presidential runoff election as a whole.*

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108 At precinct 15008, Boundary Town Public School, polling place 1 recorded 203 votes cast, while only 47 votes were cast at polling place 2. Similar anomalies can be found at precinct 15020, Zai Public School, where there were 100 more votes cast at polling place 1 than at polling places 2, 3, 4, and 5. At polling place 1, UP received 153 votes and CDC received zero votes. In the first round of the election at the same polling place, UP received 19 votes and CDC received 110 votes. During the first, votes were cast close to evenly among the polling stations within each of the two precincts. Both polling places in Boundary Town Public School had close to 225 votes cast, while all five polling places in Zai Public School had between 160 to 190 votes cast.

109 Interview conducted on Nov. 17, 2011

110 Interviews conducted on Nov. 14, 17, and 20, 2011

111 ICCPR, Art. 25(b)

112 This list was confirmed by Sister Mary Laurene Brown on Nov. 16, 2011.



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ask the commission to continue its work and calls on the government of Liberia to ensure that appropriate disciplinary action is taken to hold those responsible accountable and to help restore public confidence in Liberia's security sector.

### RUNOFF ELECTION RESULTS

As in the first round of the elections, the NEC announced official results for the runoff election at

daily press conferences, beginning on Nov. 10. Final results were announced on Nov. 15. President Sirleaf received 607,618 total votes, or 90.7 percent. This represented an increase of 77,598 votes from the first round, thanks, in large part, to a dramatic increase in support in Nimba County, where Prince Johnson endorsed the president. Winston Tubman received 62,207 votes, or 9.3 percent. This represented a loss of 332,163 votes, a consequence of the CDC's decision to boycott the runoff election. Turnout nationally fell

to 38.6 percent. A number of different factors were responsible for this decline, including the CDC boycott, voter fatigue or apathy, and concerns about security, particularly in Montserrado County.

The NEC certified winners of the presidential and legislative elections at a ceremony in Monrovia on Nov. 28, with the exception of a seat that was still under dispute and later resolved by a recount. The president, vice president, and all 88 successful legislative candidates accepted their seats in the new government. Inauguration took place Jan. 16, 2012.



The Carter Center's preliminary statement on the election runoff is covered by local press.



## CONCLUSIONS AND RECOMMENDATIONS

The first round of the elections, held Oct. 11, was peaceful, orderly, and transparent. Despite long lines, observers reported that the polls opened on time and voters turned out in great numbers to cast their ballots. With only a few exceptions, poll workers conducted themselves in an impartial and professional manner, under the watchful eye of numerous party agents and domestic observers. Although Carter Center observers noted a number of minor procedural irregularities, especially during the counting process, none were significant enough to affect the overall integrity of the vote. This conclusion was reinforced by similar findings reported by observers from ECOWAS, the African Union, and the Elections Coordinating Committee.

From a technical perspective, the presidential runoff election that took place on Nov. 8 was well-administered, transparent, and conducted in accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, however, it was marred by the CDC boycott, violence, and low voter turnout. These events exposed deep divisions within Liberian society and mounting feelings of exclusion that will need to be addressed as the new government works to unify the country. In addition, the election highlighted the weakness of opposition political parties and the challenges Liberia will face as it seeks to build a vibrant, multiparty democracy. This will be crucial to the country's long-term stability.

The Carter Center's election observation mission was part of a 20-year commitment by the Center to work with the Liberian people to help build peace, support democratic development, and improve health. The Carter Center will remain engaged in Liberia working with the government, civil society organizations, and community leaders to support access to justice, access to information, and mental health.

The Carter Center recommends a number of important steps to improve the conduct of elections in the future. These are directed to the appropriate implementing body within Liberia:

### To the Government of Liberia

- 1. Reform the elections law.** The Carter Center noted many gaps in the elections law, some of which were addressed through NEC regulations and codes of conduct. A comprehensive law that incorporates components of these documents should be developed through a consultative process with all electoral stakeholders, led by the NEC. The new legislation should address all fundamental components of the electoral system in a consistent and clear manner to ensure a sound legal basis for democratic elections. The rights of domestic and international observers to observe all aspects of the electoral process, handling of the recount and invalidation process, use of state resources, and campaign finance all should be addressed and included in new legislation. Adoption of any election legislation or amendments should take place at least one year before elections to ensure that all stakeholders have adequate time to conform to the law.
- 2. Improve and harmonize the legal framework for electoral dispute resolution.** Although the NEC took important steps to resolve electoral disputes, the regulatory and procedural framework is not sufficient to ensure a clear and consistent dispute resolution mechanism, with guarantee of due process. The legal framework does not adequately delineate jurisdiction between the NEC hearings officers, magistrates, and the board of commissioners. In some cases, deadlines for adjudication of complaints are not provided or are too short or too



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long for an electoral period. For example, the timing for holding runoff elections is not harmonized with the period to exhaust the dispute resolution process. It is imperative that these and other shortcomings be addressed to ensure a sound basis for timely, transparent, and effective redress of complaints and appeals.

### 3. **Initiate and fund a constitutional review**

**process.** Liberia's 1986 constitution contains several articles that should be reformed to improve election administration and democratic participation. Specific proposals for amendments must be determined by a constitutional review process through a broad consultative process, and, consistent with the constitution, they must be submitted to the legislature and subsequently approved in a national referendum. Issues for consideration might include: reform of the election timetable to ensure that elections are held after the end of the rainy season; reforms to reduce the power of the president in appointing individuals to the NEC board of commissioners; reforms to limit the terms of elected officials in line with international standards; and removal of exclusionary citizenship requirements based on ethnicity.

4. **Strengthen and protect press freedoms.** The Carter Center recognizes the Liberian government's positive track record of upholding press freedom. However, on two important occasions—the indefinite suspension of the managing director of LBS and the closure of seven media outlets on Nov. 7—the government took steps that undermined free speech. The government should recommit to press freedom and continue to guarantee this constitutionally and internationally protected right. A legal framework for the media and an independent media regulatory body should be established to ensure that any actions taken against the press are in accordance with the rule of law and due process.

### 5. **Continue to support a national reconciliation**

**initiative.** Immediately following the presidential runoff, The Carter Center released a statement recommending that all political leaders redouble their efforts for a genuine and inclusive political dialogue, leading to national reconciliation and governance reform. President Sirleaf took a step in this direction by appointing Nobel Prize winner Leymah Gbowee to head a National Peace and Reconciliation Initiative. Reconciliation efforts are necessary and should allow for discussions that include all political actors, civil society, and media, taking into consideration the work of the Truth and Reconciliation Commission.

### To the National Elections Commission

6. **Strengthen the NEC liaison offices.** Throughout the 2011 elections, the NEC demonstrated its technical competence and effectiveness administering credible elections that met international standards. At the same time, however, relations with the political parties, civil society, and the media were strained and at times hostile. The NEC should address these problems by strengthening the liaison offices charged with maintaining relationships with external groups. In addition, the NEC should consider hiring a full-time spokesman to represent the views of the commission within the Liberian media.

7. **Monitor and sanction reports of campaign violations.** The elections law and the political parties' code of conduct contain provisions aimed at ensuring a level playing field for all electoral contestants, including provisions that guarantee equal access to public facilities and prohibit the use of state resources, such as government vehicles, during campaigning. The NEC must work harder to monitor and investigate complaints related to these issues and take a more proactive approach



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to sanction parties and candidates who violate the law. The NEC also should take steps to enforce finance reporting deadlines and audit all campaign finance reports, imposing fines on political parties and independent candidates who fail to comply. Though time-consuming and costly, these measures are crucial to ensure the fairness of the electoral process and the perceived legitimacy of election results.

- 8. Strengthen trainings for polling staff, especially on counting and tallying procedures.** Despite logistical and other challenges, and with a few exceptions, polling staff performed their duties in a dedicated, professional, and impartial manner throughout the electoral process. In order to build on this success, and to correct limitations observed during the 2011 elections, especially during counting and tallying, NEC should consider beginning trainings earlier and should focus additional attention on procedures for counting and tallying, especially procedures for determining valid versus invalid ballots.
- 9. Educate stakeholders on rights and procedures for filing electoral complaints.** The low number of formal complaints filed during the electoral process, especially at the polling place level, indicates that stakeholders were unaware of their rights and the procedures for seeking legal redress. The NEC should incorporate information about dispute resolution in voter education initiatives and provide specialized training to political party and candidate agents on the mechanisms for filing and resolving complaints, as well as the evidentiary standards for substantiating electoral offences. NEC should consider alternative means to distribute polling day complaint forms, for instance to electoral contestants and relevant civil society groups.

- 10. Ensure voter registration lists are subject to checks on accuracy.** Following voter registration, several political parties complained that they were unable to get access to, or copies of, the final registration roll at the magistrate's offices. The Carter Center also received reports of underage registration and issues with the registration of Mandingo minorities. Despite the NEC's assurance that an electronic copy of the registration list was sent to all political parties, Sections 30 and 31 of the voter registration regulations indicate that the registration list should be available at all magistrates' offices. The availability of hard copies would ensure that all parties had access to the list and it was open to scrutiny.
- 11. Strengthen civic and voter education programs.** The Carter Center recognizes the NEC's efforts to conduct voter education throughout Liberia, in partnership with civil society organizations and international partners. However, observer reports consistently pointed to the inadequacy of voter education, especially in rural areas and the southeast of Liberia. Voter education programs must begin earlier and must be strengthened, with an emphasis on basic information about the elections, voting procedures, and the rights and responsibilities of voters in a democratic society. Mechanisms for assuring quality control and accountability among civil society groups chosen to conduct voter education also should be strengthened. Finally, in cooperation with the government of Liberia, the NEC should consider ongoing civic education programs in schools.
- 12. Support increased participation.** Restrictions on voting and candidacy rights, including prohibitively high nonrefundable fees, requirements for property ownership, and minimum bank accounts for electoral contestants, all serve to unreasonably restrict candidacy and voting rights. These restrictions should be removed. For political parties, the NEC should explore registration requirements that are based on the collection of signatures



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rather than the presence of party offices in the counties.

13. **Carry out a fresh boundary delimitation exercise based on the 2008 census.** For the 2011 elections, the NEC used voter registration data to conduct boundary delimitation, based on the threshold bill. Consistent with Article 80(d) of the constitution, delimitation should be based on the national census and must ensure constituencies of approximately equal size. Boundary delimitation should be corrected to adhere to the constitution well in advance of the 2017 presidential and legislative elections.
14. **Investigate evidence of fraud in Grand Gedeh County.** Results from the runoff election showed a number of anomalies at polling places in Grand Gedeh County. While our investigation proved inconclusive, interviews and analysis conducted by Carter Center observers raised serious questions about the transparency and integrity of the process in that county. These anomalies should be promptly and thoroughly investigated by the NEC, and, in the event malfeasance is detected, those responsible should be held accountable. Punishing electoral offenses, especially when committed by polling staff, is essential to ensuring a solid democratic basis for future elections.

### To the International Community

15. **Support efforts to reform Liberia's elections law and constitution.** Liberia's 1986 Constitution contains several articles that should be reformed to improve election administration and democratic participation. In order to facilitate reform, international partners should provide technical and legal support to an empowered Constitutional Review Commission. Assistance also should be provided to the elections oversight bodies within the national legislature to assist their efforts to reform the elections law. To be effective, these programs must begin well in advance of the next election cycle.
16. **Provide technical assistance and training to political parties.** A vibrant, multiparty system is a prerequisite for sustainable democracy. In Liberia, the majority of political parties remain fragmented, poorly organized, and reliant on individual personalities. Although programs to build the capacity of political parties during the 2005 elections met only limited success, the absence of similar programs in 2011 reduced opportunities for improving communication between the parties and the NEC and for ensuring that party officials had a minimum understanding of the elections law, administrative procedures, and the formal complaints mechanism. Knowledge of these aspects of the electoral process is critical to reducing the threat of electoral violence. In advance of the next elections, donors should prioritize technical assistance and training programs for political parties, with an emphasis on mid-level leadership, party agents, internal party communications, and the basics of the legal and administrative framework.
17. **Extend UNMIL's mandate beyond December 2012.** During the elections, UNMIL played a crucial role delivering election materials to difficult-to-access locations and ensuring security throughout Liberia. Although the capacity of Liberia's security sector has been greatly enhanced over the past six years, the military and particularly the police have drawn criticism for their inability to act professionally and independently and to exercise effective restraint. This was tragically displayed on the eve of the runoff, when LNP officers fired into a crowd of unarmed civilians, leading to several deaths. Swift intervention by UNMIL troops ended the violence and prevented the situation from deteriorating further. Even if troop levels must be reduced, the international community should extend UNMIL's mandate beyond 2012 to allow sufficient time to consolidate the important security sector gains of the past several years.



## APPENDIX A

# ACKNOWLEDGMENTS

The Carter Center is grateful for the support of a number of individuals and organizations that helped make its international election observation mission in Liberia possible. Above all, the Center thanks the government of Liberia and the National Elections Commission for inviting the Center to observe the elections and for welcoming its staff and observers in Liberia.

The Center acknowledges the generous support of the U.S. Agency for International Development, Humanity United, and the Norwegian Resource Bank for Democracy and Human Rights. Funding from these institutions, combined with internal financial support from The Carter Center, allowed the Center to observe and report on both rounds of Liberia's 2011 legislative and presidential elections. A donation of smart phones by Google Inc. provided the Center with the welcomed opportunity to pilot software that enabled the delegation to submit observations while deployed.

The Center expresses special gratitude to former Nigerian Head of State Gen. Dr. Yakubu Gowon, who, along with Carter Center Vice President of Peace Programs Dr. John Stremmler, served as co-leaders of the Center's observer delegations in October and November 2011. Their insights and experience strengthened the work of the Center's election observation mission.

The Center's joint deployment with the Electoral Institute for Sustainable Democracy in Africa (EISA) provided a valuable partnership and allowed both institutions to observe the elections in all 15 Liberian counties. Special thanks go to EISA staff members Miguel de Brito, Olufunto Akinduro, and Yvette Ondinga; their delegation leadership, Leshele Thoahlane and Hon. Irene Chirwa Mambilima; and observers.

The Center thanks the leadership and staff of the United Nations Mission in Liberia for their

cooperation and for providing logistical support to the observer mission. Representatives of the Centre for Humanitarian Dialogue, IFES, IREX, the National Democratic Institute, and UNDP, as well as the embassies of the African Union, European Commission, Nigeria, and the United States, generously shared their time and insights on the election.

The Carter Center's long-term observers (LTOs) served as the eyes and ears of the operation in Liberia, traveling to multiple, difficult-to-access locations and providing regional analysis and logistical preparations for the short-term mission. Chris Brandt, Gerri Chester, Hans Dieset, Nick Jahr, Idrissa Kamara, Carole Kraemer, and Marjorie Walla served as LTOs for the entire mission. Additional LTOs included Moshood Folorunsho, Humphrey Maluti, and Karen Reinhardt.

The Center also acknowledges all the short-term observers (STOs) who volunteered their time and expertise to travel to Liberia for each round of the elections.

The Center commends Liberia's domestic election observer groups for their hard work and thanks both them and other international observers, including delegations from ECOWAS and the African Union and the European Commission's Election Expert Mission, for sharing information throughout the electoral process.

The Center's observation mission in Liberia was run on tight deadlines by a core team in Monrovia. Special thanks go to Alexander Bick, Davor Corluka, and Mariusz Wojtan, who worked on the project from start to finish. The mission received invaluable assistance from several short-term consultants, including Don Bisson, Alex Douglas, Marla Morry, and Munish Puri. Volunteers included Molly Clark-Barol, Gaurev Laroia, and Timothy Meyer.



## NATIONAL ELECTIONS IN LIBERIA

The Center's work in Liberia would not have been possible without the dedication and commitment of its national staff, including Alpha Jalloh, Lincoln Davies, Howard Harris, John Harris, James Jarwolo, Amos Johnson, Mohammed Kamara, Israel Newberry, Mohammed Sherif, Mohammed Trawally, Rita Yarkpah, and Walkin Wongbe.

The Center is also grateful to the staff of its Access to Justice, Access to Information, and Mental Health Programs in Liberia, especially Pewee Flomoku, David Kortee, Chelsea Payne, Robert Pitman, Amanda Rawls, and Cllr. Lemuel Reeves, all of whom shared their time and ideas with the mission.

The Center's Democracy Program staff in Atlanta had overall responsibility for the mission. The Liberia project was managed by David Carroll with significant assistance from Elizabeth Plachta, Tynesha Green, and Aliya Naim. Additional support was provided by Tom Crick, Larry Frankel, Deborah Hakes, Courtney Mwangura, Catherine Schutz, and Thomas Smyth.

The primary drafters of this report were Alexander Bick and Elizabeth Plachta. Donald Bisson, David Carroll, Tom Crick, Marla Morry, and Mariusz Wojtan made significant contributions and edits to the text.



## APPENDIX B

# LIST OF DELEGATION AND PROGRAM STAFF

### CARTER CENTER DELEGATION LEADERS

**Gen. Dr. Yakubu Gowon**, Former Head of State of Nigeria, Nigeria

**Dr. John Stremlau**, Vice President of Peace Programs, The Carter Center, United States

### EISA DELEGATION LEADERS

**Miguel de Brito**, Mozambique Country Director, EISA, Mozambique

**Leshele Thoahlane**, Chairperson of the Board of Directors, EISA, Lesotho

**The Hon. Irene Chirwa Mambilima**, Former Chair of the Electoral Commission of Zambia, Zambia

### JOINT DELEGATION FOR PRESIDENTIAL AND LEGISLATIVE ELECTIONS ON OCT. 11, 2011

\***Tereza Ambrožová**, Czech Republic

\***Lawal Amodu**, Nigeria

**Mary An**, United States

**Rachel Tadesse Asfaw**, Ethiopia

**Jeff Austin**, United States

**Sarah Bartlett**, United States

**Peter Chapman**, United States

**Viwemi Chavula**, Malawi

\***Cindy Chungong**, Cameroon

**David Cohen**, United States

**Nicholas Cook**, United States

**Marlene Fisher**, United States

**Ken Ganna-Conteh**, Sierra Leone

**Nicole Gerring**, United States

\***David Harris**, United Kingdom

**Susan Hyde**, United States

\***Gaston Kalombo**, South Africa

**Momoh Kanneh**, Sierra Leone

**Kim Keller**, United States

\***Magdalena Kieti**, Kenya

**Maimouna Konate**, Côte d'Ivoire

\***James Lahai**, Sierra Leone

\***Alka Larkan**, South Africa

**Roger Liwanga**, Democratic Republic of the Congo

**Julia Lowe**, United States

**Junior Muke**, Democratic Republic of the Congo

**Doug Nelson**, United States

**Barbara Nyangairi**, Zimbabwe

**Beatrice Abuya Odera**, Kenya

\***Joseph Oneka**, Uganda

**Agnieszka Paczynska**, Poland

\***Chelsea Payne**, New Zealand

\***Robert Pitman**, United Kingdom

**Sita Ranchod-Nilsson**, United States

\***Amanda Rawls**, United States

**Eldrid Roine**, Norway

**Luke Rooney**, United Kingdom

\***Angelina Daniel Seeka**, South Sudan

**Scott Taylor**, United States

\***Laura Anyola Tufon**, Cameroon

\***Oystein Wiik**, Norway

*\* Observed in both rounds of the elections*



NATIONAL ELECTIONS IN LIBERIA

DELEGATION FOR THE PRESIDENTIAL  
RUNOFF ELECTION ON NOV. 8, 2011

Williams Alabi, Nigeria  
Gray Clevenger, United States  
Dominique Dieudonne, United States  
Komi Ruben Dogbe, Togo  
Mona Handeland, Norway  
Zikirullahi Ibrahim, Nigeria  
Nancy Kariuki, Kenya  
Joel Opicho Mabonga, Kenya  
Ahna Machan, United States  
Catherine Musuva, Kenya  
Mark Naftalin, United Kingdom  
Steve Nothern, United States  
Gerald Ntiwunka, Nigeria  
Adebowale Olorunmola, Nigeria  
Joseph Oneka, Uganda  
Mareatile Polaki, Lesotho  
Karen Reinhardt, Canada  
Terry Rogers, United States  
Shireen Santosham, United States  
Joan Mudindi Vwamu, Kenya  
Shehu Wahab, Nigeria  
Abuid Simiyu Wasike, Kenya  
Ethan Watson, United States  
Daniel Wright, United States  
Khalil Zerargui, France

LONG-TERM OBSERVERS

Chris Brandt, United States  
Gerri Chester, United States  
Hans Dieset, Norway  
Moshood Folorunsho, Nigeria  
Nicholas D. Jahr, United States  
Idrissa Kamara, Sierra Leone  
Carole L. Kraemer, United States  
Humphrey Maluti, Kenya  
Karen Reinhardt, Canada  
Marjorie A. Walla, Kenya

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Director, United States  
Donald Bisson, Legal Expert, United States  
Davor Corluka, Security and Logistics Officer,  
Bosnia  
Alex Douglas, Operations Assistant, Australia  
Marla Morry, Legal Expert, Canada  
Munish Puri, Staff Coordinator, United States  
Mariusz Wojtan, Observer Coordinator and  
Elections Expert, Poland



NATIONAL ELECTIONS IN LIBERIA

*National Field Staff*

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**Vivian T. Dolo**, Administrative Officer  
**Howard Harris**, Driver  
**John Harris**, Driver  
**Alpha Jalloh**, Driver  
**James Jarwolo**, Logistics Coordinator  
**Amos Johnson**, Driver  
**Mohammed Kamara**, Driver  
**Mohammed M. Sherif Sr.**, Program Officer  
**Mohammed Tarwally**, Driver  
**E. Sumo Walters**, Finance Officer  
**Walkin Wongbaye**, Driver  
**Rita Yarkpah**, Housekeeper

*Atlanta Staff*

**David Carroll**, Director, Democracy Program  
**Tom Crick**, Associate Director, Conflict Resolution Program  
**Larry Frankel**, Chief Development Officer, Peace Programs  
**Tynasha Green**, Program Assistant, Democracy Program  
**Deborah Hakes**, Assistant Director, Office of Public Information  
**Courtney Mwangura**, Manager of Grants and Contracts, Finance Department  
**Aliya Naim**, Intern, Democracy Program  
**Elizabeth Plachta**, Assistant Project Coordinator, Democracy Program  
**Catherine Schutz**, Assistant Project Coordinator, Conflict Resolution Program  
**Thomas Smyth**, Consultant, Democracy Program  
*EISA Staff*  
**Olufunto Akinduro**, Program Officer, Elections and Political Processes  
**Yvette Walljee Ondinga**, Project Coordinator



## APPENDIX C

# TERMS AND ABBREVIATIONS

|                |  |                  |  |
|----------------|--|------------------|--|
| <b>APD</b>     | Alliance for Peace and Democracy                                       | <b>LURD</b>      | Liberians United for Reconciliation and Democracy  |
| <b>AU</b>      | African Union  | <b>MARWOPNET</b> | Mano River Women's Peace Network                   |
| <b>BIN</b>     | Bureau of Immigration and Naturalization                               | <b>MODEL</b>     | Movement for Democracy in Liberia                  |
| <b>CDC</b>     | Congress for Democratic Change   | <b>MPC</b>       | Movement for Progressive Change                    |
| <b>CPA</b>     | Comprehensive Peace Agreement  | <b>NACEM</b>     | National Coalition for Election Monitors           |
| <b>CSO-NEC</b> | Civil Society Organizations National Committee for Election Monitoring | <b>NDC</b>       | National Democratic Coalition                      |
| <b>ECC</b>     | Elections Coordinating Committee                                       | <b>NDI</b>       | National Democratic Institute                      |
| <b>ECOMOG</b>  | Economic Community of West African States Monitoring Group             | <b>NDPL</b>      | National Democratic Party of Liberia               |
| <b>ECOWAS</b>  | Economic Community of West African States                              | <b>NEC</b>       | National Elections Commission                      |
| <b>EISA</b>    | Electoral Institute for Sustainable Democracy in Africa                | <b>NPFL</b>      | National Patriotic Front for Liberia               |
| <b>ERIS</b>    | Electoral Reform International Services                                | <b>NPP</b>       | National Patriotic Party                           |
| <b>IPCC</b>    | Interparty Coordinating Committee                                      | <b>NUDP</b>      | National Union for Democratic Progress             |
| <b>LAP</b>     | Liberian Action Party  | <b>OCPOL</b>     | Original Congress Party of Liberia                 |
| <b>LBS</b>     | Liberian Broadcasting Service  | <b>OSIWA</b>     | Open Society Institute for West Africa             |
| <b>LCC</b>     | Liberian Council of Churches   | <b>PUL</b>       | Press Union of Liberia                             |
| <b>LDI</b>     | Liberia Democratic Institute   | <b>RoC</b>       | Record of the count                                |
| <b>LDP</b>     | Liberal Destiny Party  | <b>STO</b>       | Short-term observer                                |
| <b>LIPCORE</b> | Liberian Initiative for Peace-building and Conflict Resolution         | <b>TEE</b>       | Tamper-evident envelope                            |
| <b>LNP</b>     | Liberian National Police   | <b>UNDP</b>      | United Nations Development Program                 |
| <b>LNPD</b>    | Liberian Network for Peace and Development                             | <b>UNMIL</b>     | United Nations Mission in Liberia                  |
| <b>LP</b>      | Liberty Party  | <b>UP</b>        | Unity Party  |
| <b>LTO</b>     | Long-term observer   | <b>USAID</b>     | United States Agency for International Development |
| <b>LTP</b>     | Liberia Transformation Party   |                  |  |



## APPENDIX D PUBLIC STATEMENTS

# NEWS

THE  
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Oct. 3, 2011

CONTACTS: Atlanta, Deborah Hakes +1 404 420 5124; Monrovia, Alexander Bick  
+231 880 424 280

### **Carter Center Reports Vibrant and Generally Peaceful Campaigning in Liberia; Urges Steps to Level Playing Field**

Liberia's upcoming 2011 presidential and legislative elections represent a critical test for the country's transition from war to democratic and constitutional government. Carter Center observers report that campaigning has been vibrant and generally peacefully, and that political parties and independent candidates have been able to move freely and to convey their message to potential voters.

As election day approaches, the Center calls on all parties to reconfirm their commitment to nonviolent participation in the electoral process, to refrain from inflammatory rhetoric or other actions that could lead to violence, and to ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels.

At the same time, the Center has observed a significant number of incidents of opposition political parties being denied access to public facilities and of public resources being used for campaign purposes, in violation of regulations on the use of public resources included in the elections law. Specific incidents are detailed in the report below. While they represent important violations and should cease immediately, the Center believes that political parties and candidates have sufficient space to conduct meaningful campaigning in advance of the elections.

We acknowledge the National Elections Commission's (NEC) progress in delivering election materials on time and their ongoing efforts to train poll workers, and call on the NEC to ensure that poll workers are adequately trained and paid on time. In addition, civic and voter education programs should be accelerated, particularly in rural areas and the Southeast.



## NATIONAL ELECTIONS IN LIBERIA

The Carter Center launched its election observation mission in Liberia in early September and has deployed eight long-term observers. The Center is in Liberia at the invitation of the NEC and aims to provide an impartial assessment of the electoral process, made available to Liberians and the international community in periodic public statements. 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.

####

*"Waging Peace. Fighting Disease. Building Hope."*

*A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. 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.*



THE CARTER CENTER

## NATIONAL ELECTIONS IN LIBERIA

THE  
CARTER CENTER



### **Carter Center Liberia Pre-Election Statement Oct. 3, 2011**

#### **Campaign Environment**

Campaigning by political parties is ongoing, following the official commencement of the campaign period on July 5, 2011. The Carter Center welcomes the largely peaceful manner in which the parties have conducted their campaign activities throughout Liberia, and the enthusiasm of many Liberians to participate in the political process. Carter Center observers have witnessed campaign events in most of Liberia's 15 counties and report that parties and candidates are moving freely and sharing their message with voters. While noting media reports of two episodes of violence, including the fire-bombing of a Unity Party (UP) official's car in August, our observers have not encountered evidence of violence by parties or their affiliates. This is an important pre-condition for parties and candidates to be able to openly express their opinions and views with voters, and a positive sign for the remainder of the election period.<sup>1</sup>

At the same time, observers have encountered numerous complaints from opposition political parties that their posters have been torn down and in some instances replaced by posters for the UP.<sup>2</sup> In addition, the Center was informed of an isolated case in River Gee in which several UP candidates allegedly sought to intimidate opposition politicians.<sup>3</sup> As election day approaches, the Center calls on all parties to reconfirm their commitment to non-violent participation in the electoral process, to refrain from inflammatory rhetoric or other actions that could lead to violence, and to ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels.

The Center welcomes the NEC's efforts to resolve disputes through the Interparty Coordinating Committee (IPCC), as well as the Code of Conduct for Political Parties and the Memorandum of Understanding between the political parties and the Liberian National Police (LNP). The Carter Center calls on those parties that have not agreed to sign these two documents nevertheless to adhere to their provisions and to conduct their activities within the legal framework.

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<sup>1</sup> UN International Convention on Civil and Political Rights (ICCPR), art. 19 (stating that everyone shall have the right to freedom of expression for information and ideas of all kinds)

<sup>2</sup> The CDC and NPP filed a complaint to the NEC in Grand Kru County on Sept. 14, 2011. They received a written reply from the NEC Magistrate on September 20 promising to investigate.

<sup>3</sup> This case involves candidates from LTP, MPC, LDP, and OCPOL who allege that several candidates from the UP threatened them in an effort to restrict their campaign activities in River Gee. An official complaint was filed with the NEC on Sept. 27, 2011.



## NATIONAL ELECTIONS IN LIBERIA

### **Access to Public Facilities**

Inequitable access to public buildings and public spaces for campaign events undermines the aspiration of a level playing field during the campaign period.<sup>4</sup> Access for political parties to public facilities in Liberia is ensured by article 10.21 of the Liberian Election Law, which states that “Political parties are also privileged to use, and shall not be denied the right to use any public building or such facilities necessary and appropriate for their purpose,” so long as a “timely request” is made. While noting that a number of rallies and other party events have taken place in public facilities, including in recent weeks, Carter Center observers have received several complaints from political parties that they have been denied access, in apparent contravention of the elections law.

In this respect, we note the complaint filed by the LP with the NEC on Aug. 22, 2011, concerning the refusal of the Superintendent of Lofa County to grant the party use of the Administrative Hall in Voinjama City to hold their second national convention. The Carter Center acknowledges the NEC’s recent ruling in favor of the LP, which found that the Superintendent had unjustly denied the party access and should be penalized. We call on all parties to submit formal complaints to the NEC, consistent with the NEC’s “Regulations on Challenges and Complaints Arising before and during Elections.” In addition, we call on the Minister of Internal Affairs, Hon. Harrison Karnwea, to investigate and take appropriate action.<sup>5</sup> Also, we urge the Minister to publicize a government bulletin dated Sept. 29, 2011, that calls on all superintendents “to ensure equal access to all public facilities throughout the country, by all duly qualified political parties and independent candidates,” so long as sufficient prior written request is submitted and responsibility is accepted for any damage caused.

The Carter Center also notes concerns raised by the CDC about access to the Samuel Kanyon Doe Stadium in Monrovia. The party requested use of the facility for a rally on Oct. 8, 2011, and suggested three alternative dates – on Oct. 6, 7, and 9 – but their request was denied on the grounds that the facility was fully booked and paid for on those dates.

The Minister of Youth and Sports, Hon. Etmonia Tarpeh, explained that the stadium is booked for a workshop for 100 people on Oct. 6 and for an international football match between Liberia and Mali on Oct. 8, and indicated that she had offered alternative dates in early October. The CDC has indicated that they declined these alternative dates because they overlapped with a previously arranged campaign visit to the Southeast. However, our observers noted conflicting information on the schedule of events at the stadium, including an untitled conference for 30 people, booked in the minister’s name, for the “entire SKD complex” on Oct. 7-9. Despite direct requests by Carter Center observers, we received no clear explanation concerning the nature of this conference. This information raises important questions about the minister’s commitment to equal access.

<sup>4</sup> African Charter on Human and People’s Rights, art. 13.

<sup>5</sup> The refusal to grant access to public facilities is a violation of the Election Law and can result in a penalty of up to USD \$500.00. See section 10.21 of the Elections Law.



## NATIONAL ELECTIONS IN LIBERIA

### **Misuse of State Resources**

The use of state resources for party campaigning is a violation of the elections law and of Liberia's international obligations with respect to campaign finance.<sup>6</sup> Political parties and civil society organizations have consistently complained about the misuse of state resources, especially government-owned vehicles, for campaigning purposes. At least one civil society organization, the Liberia Democratic Institute (LDI), has catalogued dozens of specific cases, predominantly involving the governing UP, but also the CDC, LP, and the National Union for Democratic Progress (NUDP).<sup>7</sup> Carter Center observers note that the UP enjoys an overwhelming advantage in terms of campaign resources, and have reported seeing government vehicles being used at UP-sponsored campaign events in Bong and Grand Bassa Counties. While the line between official business and campaigning is not always easy to draw, and while incumbents often enjoy some advantages, these examples represent violations of the law and should cease.

A number of political parties also have expressed concern about campaign posters being put up on public buildings. The NEC has stated publicly that this practice does not violate the Constitution or the election law, and that all parties are therefore free to put up posters as they see fit. While acknowledging that Liberian law is silent on this question, we believe that placing posters on public buildings creates the impression that public property, which belongs to all Liberians, is being used for the advantage of one or another political party.

The voluntary Code of Conduct for Political Parties defines public resources as "all properties held in trust for the collective use of Citizens of Liberia, including but not limited to Government of Liberia property, state owned corporations and all other resources not privately held." Resolution 5 further states that, "Political parties shall not utilize public resources for party activities..." The Carter Center calls on all political parties, and especially the governing UP, which has signed the Code of Conduct, to desist from placing campaign posters on public buildings.

### **Liberian Broadcasting Service**

On Sept. 23, 2011, Managing Director of the Liberian Broadcasting Service (LBS) Ambruss Mneh was suspended indefinitely and replaced by Chairman of the Board Alhaji Kromah. Political parties and civil society have raised concerns that the suspension may be linked to the airing of a live press conference in which Ambassador George Weah, vice standard bearer of the CDC, made comments critical of the president of Liberia. The right to freedom of expression, including seeking, receiving, and imparting information and ideas is a fundamental principle for a democratic electoral process.<sup>8</sup> While Liberia enjoys considerable press freedom, and journalists are for the most part free to air their views in print, online, and on the radio and television, without

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<sup>6</sup> States must take measures to prevent corruption. Treaty obligations establish the general requirement and indicate that States shall promote transparency in public decision making as a means of combating corruption. UN Convention Against Corruption, art. 18. and 13; African Union Convention on Corruption, art. 7.

<sup>7</sup> LDI, "Abuse of Incumbency, Administrative Resources and Political Corruption in the 2011 Presidential and Legislative Elections," separate reports for July and August 2011.

<sup>8</sup> UN, International Covenant on Civil and Political Rights, art. 19(2).



## NATIONAL ELECTIONS IN LIBERIA

fear of harassment, we believe the timing of this decision raises questions about the neutrality and credibility of LBS during a sensitive moment in the campaign period.

We call on all parties to respect the freedom of the media, so that journalists can perform their important role without fear of molestation. In addition, we call on the media itself to report responsibly and to maintain complete independence.

### **Electoral Framework**

The 2011 elections are the first elections to be organized and held on the basis of the full text of Liberia's 1986 Constitution. The previous 1997 and 2005 elections were both "special elections" for which specific components of the constitution were suspended as a result of the relevant peace agreements. Because of this, it was expected that a number of definitions within the constitution would need to be clarified through the legal process. The Carter Center welcomes the manner in which the parties have proactively sought clarification on several questions and their acceptance of the court's authority as the highest judicial body in the land.

On Sept. 21, 2011, the Movement for Progressive Change (MPC) filed a case at the Supreme Court challenging the decision by the NEC to register six candidates for president on the grounds that they do not meet the ten-year residency requirement laid out in Article 52(c) of the Liberian Constitution. This article states that "no person shall be eligible to hold the office of President or Vice President unless that person is: .... (c) resident in the Republic ten years prior to his election ...". We await the court's decision on this important question and encourage all Liberians to abide by its ruling.

### **Elections Preparations**

Preparations for the elections are ongoing, in line with NEC's electoral calendar. The NEC has successfully distributed election materials to the counties, with limited logistical support from UNMIL to reach difficult to access locations in the Southeast and in Lofa and Gbarpolu Counties. Magistrates are packing these materials for distribution to the Districts and polling precincts. The Carter Center commends the professionalism and commitment shown by NEC staff in carrying out these tasks on time, and notes the good working relationship between the NEC headquarters in Monrovia and its county offices. In addition, and with one important exception, our observers report a good working relationship between the political parties and NEC officials at the county level.<sup>9</sup>

In total the NEC recruited more than 27,000 poll workers to be trained and engaged on the election day in 4,457 polling places. There are no reported delays in trainings and preparations are ongoing. The Carter Center calls on the NEC to ensure that all polling staff are adequately trained and paid on time. We also note the concern of domestic

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<sup>9</sup> In Grand Kru County, opposition parties have questioned the impartiality of the NEC and expressed concerns about the potential for fraud. They point to the relationship between incumbent Senator Blamoh Nelson, his wife Elizabeth Nelson, co-chair of the NEC at the national level, and the NEC Magistrate in Grand Kru, Stanislaus Wisseh, who previously worked with Senator Nelson in the Legislature. CDC and NPP have filed a formal complaint. The NEC reports that the Magistrate will be replaced before the election, and that a special oversight commissioner has been assigned to the case, but at present the magistrate remains in office.



## NATIONAL ELECTIONS IN LIBERIA

observers and others that the NEC's training must emphasize the rules for determining valid versus invalid ballots, as spelled out in the elections law, section 4.13. We hope this will help to reduce the potential for conflict amongst polling staff and party agents during the counting process.

In addition, Carter Center observers have encountered persistent concerns about the inclusion of underage voters on the final registration roll. The Carter Center did not observe the registration process, but we were informed by the NEC that no names have been removed from the voters' list and that the list may include as many as 3,000 underage voters. NEC Chairman James Fromayan, has recommended that the presiding officer request proof of age in any case where a person who is obviously underage attempts to vote. While recognizing the need to take steps to prevent underage voting, requiring proof of age is inconsistent with the NEC's Polling and Counting Manual and affords to presiding officers the power to deny the right to vote to persons with a valid voter registration card whose name is on the final registration roll. This could create confusion or open the door to abuse or the perception of abuse. We call on the NEC to immediately clarify the procedures for presiding officers in the case of suspected underage voting.

Finally, we note informal complaints by several parties that NEC training posters depicting a sample ballot were printed with the words "Unity Party," while not identifying any other party by name. The text is quite small and we have been informed that NEC quickly took steps to address what they described as a "printing error" by blacking out the party's name, although only after the distribution of 10,000 posters. This error reinforces concerns raised during the referendum about the NEC's capacity to carefully proofread documents before publication, and does not meet the high standard for professionalism and impartiality that the commission must maintain throughout the electoral process. We urge the NEC to ensure that all copies of the poster that have not been blacked out are removed.

### **Civic and Voter Education**

Effective voter education is crucial to ensuring that an informed electorate can properly exercise their right to vote.<sup>10</sup> The NEC, along with international partners and a number of Liberian civil society organizations are responsible for carrying out voter and civic education programs throughout Liberia. Their plans include a number of different media, from workshops and posters to radio announcements, mobile cinema that addresses election themes, and door-to-door education campaigns. Carter Center observers report seeing some NEC voter and civic education posters and they have heard second hand about teams of civic educators in markets, churches, schools, and other venues. In addition, the Center notes an ongoing schedule of legislative candidate debates, organized by the Press Union of Liberia (PUL) with support from IREX, and senatorial candidate debates sponsored by the National Democratic Institute (NDI).

However, given the scale of illiteracy in Liberia and difficulties of communication, Carter Center observers have encountered remarkably limited civic and voter education

<sup>10</sup> UNHRC, General Comment 25, para. 11; African Charter on Human and People's Rights, art. 13.



## NATIONAL ELECTIONS IN LIBERIA

activities in the counties, particularly in rural areas. Voter education work in the Southeast is almost non-existent. We call on the NEC and its partners to redouble their efforts to educate Liberians about the upcoming elections. This will be especially important with respect to the constitutional amendment, passed as a result of the national referendum and subsequent Supreme Court case on Sept. 20, 2011, that changes the constitution to require only a simple majority to determine the winner in legislative elections.

### **National and International Observers**

Domestic observers from more than forty organizations have sought and received accreditation from the NEC to monitor the upcoming elections. A number of these groups observed and issued reports on the registration and referendum processes. We commend the efforts of Liberian civil society and their ambitious aim of deploying several thousand observers on election day, including 2,000 domestic observers under the umbrella of the Election Coordinating Committee. In addition, we note the significant attention to Liberia's elections as evidenced by expected international delegations from the African Union, ECOWAS, the Federal Republic of Nigeria, and the Electoral Institute for Sustainable Democracy in Africa.

### **Recommendations**

#### *To the Political Parties:*

- Reconfirm their commitment to non-violent participation in the electoral process, refrain from inflammatory rhetoric or other actions that could lead to violence, and ensure that the message of peaceful participation consistent with the law is clearly and unequivocally communicated to their partisans at all levels;
- Abide by Code of Conduct for Political Parties and desist from placing posters on public buildings;
- Comply with the campaign finance regulations and report expenditures in a timely and transparent manner; and
- Document and formally submit any complaints to the relevant legal authorities.

#### *To the NEC:*

- Redouble civic and voter education efforts, particularly in rural areas and in the Southeast of Liberia;
- Ensure a high standard for trainings of polling personnel and give special emphasis to the rules for determining valid versus invalid ballots. Ensure that polling personnel are paid on time;
- Clarify the instructions to presiding officers to address underage voters in possession of a valid voter registration card whose name is on the final registration roll; and



## NATIONAL ELECTIONS IN LIBERIA

- Take quick and strong action on formal complaints submitted by political parties, independent candidates, and civil society groups.

### *To the Government of Liberia:*

- Ensure that all government officials, including ministers, superintendants, and mayors, are aware of the portions of the elections law concerning access to public facilities and ensure that anyone found guilty of a violation is swiftly disciplined;
- Issue a clear public statement calling on all government officials and elected officers to respect the legal division between public and private resources, and take steps to address the use of public vehicles and other public property for campaigning purposes; and
- Launch an investigation into the indefinite suspension of the managing director of LBS.

### *To the International Community:*

- Continue efforts to provide financial and technical assistance to the NEC; and
- Closely monitor incidents of election-related violence and remain vigilant in assessing the security situation throughout Liberia and along its borders.

### **The Carter Center's Election Observation Mission**

The Carter Center's election observation mission is working in Liberia by invitation of the NEC, consistent with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation and the Code of Conduct, which were adopted at the United Nations in 2005 and have been endorsed by 37 election observation groups. The Center commenced its observation mission at the beginning of September and has deployed four teams of long-term observers who will remain in Liberia for a period of three months, visiting all fifteen of Liberia's counties. They will be joined by a larger, short-term delegation in early October to witness the voting, counting, and tabulation processes.

The objectives of the Carter Center's election observation mission in Liberia are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. 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, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.<sup>11</sup>

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<sup>11</sup> Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.



THE CARTER CENTER

NATIONAL ELECTIONS IN LIBERIA

NEWS

THE  
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

### **Carter Center Reports Open and Transparent Voting Process; Encourages Liberians to Await Final Results**

CARTER CENTER ELECTION OBSERVATION MISSION TO LIBERIA'S NATIONAL ELECTIONS, OCTOBER 2011  
PRELIMINARY STATEMENT

**Monrovia: Oct. 13, 2011**

**Contact: Deborah Hakes, +231 (0)880 326 379 or [dhakes@emory.edu](mailto:dhakes@emory.edu)**

#### **Executive Summary**

The Oct. 11, 2011, presidential and legislative elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. Despite considerable challenges, Carter Center observers reported that the voting process was peaceful, orderly, and remarkably transparent. Although the process of tabulating final results is ongoing and preliminary results have not been announced, the electoral process to date is a positive sign of Liberians' commitment to democratic development. All Liberians should await the announcement of final results by the National Elections Commission (NEC) and the resolution of formal complaints in order to ensure that the will of the people is expressed.

Key findings of the Carter Center mission in regard to the voting process include the following:

- On election day, voters and poll workers displayed considerable enthusiasm, patience, and a high level of civic engagement as they cooperated to make the voting process as smooth as possible. Voters queued in long lines to vote at 4,457 polling places across Liberia. In spite of concerns about the possibility of conflicts, election day was calm and free from reports of violence.
- Poll workers performed admirably, with a few exceptions, conducting themselves in an impartial and professional manner as they checked voters' names on the register, issued ballots, and conducted the sorting, counting, and reconciliation processes.
- The credibility and transparency of the voting and counting processes was greatly enhanced by the presence of party agents, in particular the widespread presence of agents from the two main parties, in all counties. Carter Center observers noted party agents at 99 percent of polling places they visited. In addition, the transparency of the process was reinforced by the presence of domestic observers at 75 percent of these polling places.



## NATIONAL ELECTIONS IN LIBERIA

- Although Carter Center observers noted a number of minor procedural irregularities during polling, none were considered significant enough to affect the overall integrity of the vote. Observed irregularities included polling places where secrecy of the ballot was not strictly maintained, inking procedures undertaken out of order, and ballot papers folded improperly.
- Carter Center observers noted that detailed procedures for reconciling and counting ballots, including completing the record of seals form, were not always adhered to, and standards for assessing valid versus invalid votes were not consistently applied in some polling stations. Nonetheless, Carter Center observers saw no evidence of any systematic irregularities, nor problems that would affect the overall credibility and integrity of the counting process.
- The Carter Center calls on all political parties, independent candidates, and Liberian citizens to exercise patience and civility while the NEC completes the process of tabulating election results. Until the NEC issues preliminary results, political parties and candidates should refrain from any public statements that might undermine the process.
- In the event of problems or irregularities, The Carter Center calls on parties and candidates to follow established procedures to resolve electoral complaints. We urge the NEC and judicial authorities to thoroughly examine and address any complaints in a fair and expeditious manner.
- The Carter Center calls on the media to exercise professional standards in reporting and calls on the government and political parties to respect freedom of expression.
- Carter Center observers' findings about election day should be placed within the context of important concerns previously reported by The Carter Center about the existence of a level playing field during the campaign period. While the campaign period afforded parties and independent candidates sufficient space to travel and assemble freely and to communicate their messages to potential voters, The Carter Center noted a number of instances where opposition parties were denied access to public facilities or when state resources were used for campaigning purposes. These represent violations of the electoral legal framework. In the event of a runoff, all such violations should be investigated and appropriate actions taken to ensure accountability.

The Carter Center will continue to assess the conclusion of counting and vote tabulation and observers will remain in Liberia to observe the post-election environment.

In the longer term, the task will fall to the next government to reexamine the legal framework for the elections and to pursue reforms that will continue to promote a more inclusive, democratic political process.

The Carter Center election observation mission has been in Liberia since Sept. 1, 2011, at the invitation of the NEC. Eight long-term observers from 5 countries were deployed in mid-



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September to assess campaigning and election preparations. For the period surrounding election day, The Carter Center partnered with the Electoral Institute for Sustainable Democracy in Africa (EISA) to deploy an integrated Carter Center-EISA observation mission, comprised of 55 observers from 25 countries. Carter Center-EISA observers visited 282 polling places in 15 counties to assess the voting and counting processes. The Carter Center team was led by General Dr. Yakubu Gowon, former head of state of Nigeria, along with Dr. John Stremlau, Carter Center vice president for peace programs.

The Carter Center's assessment of Liberia's elections is based on obligations for democratic elections contained in Liberia's Constitution, Election Law, and other relevant parts of the legal framework, as well as its commitments under international law. The Carter Center conducts its election observation mission in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.

**This statement is preliminary; a final report, including detailed recommendations, will be published within four months after the end of the electoral process.**

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*A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. 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.*



THE CARTER CENTER

## NATIONAL ELECTIONS IN LIBERIA

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### Statement of Preliminary Findings and Conclusions

#### **BACKGROUND**

The 2011 elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. They are the second elections since the signing of the Comprehensive Peace Agreement (CPA) in 2003 and are widely seen as an opportunity to consolidate the peace and return Liberia to a path of political development consistent with the requirements of the constitution and Liberia's international obligations.

Elections held in October 2005 were conducted under the authority of the CPA with significant organizational and logistical assistance from the United Nations Mission in Liberia (UNMIL), following a two-year transitional government. Among other things, the CPA suspended certain constitutional requirements in order for the elections to go ahead. These requirements were reinstated after the inauguration of the current administration in January 2006. The elections in 1997 were also conducted under a special arrangement, due to the conditions surrounding the civil war. As a result, the 2011 election is the first in Liberia to be held under the country's 1986 constitution, as well as the first since the civil war in which the National Elections Commission (NEC) is responsible for organizing all aspects of the electoral process.

The challenge of organizing the 2011 elections was amplified by the need for constituency demarcation and preparations for a national referendum, held on August 23, 2011, after a prolonged political process and extensive political negotiation which compressed the electoral timetable. The late organization of the referendum meant that crucial aspects of the legal framework, including candidacy requirements, the system for determining the outcome of legislative elections, and the date of the poll remained uncertain until just weeks before the election.

#### **LEGAL FRAMEWORK**

*The Political and Electoral System.* According to the Constitution, Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. The 2011 elections were held for the offices of President and Vice President, along with seats for the 73 member House of Representatives and 15 of 30 Senate seats.<sup>1</sup> A runoff in the presidential

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<sup>1</sup> Joint resolution LEG-002 (2010), signed by the President on August 2, 2010, added nine seats proportionally to the counties with the most population growth, while all other of the fifteen counties retained their existing numbers,



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election will be required if no candidate receives an absolute majority in the first round. The runoff is currently scheduled for November 8 although this date may change, depending on possible challenges to the first round result. Elections for the House and Senate seats are by simple majority.

*Political Rights.* Under the Constitution, Liberia is a state governed by the rule of law, in which human dignity, civil and political rights and freedoms, justice, and political pluralism represent supreme values that are guaranteed. These constitutionally protected rights are reflected in the legal framework for elections which includes the Constitution, the Election Law as amended by the Electoral Reform Law of 2004, organic laws on the courts, the Law on Political Parties as well as regulations and codes of conduct endorsed or adopted by the NEC.

In addition, the Constitution provides for fundamental rights common to a democratic state, which must necessarily be respected if an electoral process is to be a clear reflection of the will of the people. These include equality before the law and the rights of freedom of expression, association and assembly.<sup>2</sup> This will is expressed by free elections periodically conducted and based on universal, equal, direct, secret and freely expressed suffrage.<sup>3</sup>

The present Election Law is comprehensive in that it governs all elections held in Liberia. The law operates as a general guide for elections and many of its provisions are vague as to the details of the rules of the election. These are found in regulations promulgated by the NEC under the authority of the Election Law.<sup>4</sup>

*Campaigning and Campaign Finance.* According to the legal framework all candidates participate in the campaign on an equal basis. The pre-election campaign is regulated by the Election Law and the Guidelines Relating to the Registration of Political Parties and Independent Candidates. Other provisions on campaigning are located in the Code of Conduct for Political Parties, including those dealing with abuse of administrative resources and the placing or destruction of posters.

Campaign finance rules are contained in the regulations adopted by the NEC. Any citizen, political party, association or organization, being of Liberian nationality or origin, has the right to contribute to the funds and election expenses of any political party or candidate. No corporate or business organization and labor union may contribute to the funds or the election expenses of any political party or any independent candidate. Contributions of goods or services given to political parties or candidates constitute contributions, calculated at the reasonable market value on the date received.

Candidates may make expenses on behalf of their campaigns from their personal funds. Remittance of funds or other assets to any political party or organization, or any independent candidate from outside Liberia, unless remitted or sent by Liberian Citizens residing abroad, are

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with no county having less than 2 seats. The counties that gained seats were: Lofa (1); Bong (1); Nimba (2); Margibi (1); Bassa (1) and Montserrado (3).

<sup>2</sup> 1986 Constitution of Liberia.

<sup>3</sup> Liberian Constitution Articles 1 and 77(b).

<sup>4</sup> Election Law, section 2.9(h).



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prohibited. Political parties and candidates cannot utilize public resources for campaign activities nor can they receive any contribution resulting from an abuse of state resources.

Elections expenses are limited to two million USD per candidate for the presidential contest, one million USD for vice president, six hundred thousand USD for senate and four hundred thousand USD for the house.

Fifteen days after the announcement of final results the political party or candidate must file a report detailing contributions and expenses. In case a candidate or political party participates in a run-off election the required reports is submitted fifteen (15) days after the announcement of final results of the run-off election. The NEC is required to make all campaign finance reports available for public inspection at the NEC office in Monrovia during regular working hours.

An Audit Committee, establish by the NEC, may within sixty (60) days of an election, complete a certified audit of the book of accounts of any political party or candidate. Upon the completion of the audit period, the Audit Committee presents its results to the NEC. The NEC can accept or reject, in whole or in part, the findings of the Audit Committee within ten (10) days of the presentation of those findings. In the event that findings of irregularities are upheld, administrative sanctions for “election infractions” or “election offenses,” can be levied by the NEC. They may report violations which constitute “election offenses” to the Ministry of Justice for enforcement or prosecution as the case may be.

*Obligations for Democratic Elections.* Liberia has ratified several international treaties including the International Covenant on Civil and Political Rights and the UN Convention against Corruption. Liberia has also ratified a number of regional treaties including the African Charter on Human and Peoples’ Rights and the African Union Convention on Preventing and Combating Corruption. Liberia is a signatory to the Universal Declaration of Human Rights and the African Charter on Democracy, Elections and Governance. It is against these commitments, reflected in the Liberian Constitution, as well as the Liberian electoral law, that The Carter Center assesses Liberia’s elections.

### ***ELECTION ADMINISTRATION***

An independent and impartial electoral commission which functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election, and that other international obligations related to the electoral process are met.<sup>5</sup>

*The National Elections Commission (NEC).* The NEC is an autonomous public body nominated by the President with the consent of the Senate. For the 2011 elections technical assistance was provided to the NEC by IFES, funded by the United State Agency for International Development (USAID), and by the United Nations Development Program (UNDP). UNMIL provided limited logistical assistance for the election, including airlift of elections materials to difficult to access locations in the Southeast and in Lofa and Gbarpolu counties. Security for the elections was the responsibility of the NEC and the Government of Liberia, through the Liberian National Police

<sup>5</sup> UN Human Rights Committee General Comment No. 25.



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(LNP) supplemented by officers from the Bureau of Immigration and Naturalization (BIN), with support from UNMIL.

The current NEC was established in 2004 and is directed by a Chairman and supported by an Executive Director and an Administrative Division. The commission has offices in 19 magisterial areas in 15 counties. There are 1780 precincts that also served as voter registration centers during the registration period. Within these precincts, 4457 polling places were established across the country for voting on election day. Each polling place was limited to a maximum of 500 voters.

With only minor exceptions, electoral preparations undertaken by the NEC demonstrated that it had sufficient logistics and human resources to administer an election consistent with the Election Law. In spite of poor infrastructure in some counties, the NEC undertook proper measures to overcome obstacles and managed to deliver electoral material to almost all polling places in accordance with the established electoral calendar.<sup>6</sup>

Several political parties criticized the impartiality and competence of the NEC, citing in particular the commission's inconsistent standards with respect to early campaigning by the Unity Party (UP) and opposition parties. Misprints on the referendum ballot and on a NEC training poster did not enhance confidence in the NEC's capabilities.

Nevertheless, Carter Center observers report that NEC officials across the country operated in a professional and dedicated manner, with a few exceptions. More than 26,000 poll workers were recruited for election day. A high percentage of contracted staff had practical experience as they were also engaged for the referendum held in August. This was supplemented by trainings carried out by the NEC shortly before election day. A Polling and Counting Manual was also produced by the NEC for use by presiding officers on election day.

Carter Center observers found that at the magistrate and district level political parties as well as independent candidates were in general satisfied with the NEC's performance throughout the preparatory stage of the election. Working relationships between the NEC Headquarters in Monrovia and Magistrate offices in the counties were reported to be efficient, and provided a supportive environment for electoral preparations. Instructions and guidelines issued by NEC were largely well interpreted and followed by field staff.

### *VOTER EDUCATION*

Voter education is recognized in international law as the principle means to ensure that an informed electorate is able to effectively exercise their right to vote. States must take specific measures to address difficulties that prevent persons from exercising their rights effectively.<sup>7</sup>

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<sup>6</sup> A few problems were noted, including one instance in which ballot boxes and election material was seized and handed over to the LNP. These materials were reportedly being transported by private motorbike hired by the NEC without any security. The material was eventually delivered to the polling place.

<sup>7</sup> States must take steps to ensure voter education reaches the broadest possible pool of voters. General Comment No. 25, para. 11.



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*Voter Education Activities.* An urgent need for strengthening voter education was recognized by the NEC and addressed with support from UNDP, IFES and the National Democratic Institute (NDI), in partnership with Liberian civil society organizations. The NEC recruited over 150 civic educators to conduct voter education for the elections. In addition, IFES and UNDP contracted 36 civil society organizations to conduct voter education throughout the country. These activities employed a number of different media, from workshops and posters to radio announcements, mobile cinema that addressed election themes, and door-to-door education campaigns. In addition there were several candidate debates, organized by the Press Union of Liberia (PUL), the Liberian Media Initiative, and NDI.

Despite these significant efforts, high rates of illiteracy and insufficient access to media outlets, especially in rural areas and in the Southeast, limited the positive impact of civic and voter education activities. Based on interviews with political parties, civil society organizations, and NEC officials at the county level, Carter Center observers reported that these activities would need to be substantially strengthened in order to reach a majority of voters. This conclusion was reinforced by observer reports on election day that many voters appeared confused by voting procedures and required assistance from polling staff.

### ***VOTER REGISTRATION***

A sound voter registration process that ensures an accurate and complete voters' list is a principle means of ensuring that universal suffrage and the right of every citizen to vote is fulfilled.<sup>8</sup>

*Voter Registration.* Voter registration took place in Liberia from January 10 to February 6, 2011. Registered voters received laminated photo identification cards, which matched photos in the registration roll.

Although The Carter Center did not observe the registration process, observers from the diplomatic community and domestic observers under the umbrella of the Elections Coordinating Committee (ECC) reported that the process went smoothly. NEC announced that 1.7 million people had been registered out of an anticipated 2.1 million. This represents a considerable increase from 2005, when 1.3 million voters were registered.

Carter Center observers that were deployed in September noted persistent concerns about reports of double-registration and the registration of underage voters, especially in Lofa County. The NEC was able to identify approximately 10,000 individuals who may have attempted to register twice and referred this list to the Ministry of Justice, but no action was taken.

In addition, the NEC identified approximately 7,000 individuals as possibly underage, based on visual examination of photos on the voter roll. Despite a series of consultations and reviews at both headquarters and at the local level, NEC officials ultimately decided not to remove any

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<sup>8</sup> An accurate and complete voter registration list promotes public confidence in the electoral system and protects the fundamental right to a genuine democratic election. General Comment No. 25, para. 16.



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names from the voter roll.<sup>9</sup> Instead, NEC produced a separate list of possible underage voters for several areas, including parts of Lofa country, designed to facilitate the identification of potential underage voters on election day.

Problems were also reported by the National Muslim Council, which complained to the NEC that members of the Mandingo ethnic group were being prevented from registering on the basis of nationality. At the same time, there were allegations that Mandingo from Guinea crossed the border to register illegally in Liberia. While unable to verify these reports, The Carter Center notes that the protection of religious and ethnic minorities is critical to a democratic society.<sup>10</sup>

*Voter registration rolls.* Several political parties complained that they were unable to get access or copies of the final registration roll at the Magistrate's Offices, even though section 30 and 31 of the Voter Registration Regulations indicate that it should be available at all Magistrate's Offices for public inspection and copying. Carter Center observers reported the final registration roll was available at only 4 of 10 Magistrate's Offices visited in mid-September.<sup>11</sup> According to NEC officials, however, all political parties were given an electronic copy of the national voter registration list in early August, several weeks before the August 23 referendum.

### **VOTING**

The voting process is the cornerstone of the obligation to fulfill genuine, periodic elections which express the will of the people.<sup>12</sup>

Carter Center observers completed 357 forms based on visits to 282 different polling places on election day. These included reports on 27 poll openings, 22 poll closings, and 22 counting processes. In their reports, Carter Center observers characterized the overall polling process as either "good" or "very good" in 99 percent of polling places visited.

*Poll Atmosphere and Opening.* Carter Center observers reported that the atmosphere on election day was peaceful and calm with no incidents of violence. They also noted long queues of voters waiting patiently, despite the rain. Of the 27 opening of polling places observed, 6 did not open promptly at 8:00 am, though none opened later than 8:30 am.<sup>13</sup> Observers did not find evidence of campaign materials within 100 meters of polling places.

*Poll Staff and Procedures.* Carter Center observers reported that poll workers acted in an impartial and professional manner in most cases. Whereas most presiding officers appeared well-trained and effective, queues at some stations were not managed efficiently and voting proceeded slowly, especially in the morning. In 22 percent of polling places observed, polling

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<sup>9</sup> There was an issue on election day with voters who had lost their voter registration card not being allowed to vote even if their names were on the final registration roll Section 3.5(2) gives voters the right to replace their voter registration card if it is lost, however the period in which this could be done was limited by the Voter Registration Regulations to June 13 to 27 with no provisions for voters who lost their VRC after this date to seek a replacement before election day.

<sup>10</sup> ICCPR Article 25; AfCHPR, Art. 2.

<sup>11</sup> One magistrate stated that the list was only available through a judicial process.

<sup>12</sup> African Charter on Human and Peoples rights, Art. 13(1).

<sup>13</sup> The average delay in opening was 11 minutes.



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staff did not explain to each voter how to properly mark the ballot as outlined in the training manual.

Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 10 percent of polling places, observers reported that polling staff failed to check the index finger for ink before locating the voter's name in the registration roll. However, this was checked by polling staff before applying the ink.

Based on Carter Center observations, the issue of underage voters, which was raised by several parties as a potential problem, did not appear to be a significant concern on election day.<sup>14</sup>

*Secrecy of the Ballot.* Carter Center observers reported that secrecy of the ballot could not be adequately ensured in 8 percent of polling places observed. In most cases this resulted from inadequate space in the polling place or assistance provided by the presiding officer.

*Party Agents.* Representatives of political parties and independent candidates were present in 99 percent of observed polling places. Observers noted the presence of UP agents in 94 percent of polling stations visited, while Congress for Democratic Change (CDC) party agents were present in 89 percent of the stations. Party agents from the Liberty Party (LP) and National Union for Democratic Progress (NUDP) were present in 68 and 44 percent of polling stations visited, respectively. Observers reported a significant number of representatives for independent candidates in many polling places.

In many polling places party agents were active in pointing out procedural issues as they arose and these issues were resolved by the presiding officer. In others, party agents appeared not to fully understand the process or their rights, especially with respect to the procedure for filing formal complaints. Carter Center observers reported that no official complaints were filed at the polling places they visited.

### ***CLOSING AND COUNTING***

A transparent and non-discriminatory vote counting process is an essential means of ensuring that the fundamental right to be elected is fulfilled.<sup>15</sup>

*Poll Closing Atmosphere and Procedures.* In the polling places observed closing and counting took place in a sometimes tense but peaceful atmosphere. The closing time was respected and those in line at 6:00 pm were allowed to vote. However, the level of understanding of closing and counting procedures was significantly lower than it was for polling procedures. In many

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<sup>14</sup> Nine instances of potential underage voting were reported, six of them in Lofa County. In one case the voter was refused the right to vote and told to go to the local NEC office to seek a resolution. In two cases the voters produced identification verifying their age and were allowed to vote. In a fourth case a registered voter was not permitted to vote because he could not provide proof of age. In a fifth case the presiding officer indicated to observers he had turned away five registered voters because he suspected that they were underage.

<sup>15</sup> UN Convention against Corruption, Art. 13(a); ICCPR, Art. 25(2)(1).



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polling places observed counting procedures were not strictly followed. Nevertheless, observers reported that this did not appear to affect the integrity of the count.

*Invalid Ballots.* Carter Center observers reported that the rules for determining whether or not a ballot was invalid were inconsistently applied. In 14 percent of polling stations visited, observers noted that the proper procedure was not adhered to fully. However, observers reported that the intent of the voter remained the guiding principle in determining validity, and that procedural lapses did not appear to impact the integrity of the process.

Carter Center observers reported that the results form had been displayed outside the polling place, as required, in 18 of 22 polling stations observed at closing. The display of results forms immediately after the count is an important element of transparency and this requirement should be strictly adhered to.

*Tallying and Tabulation.* The process of tallying the votes at the magistrate's offices has not been completed. The Carter Center will continue to observe this process and urges all parties and candidates not to make any statements concerning the results until the process is complete, and the NEC has released official results. If there are concerns about the tally procedure or the results, parties and candidates should avail themselves of the legal remedies allowed for in the election law.

### ***CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT***

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>16</sup>

*Candidate Registration.* The NEC administered the process of candidate registration in a transparent manner, though political parties complained that the NEC did not satisfy its obligation to scrutinize candidate qualifications. Sixteen parties or coalitions registered candidates for President and Vice-President, along with 99 candidates for the Senate and 810 candidates for the House of Representatives.

*Campaigning.* The campaign period began on July 5, 2011 and ended 24 hours before election day. Carter Center observers reported a peaceful campaign process in which the parties conducted their activities throughout Liberia, and noted the enthusiasm of many Liberians to participate in the political process. Carter Center observers witnessed campaigning in all of Liberia's 15 counties and reported that parties and candidates were able to move freely and share their message with voters. We did not encounter evidence of violence by parties or their

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<sup>16</sup> 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 restrictions. All citizens are guaranteed the right of equal access to the public services and property of their country; and any derogation from this right which gives advantage to a particular party or candidate may be considered discriminatory. ICCPR, Art. 19(2); AfCHPR, Art. 13(2).



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affiliates. This is an important pre-condition for parties and candidates to be able to openly express their opinions and views with voters, and a positive sign.<sup>17</sup>

In another positive sign, The Carter Center noted the peaceful atmosphere that existed on the final day of campaigning when several political parties held concurrent rallies in Monrovia.

The Carter Center welcomes the efforts of the NEC to resolve disputes through the Interparty Coordinating Committee (IPCC) and notes that the majority of parties signed the Code of Conduct for Political Parties and the Memorandum of Understanding between the political parties and the LNP. At the same time, Carter Center observers encountered numerous complaints from political parties that their posters had been torn down.<sup>18</sup>

*Access to Public Facilities.* Access for political parties to public facilities in Liberia is ensured by article 10.21 of the election law, which states that “Political parties are also privileged to use, and shall not be denied the right to use any public building or such facilities necessary and appropriate for their purpose,” so long as a “timely request” is made. While noting that a number of rallies and other party events took place in public facilities, Carter Center observers received several complaints from political parties that they were denied access, in apparent contravention of the elections law. Inequitable access to public buildings and public spaces for campaign events undermines the aspiration of a level playing field during the campaign period.<sup>19</sup>

*Use of State Resources.* Political parties and civil society organizations complained consistently about the misuse of state resources, especially government-owned vehicles, for campaigning purposes. There were also several complaints about government officials campaigning for UP and county administrative officials wearing UP t-shirts and caps during working hours. The use of state resources for party campaigning is a violation of the election law and of Liberia’s international obligations with respect to campaign finance.<sup>20</sup>

Carter Center observers reported seeing government vehicles being used at UP-sponsored campaign events in Bong, Grand Bassa, and Montserrado Counties. They also reported seeing campaign posters on public buildings. While this practice does not violate the Constitution or the election law, it creates the impression that public property, which belongs to all Liberians, is being used for the advantage of one or another political party. This should be taken into account in reforming the election law.

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<sup>17</sup> ICCPR, art. 19 which states that everyone shall have the right to freedom of expression for information and ideas of all kind.

<sup>18</sup> In one case the CDC and NPP filed a complaint to the NEC in Grand Kru County alleging that their posters had been torn down and replaced with UP posters. They received a written reply on September 20 from the NEC Magistrate promising to investigate. The Center also was informed of a case in which candidates from LTP, MPC, LDP, and OCPOL alleged that several UP candidates threatened them in an attempt to restrict their campaign activities in River Gee. An official complaint was filed with NEC on September 27, 2011.

<sup>19</sup> AfCHPR, art. 13. Detailed findings concerning access to public facilities can be found in the Carter Center statement on campaigning, issued on October 3, 2011, available at [www.cartercenter.org](http://www.cartercenter.org).

<sup>20</sup> States are obligated to take measures to prevent corruption including the misuse of state resources. UN Convention against Corruption, art. 18 and 13; AU Convention on Corruption, art. 7.



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### ***MEDIA ENVIRONMENT***

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>21</sup> The Carter Center did not conduct a comprehensive analysis of media coverage during the pre-election period. However, Carter Center observers reported complaints from some political parties that media outlets used discriminatory pricing to discourage equal access to the media. In addition, the Carter Center notes complaints by journalists that they were intimidated by political party officials during campaigning, including a case where a journalist was forced to delete photographs taken at a CDC rally in Nimba County. The impartiality and independence of the press remain issues of concern to all stakeholders in the electoral process. The Carter Center calls on all stakeholders to ensure freedom of expression and on journalists and others in the media to abide by the Code of Conduct for media and the Election Coverage Code of Conduct, both sponsored by the PUL.

### ***PARTICIPATION OF WOMEN***

State obligations to promote equality for women derive, in part, from political obligations regarding absence of discrimination and the right of all citizens to participate in the public affairs of their country regardless of gender.<sup>22,23</sup>

Women played a prominent role in the Liberian peace process and the country enjoys the distinction of having Africa's first elected female President. At the same time, however, the percentage of female candidates contesting the 2011 elections is low. Of 925 candidates, 105 were women, including 87 candidates for the House of Representatives, 12 candidates for the Senate, and 6 candidates for the Presidency and Vice Presidency. This represents approximately 11 percent of all candidates.

Carter Center observers on election day reported that women were well represented in the polling places, in terms of domestic observers, party agents, and poll workers. Of the polling places visited by Carter Center observers, 39 percent had at least one female domestic observer, 74 percent had at least one female party agent, and 94 percent had at least one female poll worker. Overall, 41 percent of all poll workers were female at the polling places visited.

### ***DOMESTIC AND INTERNATIONAL OBSERVERS***

International commitments require states to ensure that every citizen has the right to participate in the public affairs of their country, including the ability to participate in civil society and domestic observation organizations, and to freely assemble and associate.<sup>24</sup>

*Domestic Observation Efforts.* Domestic observers from more 60 organizations sought and received accreditation from the NEC. The Carter Center commends the efforts of Liberian civil

<sup>21</sup> ICCPR, art. 19.

<sup>22</sup> ICCPR, art. 26; 2(1); 26.

<sup>23</sup> UDHR, art. 21(a); ICCPR, art. 25(9).

<sup>24</sup> General Comment No. 25, para. 8.



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society to deploy several thousand observers to monitor polling and counting on election day, including 2,000 domestic observers under the umbrella of the Election Coordinating Committee (ECC).

Carter Center observers noted the presence of ECC observers at 57 percent of polling places visited. Representatives of the Liberian Council of Churches were present at 14 percent. Overall, we noted the presence of domestic observers at 75 percent of polling places visited across the country. The Carter Center welcomes statements on the electoral process by the ECC, the Mano River Women's Peace Network, and others.

*International Observation Missions.* The significant interest and support of the international community for Liberia's elections was evidenced by international delegations from the African Union, ECOWAS, and the Electoral Institute for Sustainable Democracy in Africa (EISA), as well as diplomatic delegations organized by the U.S. embassy, EU member states, and the Federal Republic of Nigeria.

In the spirit of partnership between international observers, The Carter Center partnered with EISA to deploy an Integrated Carter Center-EISA Observation Mission. This coordination enhanced the work of both organizations, and allowed the integrated mission to deploy observers throughout Liberia's 15 counties. The leaders of the two delegations also met with the heads of other international delegations to share information pertinent to the election process.

### ***ELECTORAL DISPUTE RESOLUTION***

An effective electoral dispute mechanism is an important means of ensuring that remedies are available for violation of fundamental rights and that everyone is entitled to a fair and public hearing.<sup>25</sup> All complaints concerning violations of the elections law, regulations and codes of conduct are under the original jurisdiction of the NEC, which has the power to impose a fine, suspend a candidates or political party's registration, and order corrective measures. Complaints are heard by a hearings officer hired by the NEC whose rulings must then be approved by a vote of the NEC. Offenses for which the penalty is up to 500 USD fine are heard by the Magistrates. The NEC has hired a hearings officer for each of the 19 Magistrates to assist them in resolving election day complaints. Decisions of the magistrate can be appealed to the NEC and then to the Supreme Court.

Several challenges were filed with Supreme Court on election-related provisions of the constitution. One involved the constitutional referendum that was held on August 23, 2011. The referendum asked the voters to approve several changes to the Constitution that would impact on the rules under which the 2011 election would be run. All of the amendments failed to gain the required two thirds majority of registered voters voting in the referendum based on the calculations conducted by the NEC.

When determining whether or not the proposed amendments passed, the NEC included the invalid votes in the number of total votes cast. A challenge to the decision of the NEC to include the invalid votes was filed with the Supreme Court by the National Democratic Party of Liberia

<sup>25</sup> ICCPR, Art. 2(3), 14(1).



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(NDPL). After a public hearing on September 14, the Court ruled that the invalid ballots did not constitute votes and therefore should not have been included when calculating the results of the referendum. Once the invalid votes were excluded proposition four achieved the necessary two thirds to pass resulting in the amendment of article 83(b) of the Constitution and changing the system for legislative elections from an absolute majority to a simple majority. This eliminated the need for a second round as the person who obtains a simple majority in the first round is declared the winner.

Another challenge was filed by the Movement for Progressive Change (MPC) against the NEC's decision to register six of the candidates for president. The complainant alleged that the candidates did not meet the Constitutional ten-year residency requirement for being President.<sup>26</sup> The Court ruled that because Article 52(c) was suspended in 2004 and reinstated in 2006, the ten-year residency requirement would not apply until 2016, by which time a ten-year constitutional period will have passed.<sup>27</sup>

### *THE CARTER CENTER'S ELECTION OBSERVATION MISSION*

The Carter Center's Election Observation Mission is working in Liberia by invitation of the NEC, consistent with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation and the Code of Conduct, which were adopted at the United Nations in 2005 and have been endorsed by 37 election observation groups. The Carter Center commenced its observation mission on September 1, 2011 and has deployed eight long-term observers who will remain in Liberia for a period of three months, visiting all 15 of Liberia's counties. They were joined by a larger, short-term delegation in early October to witness the voting, counting, and tabulation processes.

The objectives of the Carter Center's Election Observation Mission in Liberia are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. 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, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.<sup>28</sup>

<sup>26</sup> Liberian Constitution Article 52(c).

<sup>27</sup> Although some political parties criticized the Supreme Court for being biased in favor of the ruling party, The Carter Center analysis of these two opinions is that they were well reasoned and followed precedent.

<sup>28</sup> Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.



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ONE COPENHILL, ATLANTA, GA 30307

## Carter Center Statement on Liberia's Tally Process

FOR IMMEDIATE RELEASE

Oct. 20, 2011

Contact: Atlanta, Deborah Hakes +1 404 420 5124 or [dhakes@emory.edu](mailto:dhakes@emory.edu); Monrovia, Alexander Bick +231 880 424 280

### Executive Summary

Carter Center observers monitoring the tally and the tabulation of final results in Liberia report a largely transparent process with no evidence of systematic fraud or manipulation of results.

In follow-up to its 55-person delegation that observed the voting process during the country's Oct. 11, 2011, presidential and legislative elections, The Carter Center re-deployed seven teams of international observers to observe the tally process in 12 of the 19 magisterial offices in nine counties. While Carter Center observers noted a number of clerical mistakes, computational errors, and minor procedural irregularities, in all but four cases these did not affect the total number of votes for any party or candidate. On the basis of the observers' report, the Center concludes that the observed irregularities did not jeopardize the integrity of the process as a whole and that there was no evidence of fraud.

The Carter Center acknowledges steps taken by the NEC to improve the transparency of the tally process and to address complaints by political parties and independent candidates. In anticipation of a presidential run-off, the Center urges the NEC to provide additional training to ensure that tally procedures are consistently and carefully applied. We also call on political parties and independent candidates to submit any complaints about the elections to the NEC according to established procedures, and to disseminate information about the tally process to their party agents. Following the announcement of final results, parties and candidates will have seven days to file a formal complaint with the NEC. These complaints must be resolved within 30 days.

The Carter Center's long-term observers remain in Liberia and will continue to observe the complaints period. In addition, the Center plans to deploy a delegation of short-term observers to observe polling, counting, and tallying for the presidential runoff election in November.

### Tally Procedures

Liberia's procedure for tallying election results is outlined in the Tally Procedures for the Presidential and Legislative Election 2011, approved by NEC on Oct. 11, 2011. The tally process is conducted at the magistrate offices for all polling places within their respective magisterial



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areas. Three Tamper-Evident Envelopes, TEE1, TEE2, and TEE3 (the last of which includes, among other items, the Record of the Count forms for all three elections) and a brown envelope containing polling day complaints (if any) submitted by the voters or party or candidate agents are delivered to the magistrate office by the responsible Electoral Supervisor.<sup>1</sup> The remainder of the polling materials are packed in one of the ballot boxes and delivered to the county storage facility, along with the sealed ballot box containing the ballots.

Once the TEEs have been delivered, the tally process proceeds in four steps: intake of the TEEs at the tally center; copying and issuing copies of the Record of the Count forms to the party agents and observers present; entering the results into the database; and storage of the processed TEEs. The tally commences as soon as TEEs are received.

The Count Reading Officer is responsible for opening the TEE3s and ensuring that the three Records of the Count forms, the Presiding Officer's Worksheet and the Polling Place Journal are present. The Record of the Count forms are then copied for the party agents present so that they can follow the tally process when the numbers are read to the Data Entry Officer.

For each polling place the Count Reading Officer compares the data entered in the Presiding Officer's Worksheet and the top portion of the Record of the Count form. If the information matches, the magistrate will begin reading the results to the Data Entry Officer. The following information is read: the number of votes obtained by each candidate; the total number of votes cast; the total number of invalid votes cast; and the total number of valid and invalid votes cast.

The Count Reading Officer cannot under any circumstances make corrections to the number of votes obtained by the candidates. Corrections on the forms can only be done to the numbers of "total valid votes cast" and "total of valid and invalid votes cast" only in the case of a mistake in the calculation of votes. If a discrepancy of more than two percent is found between the total of valid and invalid votes cast and the number of ballots withdrawn from the ballot box, the database will recommend that the information be rechecked.

If, after the check, the Tally Database record matches the Record of the Count, the Data Entry Officer saves the file and prints a Record of the Count from the Tally Database form, which is signed by the Count Reading Officer and the Data Entry Officer and posted for inspection by party agents, observers, and the media. If, on the other hand, there are mistakes or discrepancies in the forms that cannot be rectified, the Count Reading Officer will place the TEE3 in quarantine and the magistrate will inform the party agents and NEC headquarters.

Results from the tally process at the magistrate offices are transmitted to NEC National Tally Center three times a day until the tally process is complete.

### **Findings of Carter Center Observers**

An efficient and transparent tally process is a critical component of a credible election that ensures the will of voters is accurately and comprehensively reflected in the final results.<sup>2</sup>

<sup>1</sup> In Montserrado County the TEEs were delivered to the Samuel Kanyon Doe Sports Complex (SKD).

<sup>2</sup> International Covenant on Civil and Political Rights, art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 1.



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Seven teams of Carter Center observers witnessed the tally process for the presidential and legislative elections in 12 of the 19 magisterial areas over the period Oct. 12-17, 2011. Their work included conducting interviews and observation in magistrate offices in Lower and Upper Montserrado, Bomi, Lower and Upper Bong, Grand Bassa, Lower and Upper Nimba, Grand Gedeh, Grand Cape Mount, Margibi, and Maryland Counties.

Key findings at magistrate offices observed include the following:

- No TEE3s received at the magistrate offices showed any sign of tampering.<sup>3</sup> In many cases TEE1s and TEE2s were enclosed within or affixed to the ballot boxes, rather than delivered to the magistrate office, but in general the intake process was smooth and orderly;
- Agents for several parties and candidates were present at all magistrate offices. In several cases domestic observers, representatives of the media, and members of the international community also were present<sup>4</sup>;
- A photocopier was available at all magistrate offices in order to provide copies of the Record of the Count form to party and candidate agents and observers. In at least two cases, however, the copy machine broke down for an extended period of time and copies could not be distributed in line with tally procedures;
- The layout of the magistrate office for tallying was not always conducive to monitoring by party and candidate agents and observers, who could not see the data entry screen. In addition, copies of the Record of the Count from the Tally Database form were not distributed or posted for viewing in a timely fashion, especially in Lower and Upper Montserrado. This limited the transparency of the tally process;
- Record of the Count forms enclosed in the TEE3 contained numerous computational errors, empty fields, and other mistakes. In most cases, the error was easily discovered and corrected, either on sight or by comparing the Record of the Count form against the Presiding Officer's Worksheet. In all cases observed, NEC staff followed the tally procedure and did not alter the number of votes received by any party or candidate. However, contrary to the tally procedure, in numerous cases at multiple magistrate offices discrepancies were removed by adjusting the number of unused ballots or invalid votes, with the consent of the party agents present;
- Carter Center observers reported only two cases in which errors or corrections on the Record of the Count form affected the number of votes cast for a party or candidate.<sup>5</sup> We

<sup>3</sup> In Upper Nimba, observers reported that many envelopes were never sealed before delivery. Party agents did not object, however, and no official complaints were filed.

<sup>4</sup> A number of these agents departed following the press release issued by opposition parties on October 15, though some remained and signed the final Declaration of Preliminary Results form. See "The Complaints Process" below. Access of political party agents and domestic observers is supported by Liberia's international commitments, such as the International Convention on Civil and Political Rights, art. 25; UNHCR, General Comment 25, para. 20.



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are aware of two other cases nationwide.<sup>6</sup> In all of these cases the problem was identified and corrected;

- A number of results were placed in quarantine because the discrepancy amounted to more than two percent of the total votes cast, consistent with the tally procedures. However, in several instances, including magistrate offices in Montserrado and Upper Nimba, discrepancies of four percent and seven percent were not quarantined. Elsewhere discrepancies of less than two percent were quarantined. This suggests that the two percent threshold was not clearly understood by NEC staff. Observers reported that recounts based on quarantine were conducted for several polling places, but this was not always done according to the tally procedures;
- In several cases the division of functions among NEC staff was not strictly followed, or the process was made to move more quickly by distributing copies of the Record of the Count from the Tally Database, rather than reading the results aloud; and
- Carter Center observers noted that procedural inconsistencies, including errors on the Record of the Count forms, appeared to be due to limited experience or insufficient training of NEC staff and that there was no evidence of fraud or of any systematic effort to change the results in favor of any party or candidate. Carter Center observers reported an earnest effort on the part of NEC staff to correct discrepancies with the consent of party agents, and the process improved markedly over the course of the tally.

Overall, the tally process was conducted in a manner that upholds Liberia's international obligations.<sup>7</sup>

### **The Complaints Process**

To ensure that effective remedies are available for violations of rights occurring during the tally process, there should be impartial scrutiny and access to a complaints review process.<sup>8</sup> The elections law and related procedures, including the Regulations on Challenges and Complaints Arising before and during Elections and Tally Procedures, provide party agents the opportunity to monitor the process and to file formal complaints with the NEC. These complaints are considered by a hearing officer and may be appealed with the board of commissioners. Despite a formal window of 48 hours after the election to file a complaint, the complaints process is ongoing. Carter Center findings on this process are therefore preliminary.

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<sup>5</sup> In one case in Lower Montserrado a discrepancy of 138 votes in the presidential race was identified and a recount conducted. The recount found that the Congress for Democratic Change (CDC) had received 153, rather than 15 votes, as noted on the Record of the Count form. The form was corrected and copies distributed to the party agents. In a second case Munah Pelham, a CDC candidate for the House of Representatives in Montserrado County, complained that the number of votes she received had been switched with another candidate. A recount found that this was true and the Record of the Count form was corrected.

<sup>6</sup> The first case in Upper Montserrado involved an error where 95 votes for the CDC in the presidential race were read as 15 votes. The error was corrected on the Record of the Count form. The second case involved a Liberty Party (LP) candidate in Maryland County.

<sup>7</sup> International Covenant on Civil and Political Rights, art. 25(b);

<sup>8</sup> UNHRC, General Comment 25, para. 20.



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Carter Center observers noted several complaints filed at the magistrate offices relating to a number of distinct aspects of the election process. In addition, the Center acknowledges the Oct. 15, 2011, “Press Release on the Flaw of the General and Presidential Election Results” issued by nine opposition political parties, alleging flawed elections and directing their party agents to withdraw from the tally process.

According to the NEC, as of Oct. 19 thirty-five official complaints had been filed in 16 magisterial areas. Nine of these complaints resulted in recounts: in four cases the allegations proved false, and the original tally was confirmed; in three cases the allegations proved justified and the tally was amended to reflect the correct results. Two recounts are pending. Fifteen investigations are ongoing or a response to the complainant is in preparation. Nine complaints had been dismissed for lack of evidence and five complaints had been withdrawn. As of Oct. 20, the NEC is conducting three full district recounts in Montserrado, Nimba, and River Gee Counties.

The Carter Center calls on political parties and candidates to submit evidence of irregularities or other problems to the NEC for investigation and resolution, in line with the formal complaints procedure. We acknowledge the steps taken by NEC to hear and resolve complaints in a timely fashion, which is in accordance with Liberia’s international obligations.<sup>9</sup> At the same time, the Center calls on NEC to ensure that hearings are conducted in an appropriate setting by the proper authorities as outlined in the elections law.

Following the announcement of final results parties and candidates will have seven days to file a formal complaint with the NEC. These complaints must be resolved within 30 days. As the process continues, The Carter Center encourages the NEC to ensure that the process remains transparent and impartial.

### **The Carter Center’s Election Observation Mission**

The Carter Center’s election observation mission is working in Liberia by invitation of the NEC, in conformity with the NEC’s Code of Conduct for Observers. The Carter Center commenced its observation mission on Sept. 1, 2011, and has deployed eight long-term observers who will remain in Liberia for a period of three months, visiting all 15 of Liberia’s counties. They were joined by a larger, short-term delegation in early October to witness the voting, counting, and tabulation processes.

The objectives of the Carter Center’s election observation mission in Liberia are to: a) provide an impartial assessment of the overall quality of the electoral process, b) promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. The Center assesses the electoral process based on

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<sup>9</sup> African Charter on Human and People’s Rights, art. 7 (noting that each individual has the right to have his cause heard within a reasonable time); African Charter on Democracy, Elections and Governance, art. 17(2) (signed) (requiring State Parties establish and strengthen national mechanisms to redress election-related disputes in a timely manner).



## NATIONAL ELECTIONS IN LIBERIA

Liberia's national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.<sup>10</sup>

The Carter Center's election observation missions are conducted in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct, which were adopted at the United Nations in 2005 and have been endorsed by 37 election observation groups.

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<sup>10</sup> Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the ICCPR on Sept. 22, 2004.



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# NEWS

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ONE COPENHILL, ATLANTA, GA 30307

**FOR IMMEDIATE RELEASE**

**Nov. 6, 2011**

**CONTACTS: Atlanta, Deborah Hakes +1 404 420 5124; Monrovia, Alexander Bick  
+231 880 326 379**

## **Carter Center Statement on Boycott of the Nov. 8 Run-Off Election**

The Carter Center notes that it is an international obligation of states to ensure that the will of the people, as expressed in periodic elections, serves as the basis for democratic government. All Liberians have a fundamental right to participate in public affairs, including the right to choose whether or not to cast a vote, in an atmosphere free from fear and intimidation.

The Carter Center's observation mission for the Oct. 11, 2011, elections in Liberia found that the elections were conducted transparently and that the results represented an accurate and credible expression of the will of the Liberian people. While the Center noted several problems during the campaign period and minor irregularities during voting, counting, and tallying, we have seen no evidence of systematic irregularities or fraud.

Since no candidate won 50 percent plus one of the votes cast in the first round, the National Elections Commission is legally obligated to complete the electoral process by holding a run-off election to determine Liberia's next president. The Carter Center today deployed a delegation of international observers to monitor the run-off election in all 15 counties.

The Carter Center welcomes the recent statements by the standard bearers from both parties, calling on all Liberians to avoid violence and ensure peace throughout the country.

Carter Center reports on the Liberian elections can be found at [www.cartercenter.org](http://www.cartercenter.org).

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ONE COPENHILL, ATLANTA, GA 30307

**Carter Center Preliminary Statement on the Liberia Presidential Run-Off Election**

**FOR IMMEDIATE RELEASE**

**Nov. 10, 2011**

**Contacts: Atlanta, Deborah Hakes +1 404 420 5124; Monrovia, Alexander Bick +231 880 326 379 or [press@liberia.cceom.org](mailto:press@liberia.cceom.org)**

**Executive Summary**

The Carter Center's election observation mission finds that Liberia's Nov. 8 presidential run-off election was conducted in general accordance with Liberia's legal framework and its international obligations for democratic elections. Regrettably, the election was marred by an opposition boycott, violence on the eve of the election, and low voter turnout.

From a technical perspective, the election was well-administered and on the whole polling staff carried out their duties admirably at polling stations throughout the country. The process was conducted transparently, with domestic and international observers having access to all stages of the electoral process. These positive aspects build upon the National Election Commission's (NEC) performance in the first round and auger well for Liberia's technical capacity to conduct credible and transparent elections in the future.

However, the events of the past week show that important challenges to Liberia's democratic consolidation remain. The opposition's decision to boycott the run-off was based on their assertion that the overall election process was significantly flawed. These claims remain unsubstantiated. In addition, the Liberian National Police's (LNP) use of deadly force in an action against the headquarters of the Congress for Democratic Change (CDC) on Nov. 7, together with the closure of three media outlets, eroded confidence and contributed to an atmosphere of fear, particularly in Monrovia. These events suggest a significant failure of the political process to resolve electoral disputes peacefully within the framework of the law.

To address these challenges, the Center suggests a number of urgent steps: (1) We welcome President Ellen Johnson-Sirleaf's statement that there should be an investigation into the events of Nov. 7. This investigation should be carried out in a timely manner by an independent body to ensure a credible and transparent inquiry with full accountability. (2) All parties should respect the official election results, pending the resolution of any legal challenges. (3) Liberian political leaders should redouble their efforts for a genuine and inclusive political dialogue leading to national reconciliation and governance reform.



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The main findings of the Center's mission include:

- The first round of the presidential election held on Oct. 11 was found by international and domestic observation groups to be credible, transparent, and without evidence of significant irregularities or systematic fraud. Since none of the 16 candidates received 50 percent plus one of the votes, the top two candidates, Ellen Johnson-Sirleaf of the Unity Party (UP) and Winston Tubman of the CDC automatically qualified for the run-off election held on Nov. 8;
- In spite of the quality of the first round, the CDC decided to boycott the run-off election. While voting is a right, rather than an obligation, and a party is free to encourage its supporters not to participate, there is no legal provision in Liberia for withdrawing in between the first and second round of the election. The CDC's decision to boycott essentially denied the Liberian people a genuine choice within a competitive electoral process;
- The legal provisions regarding the date of the run-off are not harmonized with the period in which results from the first round may be challenged and adjudicated. In practice, the NEC failed to issue decisions on several first round presidential complaints prior to the holding of the run-off;
- The CDC's march on Nov. 7 violated provisions of the Code of Conduct for Political Parties that prohibit parties from undertaking election-related activities within 24 hours of the polls and was without proper authorization. While the march began peacefully, it rapidly degenerated into a confrontation between CDC supporters and the LNP that included CDC supporters throwing stones, police firing tear gas, and later, an action by the LNP against the CDC headquarters. Eyewitness accounts and video strongly suggest that the LNP used excessive force and fired weapons on unarmed persons, resulting in several deaths. Peacekeeping forces deployed by the United Nations Mission in Liberia (UNMIL) played a critical role in restraining the LNP and restoring order;
- Events at the CDC headquarters were followed by the detention of more than 80 alleged CDC supporters, the closure of three media outlets, and the drawing up of a list of individuals whose travel outside the country has been banned. On Nov. 9, all detainees were released;
- The atmosphere on election day was subdued in Monrovia but largely calm throughout the rest of the country. Although voter turnout appeared to be significantly lower than in the first round, many Liberians, including some CDC supporters, were determined to participate and they are to be commended for their commitment to the democratic process;
- Carter Center observers reported that almost all polling stations throughout Liberia's 15 counties opened on time and that voting and counting were generally well-administered and transparent. Domestic observers were present in 52 percent of polling places observed. In the absence of CDC's party agents, the Liberian domestic observers provided an especially important safeguard for the integrity of the process;



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- The Center finds that Liberia's run-off election was conducted in general accordance with the country's legal framework and international obligations, which provide for genuine democratic elections. While the run-off was undermined by the CDC boycott, the eruption of electoral violence, and low voter turnout, it allowed Liberians who wished to participate to express their will in a transparent and credible process. The Carter Center expresses its regret at the loss of life during this electoral period.

### **BACKGROUND**

The Carter Center launched its election observation mission in Liberia in early September 2011, following an invitation from the NEC. Eight long-term observers from five countries arrived in Liberia in early September to assess campaigning and electoral preparations.

As in the first round, The Carter Center and Electoral Institute for Sustainable Democracy in Africa (EISA) partnered to deploy an integrated mission of 52 observers from 20 countries who visited polling stations in all 15 counties. The Carter Center delegation was led by General Dr. Yakubu Gowon, former head of state of Nigeria, along with Dr. John Stremmler, Carter Center vice president for peace programs.

The Carter Center assesses Liberia's elections against its obligations for democratic elections contained in the Constitution, the Elections Law, and other relevant parts of the legal framework, as well as its obligations under international law. The Carter Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.

**This statement is preliminary and focuses on the period surrounding the run-off election. The Center will continue to monitor the tally process and resolution of electoral disputes.**

This statement supplements previous Carter Center reports covering the campaign period; the voting and counting process; and the tallying process. A comprehensive final report, including detailed recommendations, will be published within four months of the end of the electoral process.

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## NATIONAL ELECTIONS IN LIBERIA

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### Statement of Preliminary Findings and Conclusions

#### ***POLITICAL BACKGROUND***

In the presidential election on Oct. 11, 2011, incumbent President Ellen Johnson Sirleaf of the Unity Party (UP) and Congress for Democratic Change (CDC) Standard Bearer Ambassador Winston Tubman won the two highest shares of the vote, 43.9 percent and 32.7 percent, respectively. This qualified them to participate in the presidential run-off, held on Nov. 8. Prince Johnson, Standard Bearer for the National Union for Democratic Progress (NUDP), won 11.6 percent and Charles Brumskine of the Liberty Party (LP) won 5.5 percent. The remaining 12 parties won a combined share of 6.3 percent.

Following that election, The Carter Center reported that election day had been free from violence, transparent, and well-administered. These findings were supported by similar statements by international observer missions organized by the Economic Community of West African States (ECOWAS), the African Union (AU), and EISA (Electoral Institute for Sustainable Democracy in Southern Africa), along with domestic observers from the Elections Coordinating Committee (ECC), the Liberian Council of Churches (LCC), the Mano River Union Peace Network (MARWOPNET), and others. A subsequent report by The Carter Center found that the tally process, though marked by numerous computational and other minor irregularities, accurately reflected the results of the election and was free from evidence of systematic fraud.

Despite the findings of observers, on October 15 nine opposition political parties, including the CDC, rejected the results of the election and withdrew their party agents from observing the tally on account of “massive flaw[s]” in the electoral process. Among their complaints were that the NEC had rigged the elections, ballot stuffing, and tampering with results. Shortly thereafter Prince Johnson announced his support for President Sirleaf. Charles Brumskine later announced his and the Liberty Party’s support.

One of the CDC’s primary demands was effectively met when NEC Chairman James Fromayan resigned on Oct. 30, announcing that he hoped that “there [would] be no further obstacle or pre-condition for their participation in the Nov. 8 presidential run-off election.”<sup>1</sup> Fromayan’s place was taken by Cllr. Elizabeth Nelson, the NEC co-chair, who possessed clear legal authority for the overall administration of the second round of the election.<sup>2</sup> Amb. Tubman said he welcomed the resignation but said that CDC’s participation in the upcoming election was still conditional. On Nov. 1, CDC Chairman Geraldine Doe Sheriff submitted a letter to the NEC demanding a number of “administrative arrangements” required to ensure CDC participation. These included reforms and new mechanisms – many of them

<sup>1</sup> The resignation followed an official letter sent by Fromayan to CDC’s Vice Standard Bearer George Weah in which it was wrongly stated that the CDC had received the highest number of votes in the first round.

<sup>2</sup> At the time of Fromayan’s resignation, it was not possible to appoint a new Chairman because the Senate was not sitting during the electoral period. However, the Election Law (Art. 2.11) provides that the Co-Chairman is authorized to act in the absence of the Chair.



## NATIONAL ELECTIONS IN LIBERIA

inconsistent with the Elections Law, the Liberian Constitution, or international best practices – that CDC hoped would improve the transparency of the electoral process. The CDC did not attend a meeting scheduled by the NEC to discuss the feasibility of these arrangements and to provide additional access to NEC tabulation and ballot storage facilities.

Subsequent efforts to facilitate dialogue, as well as discussions in Abuja initiated by Nigerian President Goodluck Jonathan, failed to produce any breakthrough. Amb. Tubman insisted that the second round was unconstitutional because their official complaints had remained unaddressed. President Sirleaf called on all Liberians to vote and suggested that Ambassador Tubman’s call for a boycott encouraged Liberians to “violate the constitution.” ECOWAS and the U.S. State Department issued statements that dismissed the CDC’s complaints and encouraged the party to participate. The Carter Center issued a statement on Nov. 6, indicating that Liberians have “a fundamental right to participate in public affairs, including the right to choose whether or not to cast a vote, in an atmosphere free from fear and intimidation.”

On Nov. 7, the CDC organized a march beginning at its party headquarters in Monrovia, despite a provision of the Code of Conduct for Political Parties that prohibits parties from conducting election related activities within 24 hours of the poll and without the necessary authorization from the authorities. This decision was followed by a tragic confrontation between police and CDC supporters.

President Sirleaf has indicated that there will be a formal investigation. Reports vary on some details of the events, but it is clear that the march began peacefully at CDC headquarters. Subsequently, party supporters spilled out onto the main thoroughfare of Tubman Boulevard and came into a running confrontation with police from the Police Support Unit (PSU) forces and Emergency Response Unit (ERU). The police had barricaded parts of Tubman Blvd in order to keep the road clear and to prevent the crowd moving in the direction of the nearby presidential residence.

The police fired tear-gas into the crowd and protesters threw rocks and bottles at security forces. Both Reuters and Al Jazeera reported that the police fired live ammunition into the crowd. At various points, UNMIL peacekeepers confronted the police as they attempted to separate CDC supporters from the police. At least four people were reported killed in the clashes<sup>3</sup> and at least two police officers were injured. Video recordings clearly show the escalation of the violence, including a senior police officer brandishing a pistol within the CDC’s compound and being restrained by UNMIL forces and being taken away by his own men. The violence on Nov. 7 contributed to an atmosphere of fear and intimidation.<sup>4</sup>

Later the same day, The Carter Center was informed that at least 84 people, including approximately 20 women, were detained.<sup>5</sup> Following review of the cases, all detainees were released on Nov. 9.

<sup>3</sup> This figure is quoted in Al Jazeera and Reuters stories dated Nov. 7, 2011 and confirmed by a credible eye witness who saw four bodies at the CDC headquarters.

<sup>4</sup> The right to security of the person is applicable throughout the electoral process and requires that individuals be free from physical violence at all times; International Covenant on Civil and Political Rights (ICCPR), art. 9; African Charter on Human and Peoples Rights (ACHPR), art. 6.

<sup>5</sup> This was confirmed by the Ministry of Justice on Nov. 9.



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The Carter Center also was informed that Muna Pelham, CDC representative-elect from Montserrado County, was denied permission to leave Liberia and that her passport was seized. The Commissioner of the Bureau of Immigration and Naturalization (BIN) confirmed that Ms. Pelham is one of approximately 20 individuals who are currently under investigation for inciting violence at the CDC headquarters and are not permitted to travel.

Finally, on the evening of Nov. 7 police operating on court order requested by the Ministries of Justice and Information shut down Kings FM, Love FM, Power FM, and Power TV for allegedly broadcasting false and misleading information and endangering public safety and security, in connection with the CDC boycott. The Press Union of Liberia (PUL) has called for them to be reopened.

The media plays an indispensable role during elections, educating voters and political parties about major issues and thus increasing access to information. Media enjoys the right of freedom of expression, which cannot be restricted unless the restriction is meant to ensure fulfillment of other rights or falls within a limited set of restrictions that are reasonable and objective.<sup>6</sup>

### ***LEGAL FRAMEWORK FOR RUN-OFF ELECTIONS***

A sound legal framework is essential to the effective administration of genuine democratic elections and to provide for free expression of the will of the voters.<sup>7</sup> Liberia's legal framework for elections includes the international treaties to which Liberia is a party,<sup>8</sup> the Liberian Constitution, the Elections Law, and the regulations adopted by the NEC.

The Liberian Constitution provides that election of the president and vice president is by an absolute majority of valid votes cast.<sup>9</sup> If no presidential ticket obtains an absolute majority in the first round, a second round is conducted in which the two presidential tickets that received the greatest number of valid votes in the first round participate in the run-off. The ticket with a majority of valid votes cast in the run-off is declared the winner.<sup>10</sup> No run-offs were held for legislative seats since Article 83(b) of the Constitution was revised by the Aug. 23, 2011, constitutional referendum, changing the legislative election system from an absolute majoritarian two-round system to a simple majoritarian one-round system.

The amendment also attempted to clarify the timing of presidential run-off elections, changing the vague "a second ballot shall be conducted on the second Tuesday following" to "a second ballot shall be conducted on the second Tuesday following the expiry of the time provided in Article 83(c)." However, the amendment did not sufficiently clarify the timing of the run-off since Article 83(c) references a number of time periods, including the 15-day deadline for declaring the election results and several deadlines for filing and consideration of

<sup>6</sup> ICCPR, art. 19. Restrictions considered reasonable include for the interests of national security and the interests of public safety.

<sup>7</sup> ICCPR, art. 25(b).

<sup>8</sup> Among others, Liberia has ratified or acceded the ICCPR (2004); the International Convention on Economic Social and Cultural Rights (ICESCR) (2004); the Convention on the Elimination of Discrimination against Women (CEDAW) (1984); the Convention on the Rights of the Child (CRC) (1993); the United Nations Convention against Corruption (UNCAC) (2005); and the African Charter on Human and People's Rights (ACHPR) (1982). Additionally, Liberia has adopted the Universal Declaration of Human Rights (UDHR) (1948) and signed the African Charter on Democracy, Elections, and Governance (ACDEG) (2008).

<sup>9</sup> Constitution of the Republic of Liberia, art. 83(b).

<sup>10</sup> This provision was revised by the August 23, 2011, constitutional referendum, clarifying "votes cast" to "valid votes cast".



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complaints and appeals that challenge the results. Article 4.15 of the Elections Law interprets the Constitution by providing that the second round is to be held the second Tuesday following the announcement of the results of the first round – in this case Nov. 8, 2011. Despite outstanding complaints against the first round results at the time of the second round, the NEC did not postpone the holding of the second round (see Electoral Dispute Resolution section.)

### ***ELECTION ADMINISTRATION***

A transparent and impartial election management body is critical to guaranteeing that citizens are able to participate in a genuine democratic process.<sup>11</sup>

The body responsible for organizing and conducting elections in Liberia is the National Elections Commission (NEC). The administrative structure of the NEC for the run-off remains unchanged since the first round of the elections. Polling took place in 19 magisterial areas in 15 counties at 1780 precincts. Within these precincts, 4457 polling places were reestablished. Voters voted according to their place of registration and at the same polling place as during the first round.

Technical assistance was provided to the NEC by IFES, funded by the United State Agency for International Development (USAID), and by the United Nations Development Program (UNDP), which oversees the multi-donor election basket fund. UNMIL assisted the NEC by providing airlift of elections materials to some remote locations in the Southeast and in Lofa and Gbarpolu counties. Security for the elections remained the responsibility of the NEC and the Government of Liberia, through the LNP supplemented by officers from the BIN, with support from UNMIL.

Preparations undertaken by the NEC went smoothly and, with only minor exceptions, electoral materials were delivered to polling places in accordance with the established electoral calendar. Most first-round poll workers were recruited again. As many as five percent of the presiding officers were either not recruited or replaced by their deputies due to poor performance during the first round. As there was only one election, the number of polling place staff was limited to five. The NEC organized refresher trainings for the electoral officials and other poll workers in order to improve their performance, particularly in regard to counting and tallying, which were identified as the most problematic components of the process during the first round. Although the trainings were completed on time, observers reported that in some cases the trainings were shortened and not conducted in accordance to the established schedule, and that presiding officers were inconsistent in their understanding of the electoral procedures.

### ***CIVIC AND VOTER EDUCATION***

Voter education campaigns are necessary to ensure an informed community is able to effectively exercise their right to vote.<sup>12</sup> As in the first round, civic and voter education was addressed through 18 Liberian civil society organizations supported by UNDP, IFES, and the National Democratic Institute (NDI). In order to reinforce these activities, NEC trained and deployed 150 civic and voter educators to the counties. However, Carter Center observers noted that the intensity of civic education activities varied widely by county and was significantly less than during the first round. In some cases civic and voter education

<sup>11</sup> UNHRC, General Comment No. 25, para. 20.

<sup>12</sup> UNHRC, General Comment 25, para. 11



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materials were insufficient and /or arrived late, limiting the time available for raising awareness. Observers also reported that political uncertainty concerning the boycott by the CDC had a negative effect on participation in civic education trainings, particularly in rural areas.

### *CANDIDATES, PARTIES, AND THE CAMPAIGN ENVIRONMENT*

The CDC's planned boycott of the run-off contributed to a muted campaign period. Observers reported no campaign activities to encourage CDC partisans to vote, either in Monrovia or the counties. Instead, CDC partisans in the counties awaited instructions from Monrovia. In the capital, party leadership focused on protest rallies aimed at encouraging its supporters not to participate in the run-off. Unlike in the first round, when the UP held rallies and other large events, in the second round, UP focused on door to door campaigning organized at the county and district level. In several cases Carter Center observers reported that UP campaign teams were distributing gifts such as bags of rice to voters. They also reported the use of government vehicles in UP campaign convoys. Finally, observers witnessed a large rally in Monrovia on Nov. 6 at which the president was joined by a number of prominent opposition politicians, including Togba Nah Tipoteh, and Prince Johnson.

### *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>13</sup> The Constitution and Elections Law provide a general framework for election-related complaints and appeals, with the NEC or Magistrate (regional) Election Offices as a first instance administrative review, with a right to appeal Magistrate decisions to the NEC and to appeal NEC decisions to the Supreme Court.<sup>14</sup> However, the complaint process is insufficiently clear and has gaps and inconsistencies that result in a lack of understanding among stakeholders and an inconsistent application of the law. For instance, the law does not clearly delineate the complaints jurisdiction of the NEC and Magistrate Offices. In practice, some Magistrate Offices referred all complaints to the NEC, while other Offices dealt with all complaints at the local level. Further, the NEC temporarily assigned Hearing Officers to each of the Magistrate Offices but their roles and authority were not clearly defined in the complaints regulation, with some exercising decision-making authority and others providing technical assistance.<sup>15</sup> The NEC has not yet issued rules of procedure as required under Article 8 of the complaints regulation, preferring instead to handle complaints based on established practice.

The NEC's capacity to effectively manage the complaints process during this election proved to be limited, with significant reliance on the UNDP NEC legal advisor to handle the complaints. Approximately 50 complaints were submitted, referred, or appealed to the NEC on and after election day in the first round.<sup>16</sup> The vast majority of these concerned legislative elections with complaints alleging vote buying and intimidation, election day campaigning, obstruction of party/candidate agents, bribing of election officials, irregularities in voting and

<sup>13</sup> ICCPR, art. 2; ACHPR, art. 7.

<sup>14</sup> Further, Article 26 of the Constitution provides that any person or association that alleges a constitutionally-protected right is violated or any legislation is constitutionally contravened has the right to bring a suit against the Government in a Claims Court, with appeals from judgment to the Supreme Court.

<sup>15</sup> This was the first election during which Hearing Officers were utilized. The Officers were either law students or NEC staff with apparently insufficient training for the position. A Chief Hearing Officer with a legal background was also hired to work at NEC headquarters on a permanent basis, independent of the NEC's Legal Section.

<sup>16</sup> The 2011 election was the first one that complaints could be filed at polling stations, with standard complaint forms available; such complaints had to be forwarded at close of polls to the Magistrate Offices to be dealt with.



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counting procedures, ballot stuffing and tampering with results. Ten recounts were granted; in five recounts, errors were detected in the record of count forms and in one case it led to a change in a house seat.<sup>17</sup>

Most complaints were dealt with by the NEC within a few weeks. Many were dismissed for lack of evidence or because complainants did not present themselves at hearing, while others were withdrawn. More than ten cases remain outstanding after almost a month, some without a legal deadline for consideration.<sup>18</sup> In some instances, written decisions on finalized cases were not issued by the NEC and Magistrates on a timely basis, effectively undermining the right to appeal. No NEC decisions were appealed to the Supreme Court between the first and second rounds.

Three complaints filed by opposition parties alleged widespread irregularities and fraud in the first-round of the presidential election, including ballot stuffing and tampering with results, and requested an invalidation of the results. These complaints were not adjudicated by the NEC prior to the holding of the run-off. The most widely publicized of the cases was the CDC complaint alleging systemic fraud, which lingered in the complaint process for several weeks, with the CDC requesting and being granted multiple postponements of hearings and the NEC not finalizing the case prior to holding of the run-off. Subsequent to the run-off, on November 10, the NEC dismissed the CDC's complaint based on lack of evidence.

It is best practice that complaints that allege violations that have the notional potential of altering the results of a first round election be adjudicated before the run-off and with enough time to allow an appeal to court, so as to contribute to the integrity and legitimacy of the final results. A further concern is that the legal requirement that the run-off be held on the second Tuesday following the announcement of results is not consistent with the period in which results may be challenged.<sup>19</sup>

### *VOTING*

Carter Center-EISA observers completed 283 observations based on visits to 231 different polling places on election day. These included reports on 17 poll openings, 21 poll closings, and 20 counting processes. In their reports, Carter Center-EISA observers characterized the overall polling process as either "good" or "very good" in 98 percent of polling places visited.

*Poll Atmosphere and Opening.* Carter Center-EISA observers reported that the atmosphere during the polling hours was peaceful and calm with no incidents of violence at the polling stations visited. Of the 17 opening of polling places observed, two did not open promptly at 8:00 am, though none opened later than 8:10 am.<sup>20</sup> Observers did not find evidence of campaign materials within 100 meters of polling places.

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<sup>17</sup> In Maryland District 3, after the recount, a UP seat went to the Liberty Party. According to the UNDP NEC Legal Advisor, four of the five discrepancies identified in the recounts were obviously inadvertent mistakes and in one case it was arguably fraud.

<sup>18</sup> Two pending complaints allege ineligibility of elected parliamentarians, due to lack of Liberian citizenship.

<sup>19</sup> Under Article 83(c) of the Constitution, complaints can be filed against election results up to 7 days after results are declared, the NEC has up to 30 days to consider the complaint, an appeal against the NEC decision can be filed within 7 days to the Supreme Court, the NEC then has 7 days to forward the case file to the Supreme Court, and the court then has 7 days to adjudicate the appeal.

<sup>20</sup> In one case reported (Electoral District 15, Precinct 30160) the polling precinct was reallocated shortly before the polls kicked off due to the disagreement of the owner of the property, a CDC member, to use it for the voting purposes.



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*Poll Staff and Procedures.* Carter Center-EISA observers reported that poll workers acted in an impartial and professional manner in most cases. Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 24 percent of polling places visited, observers reported that polling staff failed to check the voter's finger for ink.

*Secrecy of the Ballot.* Carter Center-EISA observers reported that secrecy of the ballot was not adequately ensured in five percent of polling places observed. In most cases this resulted from insufficient space or inadequate set up of the polling place.<sup>21</sup> This represented a modest improvement over the first round, when ballot secrecy was not assured in eight percent of polling places observed.

*Party Agents and domestic observers.* Observers noted the presence of UP party agents in 94 percent of polling stations visited, while CDC party agents were present in only one. In 52 percent of polling places visited domestic observer groups were present, especially the Elections Coordination Committee (ECC), which deployed 1725 observers across all 15 counties. Carter Center-EISA observers also encountered domestic observers from the Liberian Council of Churches (LCC) and MARWOPNET. Carter Center-EISA observers reported that no official complaints were filed at the polling places they visited.

### **CLOSING AND COUNTING**

The accurate and fair counting of votes post-election plays an indispensable role in ensuring the electoral process is democratic.<sup>22</sup>

*Poll Closing Atmosphere and Procedures.* In the polling places observed, closing and counting took place in a peaceful atmosphere.<sup>23</sup> The closing time was respected in all but two observed cases, where polling places closed before 6:00 pm. Poll workers' understanding of closing and counting procedures appeared to have improved since the first round of elections. However, in some polling places, reconciliation procedures were not strictly followed, though observers reported that this did not appear to affect the integrity of the count. On a positive note, the number of invalid ballots at polling places observed dropped by half (from eight percent to four percent) in comparison to the average observed during the first round.

Carter Center-EISA observers reported that Record of the Count forms were displayed outside of 20 of 21 polling places observed. The display of results forms immediately after the count is an important element of transparency and this requirement should be strictly adhered to.

*Tallying and Tabulation.* The process of tallying votes at the magistrate's offices has not been completed. At this stage, observers report that the tally process has so far been conducted in a transparent and credible way with only a few irregularities being discovered.<sup>24</sup> The Carter Center will continue to observe the remainder of the process.

<sup>21</sup> In four instances the assistance provided to the voters was not in accordance with the procedures.

<sup>22</sup> See ICCPR, art. 25(b) (noting the right to vote in genuine elections by universal and equal suffrage).

<sup>23</sup> In Monrovia there was one incident reported where at one polling place in Paynesville some unidentified people tried to prevent the election materials from being picked up by the NEC personnel.

<sup>24</sup> Pending further clarification, observers report improbably high vote totals at some polling stations in Grand Gedeh County.



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### ***BACKGROUND ON THE CARTER CENTER'S ELECTION OBSERVATION MISSION***

The Carter Center commenced its observation mission in Liberia in early September 2011 with the arrival of a core team and the deployment of eight long-term observers who observed the campaign and electoral preparations in all 15 counties. For the Oct. 11 elections, The Carter Center partnered with EISA to deploy an Integrated Carter Center-EISA observer mission to witness the voting, counting, and tabulation processes. The Carter Center and EISA partnered again to deploy an integrated mission to observe the Nov. 8 presidential run-off election.

The objectives of the Carter Center's election observation activities in Liberia are: a) to provide an impartial assessment of the overall quality of the electoral process, b) to promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections.

The Center assesses Liberia's electoral process based on its national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.<sup>25</sup>

The Center conducts its observation activities in Liberia in accordance with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups.

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<sup>25</sup> Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.



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## Carter Center Statement on Liberia's Tally Process and Post-Electoral Environment

### **FOR IMMEDIATE RELEASE**

**Nov. 21, 2011**

**Contact: Atlanta, Deborah Hakes +1 404 420 5124; Monrovia, Alexander Bick +231  
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### **Executive Summary**

The Carter Center reports that the tally process for the Nov. 8 presidential run-off election was conducted transparently and in general accordance with Liberia's obligations for democratic elections. Tallying was carried out smoothly throughout the country, with greater adherence to procedures and fewer irregularities than in the first round of the elections.

At the same time, The Carter Center notes that the tally process revealed anomalous results at polling places in Grand Gedeh County. While our investigation into these anomalies was inconclusive, interviews by Carter Center observers and analysis of election results raise serious questions about the integrity and transparency of the process in Grand Gedeh. The Carter Center emphasizes that anomalies in Grand Gedeh are not of sufficient magnitude to have a material effect on the outcome of the election as a whole, as represented in the final results announced by the National Elections Commission (NEC) on Nov. 15, 2011.

The Carter Center welcomes the NEC's decision on the Oct. 18 complaint by the Congress for Democratic Change (CDC) alleging widespread fraud in the first round of the elections. Based on a series of hearings, attended by Carter Center observers, the NEC ruled that the CDC had failed to provide sufficient evidence to support its allegations. While noting that best practice calls for complaints to be adjudicated before the holding of a run-off, The Carter Center concludes that this ruling was sound based on the evidence produced and in accordance with the NEC's responsibilities to provide due process. The Carter Center calls on the NEC to resolve all remaining complaints in a timely manner.

The Carter Center regrets the criminal court's Nov. 15 decision on the closure of three media outlets in connection with the CDC rally and subsequent violence on Nov. 7. While the Liberian Constitution permits the government to restrict free speech in emergency situations, no state of emergency was declared on Nov. 7. Additionally, the trial and conviction of the media outlets failed to meet standards for due process and the rule of law. The Carter Center welcomes the court's expeditious decision to permit the media outlets to re-open and notes the government's record of respect for free speech and media freedom. However, this case raises serious questions about the government's continued commitment to these rights, which are crucial for the electoral process and key elements of a democratic society.



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The Carter Center launched its election observation mission in early September and observed both rounds of the 2011 elections in all 15 counties. Carter Center observers will remain in Liberia until the end of November to report on the post-electoral environment.

The Carter Center assesses Liberia's elections against its obligations for democratic elections contained in the Constitution, the Elections Law, and other relevant parts of the legal framework, as well as its obligations under international law. The Carter Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.

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*A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. 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.*



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### **Carter Center Statement on Liberia's Tally Process and Post-Electoral Environment Nov. 21, 2011**

#### **Findings on the Tally Process**

Tallying is an integral and important phase of the electoral process that ensures the will of the voters is accurately and comprehensively reflected in the final results.<sup>1</sup> According to NEC procedures, the tally should be conducted at the magistrate level and the results transmitted to the National Tally Center in Monrovia. The tally process at the magistrate offices comprises four steps: (1) intake, (2) copying and distributing copies of the Record of the Count (RoC) form, (3) entering results in the database, and (4) storage of processed materials. The tally procedures for the Nov. 8 run-off election closely followed those used for the Oct. 11 elections.

Observers from The Carter Center and the Electoral Institute for Sustainable Democracy in Africa (EISA)<sup>2</sup> witnessed the tally process at all 19 magistrate offices on Nov. 9-10. Three teams of Carter Center long-term observers remained at magistrate offices in Grand Gedeh, Upper Nimba, and Lower Montserrado Counties until the conclusion of the tally process. Findings include:

- The tally process was carried out smoothly and transparently, with greater adherence to administrative procedures than The Carter Center observed during the first round of the elections. NEC staff at the magistrate offices displayed considerably greater confidence in and knowledge of the tally procedures;
- In some cases electoral materials from a single precinct did not arrive at the same time. For example, some Tamper Evident Envelopes (TEEs), including the TEE3, were delayed in Upper and Lower Nimba and Lower Bong Counties. In several cases, including Upper Montserrado and Margibi Counties, observers reported that TEE3s were not sealed prior to delivery to the magistrate office;
- In all but three cases, photocopies of the RoC form were produced and distributed to party agents and observers in line with the procedures. In the remaining three cases observers reported delays in distributing copies of the RoC form;<sup>3</sup>

<sup>1</sup> International Covenant on Civil and Political Rights, art. 25(b); AU, Declaration on the Principles Governing Democratic Elections in Africa, art. 1.

<sup>2</sup> For both rounds of the 2011 elections, The Carter Center and EISA collaborated on briefings and deployed integrated teams of observers. However, each institution issued its own statements on the electoral process.

<sup>3</sup> In Grand Gedeh, party agents did not receive copies of the RoC for each polling place, but instead were issued copies of the Progressive Tally Result. In Maryland County, the copy machine temporarily broke down, but was later repaired and copies were distributed. In Grand Cape Mount forms were not distributed before Carter Center observers departed on Nov. 11, 2011.



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- Computational and clerical errors were common on RoC forms, but in all reported cases these were quarantined and corrected in line with the tally procedures. In no case did this affect the total votes obtained by any candidate;
- In several cases, observers reported that small discrepancies revealed during the tally resulted from the number of ballot papers received by the polling places differing from 550. In no observed case did this difference exceed five ballot papers;
- Procedures for entering results into the database were followed in most observed cases. However, as in the first round, in several cases observers reported that the division of duties among magistrate office staff was not strictly followed<sup>4</sup> and that the setup of the magistrate offices made it difficult to observe the process of entering the results to the database. In Margibi County, observers noted that the Record of the Count from the Tally Database form (ET-02) was not displayed after each data entry;
- Observers encountered no CDC party agents during the tally process, presumably as a result of the party's decision to boycott the election. UP party agents were present at many magistrate offices, but in smaller numbers than during the first round of the elections and often for a shorter period of time. Domestic and international observers were present at all 19 magistrate offices. Carter Center observers reported no formal complaints challenging the tally process; and
- Overall, The Carter Center concludes that the tally process was conducted in general accordance with Liberia's obligations for democratic elections.<sup>5</sup>

### **Anomalous Results in Grand Gedeh County**

The Carter Center notes that the tally process revealed anomalous results throughout Grand Gedeh County, including dramatic changes in party support, 100 percent votes for one candidate, and marked differences in turnout at polling places within the same precinct. These anomalies were identified independently by NEC and by Carter Center observers who witnessed the tally process at the magistrate office in Zwedru and conducted interviews with polling staff, voters, representatives of political parties, domestic observers, and other stakeholders in all three electoral districts in Grand Gedeh from Nov. 12-18.

The NEC performs a number of internal checks on results transmitted to the National Tally Center during the tally process to identify potential irregularities.<sup>6</sup> For the run-off, NEC performed a supplemental check to examine variation in the results from the first and second round of the elections. This check revealed concentrations of polling places with significantly higher support for the UP in the second round in Nimba County, where Prince Johnson endorsed the president, and in Grand Gedeh County, traditionally a stronghold of the CDC. In Grand Gedeh the UP received 13,795 votes in the second round, as opposed to 4,514 votes in

<sup>4</sup> In Upper Nimba several important personnel – including the magistrate and assistant magistrate – were absent for most of the tally process.

<sup>5</sup> ICCPR, art. 25(b).

<sup>6</sup> These checks are designed to identify cases where: (1) the number of votes exceeds the number of registered voters in a precinct; (2) turnout is 95 percent or higher in a polling place; (3) there is a discrepancy between the number of ballots cast and total votes; and (4) one candidate receives 100 percent of the votes.



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round one.<sup>7</sup> This represented higher support for UP at 117 of the 131 polling places in the county. Of these, NEC selected and carried out recounts for 11 polling places.<sup>8</sup>

Carter Center observers witnessing these recounts reported no conclusive evidence of tampering, ballot stuffing, or fraud. However, observers reported seeing consecutive ballots with similar markings and a majority of cases in which only two seals were placed on ballot boxes instead of four. Subsequent interviews and investigation revealed that publicly posted RoC forms were removed from many polling places on the night of the election.<sup>9</sup> In addition, observers identified several cases in which results from one polling place differed markedly from results at other polling places within the same precinct, in one case by more than 400 percent.<sup>10</sup> Polling staff at one such precinct interviewed by Carter Center observers strongly implied that these results did not accurately reflect the outcome of voting on election day.<sup>11</sup> Numerous interviews, including with domestic observers, suggested that turnout was substantially lower at many polling places than the figures reported by NEC.<sup>12</sup>

While these anomalies appear to be limited to specific polling places in Grand Gedeh, and do not affect the outcome of the presidential run-off election as a whole, they nonetheless raise serious questions about the integrity and transparency of the electoral process in Grand Gedeh County. The Carter Center urges the NEC and its partners to undertake a close review of electoral administration in Grand Gedeh and, in the event that malfeasance is detected, to take appropriate actions to hold those responsible accountable.

### **Electoral Complaints**

Subsequent to the presidential run-off election on Nov. 8, the NEC issued its decision on the CDC's Oct. 18 complaint alleging widespread fraud – including ballot stuffing and altering results – during the Oct. 11 presidential election. As part of this complaint, CDC requested that the national results for the presidential election be invalidated.<sup>13</sup> The Carter Center has carefully followed the process undertaken by the NEC in the hearing and adjudication of the CDC's complaint; observers attended the complaint hearings and reviewed relevant documents and the written decision rendered in the case.

The NEC hearing officer presided over the hearings, while the CDC, as plaintiff, was represented by legal counsel and the NEC, as defendant, was represented by in-house legal counsel. The CDC requested, and was granted, five adjournments of hearings for various reasons, including the need to gather witnesses. Over the course of the hearings, the CDC and NEC presented several witnesses and final arguments were heard the day before the run-off election on Nov. 7. The decision of the NEC hearing officer was issued in writing on November 10, two days after the holding of the second round.<sup>14</sup> It dismissed the claim based

<sup>7</sup> While turnout nationally decreased substantially, from 71.6 percent to 38.6 percent, in Grand Gedeh turnout increased in the second round at 18 different polling places.

<sup>8</sup> NEC officials reported that the recounts had not shown any evidence that RoC forms had been altered.

<sup>9</sup> Interviews on November 17 and 18, 2011.

<sup>10</sup> At polling place 15008, Boundary Town Public School, polling place 1 recorded 203 votes cast, while only 47 votes were cast at polling place 2. Similar anomalies can be found at precinct 15020, Zai Public School, where there were 100 more votes cast at polling place 1 than at polling places 2, 3, 4, and 5. At polling place 1, UP received 153 votes and CDC received 0 votes. In the first round of the election at the same polling place, UP received 19 votes and CDC received 110 votes.

<sup>11</sup> Interview conducted on Nov. 17, 2011.

<sup>12</sup> Interviews conducted on Nov. 14, 17, and 20, 2011.

<sup>13</sup> On Oct. 18 the CDC filed an amended complaint in legal pleading format. In CDC's written final argument it contends that NEC's "handling election material contrary to guidelines and regulations" amounted to electoral fraud.

<sup>14</sup> Article 2.4 of the Elections Law provides that the board of commissioners is obligated to decide any questions put before it. A quorum is made up of any five members, including the chairman. The Elections Law does not provide for any



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on lack of evidence.<sup>15</sup> As noted in our [Preliminary Statement on the Run-Off Election](#), it is best practice to adjudicate complaints regarding first round results prior to the holding of the second round to ensure the electorate's confidence in, and the integrity of, the elections.<sup>16</sup>

The NEC's conclusion has a sound legal basis. Testimony and photo evidence submitted by the CDC was not sufficient to prove widespread fraud. The CDC's main allegation was that one incident, in which a number of sealed ballots boxes were witnessed being reopened by polling officials after the count, implied ballot stuffing in that case and country-wide. However, its witness testified that she did not actually observe any ballot stuffing.<sup>17</sup> Two NEC witnesses provided credible explanations of the incident testifying that RoC forms had been inadvertently put in two ballot boxes that were then sealed. The records had to be retrieved in order to deliver them to the tally center at the magistrate's office before the boxes were sent to the magisterial warehouse, necessitating opening of the boxes.<sup>18</sup> The NEC further submitted into evidence a tally confirmation report indicating that both RoC forms were delivered intact, in their tamper evident envelopes, to the tally center.<sup>19</sup> No evidence was presented that indicated that these forms had been altered in any way.

The CDC submitted other evidence that it contended was proof of fraud: (1) CDC Secretary General Acarous Gray testified about comments by the NEC chairman that CDC's allegations of fraud were "baseless" and that "nothing would come out of them;" (2) CDC presented two RoC forms (one for a house of representatives race and one for the presidential race) that contained errors; (3) Witnesses testified to two incidents in which ballot boxes were transported without proper escort and were seized by the police and turned over to NEC; and (4) Witnesses testified to police harassment of CDC agents at tally centers for raising issues of irregularities. In its final argument, the CDC speculated that the NEC chairman's letter of Oct. 25 that stated that its candidate was the top vote getter in the first round was further evidence that widespread fraud had been committed.<sup>20</sup>

While the NEC decision in this case recognizes that the testimony of the CDC's witnesses exposes inappropriate handling of election materials, it concluded that it did not establish fraud to any extent. This finding is consistent with the observations and assessment of The Carter Center as reported. Under the law, the CDC has the right to appeal the NEC's decision to the Supreme Court. The Carter Center is aware that the CDC initiated an appeal on Nov. 15 and urges all parties to respect the judicial process and, when issued, the court's final decision in the case.

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secretariat staff, such as Hearing Officers, to make the decisions on complaints. Under the legal framework, the NEC has up to 30 days to adjudicate complaints concerning the results.

<sup>15</sup> Under Article 83 of the Constitution, NEC decisions on complaints can be appealed to the Supreme Court within seven days. In the opinion of NEC senior legal counsel, an appeal to the NEC Board of Commissioners may be required prior to appeal to the Supreme Court, but he notes that the law is unclear in that respect.

<sup>16</sup> Another complaint challenging the first round Presidential election results, filed by Cecilia Ndebe, was dismissed on November 18; the complaint by Gladys Beyan was withdrawn. One complaint challenging the mandate of an elected senator from Nimba County, Thomas Grupee, on grounds that he is not a Liberian citizen was dismissed on November 18. A complaint challenging the citizenship of an elected Legislator in Grand Cape Mount was withdrawn on the same date. Ten other complaints relating to the October 11 election are pending.

<sup>17</sup> When asked on cross-examination how many ballot boxes did he think were broken into, the CDC Secretary General stated, "I do not know the number, but the number goes beyond human imagination."

<sup>18</sup> The CDC witness testified that a polling official had explained to her that the boxes were being opened because something had to be removed from the box prior to transport to the NEC storage facilities.

<sup>19</sup> In its decision, the NEC took notice that the ballots had been counted in full view of the CDC's agents and the records of count placed in TEEs, recorded by the polling staff, and witnessed by party agents and observers. The CDC's agents were also at the tally center to ensure that the results announced at the polls were exactly the same as those included in the tally.

<sup>20</sup> In an apparent clerical error, the results of the top two candidates in the first round were switched in this letter.



## NATIONAL ELECTIONS IN LIBERIA

### **Independent Commission of Inquiry**

On Nov. 11, President Sirleaf announced the creation of a Special Independent Commission of Inquiry to gather evidence on the events at the CDC headquarters on Nov. 7, 2011. Sister Mary Laurene Brown, president of Stella Maris Polytechnic, was selected to serve as chair. Other members of the commission include Jerome Korkoya, Una Thompson, Augustine Zayzay, and Joe Gbalah. The commission's legal counsel is Konatee Kofa.<sup>21</sup> The commission has publicly called for witnesses to come forward to provide testimony and evidence and has been given two weeks to carry out its investigation.

The Carter Center welcomes the creation of the independent commission but regrets that the process of nominating commissioners has not been transparent. The Carter Center urges the commission to undertake an exhaustive and impartial investigation and calls on the Government of Liberia to make the final list of commissioners public and to swiftly act on the commission's recommendations, so that those responsible can be held accountable.

### **Media Shutdown**

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>22</sup> and international law.<sup>23</sup> Any restrictions must be clearly justified, reasonable and objective, and based in the law. The courts play a critical role in the electoral process by ensuring that elections are conducted according to the law and with respect for fundamental rights, including freedom of expression and the press. In doing so, the courts must remain independent of the government at all times, and judicial proceedings must accord with the rule of law, due process, and the principle of transparency.

On Nov. 7, the Liberian Government, through court-ordered police action on request of the Ministries of Justice and Information, closed down three media outlets, including seven radio and television stations.<sup>24</sup> A petition filed by the government in support of the court order alleges the Respondents, as owners and operators of various media institutions, were illegally using these outlets by broadcasting hate speech against the government and deliberately spreading misinformation and messages of violence in connection with their reporting of the CDC boycott and Nov. 7 rally.<sup>25</sup> The station managers were summoned to appear in criminal court on Nov. 10.

The Carter Center raised concerns about the closures in its [Preliminary Statement on the Run-Off Election](#) and then closely followed the legal proceedings and reviewed the relevant legal documents and court decision in the matter. The closure of the media outlets and the subsequent court proceedings and decision undermines respect for freedom of speech and

<sup>21</sup> This list was confirmed by Sister Mary Laurene Brown on Nov. 16, 2011.

<sup>22</sup> Constitution of Liberia, Article 15 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.”

<sup>23</sup> International Covenant on Civil and Political Rights, Article 19.

<sup>24</sup> These outlets include Kings FM Radio, Clar TV, Power FM Radio and TV, Love FM Radio and TV, and Shaita FM Radio.

<sup>25</sup> The petition cites violations of the Elections Law provisions (Articles 10.18, 10.19, 10.24 and 10.25) that have no applicability to media outlets (only political parties and candidates) and do not authorize their closure. Further, the cited provisions prohibit criticism of the electoral process outside of filing an official complaint, which is in and of itself an unjustifiable restriction on freedom of expression.



## NATIONAL ELECTIONS IN LIBERIA

press freedom, challenges the independence and transparency of the judiciary, and illustrates a failure to guarantee rule of law and due process.

The Respondent's motion that the criminal court has no jurisdiction over the case as it is a civil matter was denied by the court without any legal reference.<sup>26</sup> In the court proceedings, the prosecution cited no criminal provisions or any statutory offense that the media outlets had allegedly violated and did not call any witnesses to give evidence. The court ordered, on request of the prosecution, that the Respondents produce the relevant broadcasts as evidence against themselves, which they refused to do on grounds of their Constitutional right not to self-incriminate.<sup>27</sup> The Prosecutor submitted documentary evidence directly to the court in contravention of due process standards that require all evidence to be submitted through witnesses.<sup>28</sup> The evidence was not viewed or read in open court, as required by due process and to ensure transparency of the judicial system. The judge apparently reviewed the evidence in closed chambers.

In its decision of Nov. 15, the court found the media outlets guilty of an unspecified criminal offense, referring to "hate messages and spreading misinformation having the propensity to cause insurrection and public disorder"<sup>29</sup> and concluded that the closures were legally grounded.<sup>30</sup> The court noted that those types of messages are "not contemplated by the Constitution as freedom of speech and press freedom" though failed to recognize that the Constitution provides that those freedoms "shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with the Constitution."<sup>31</sup> In this case, no state of emergency had been declared.

The court ruled the Respondents were subject to penalty but would be spared punishment to ensure that "press freedom prevails." The court ordered the reopening of the media outlets with a "strong warning" that if they "repeat the act which this court has determined to be hate messages and call to insurrection, the Ministry of Information may revoke the permits and licenses issued to Respondents." This decision leaves the media vulnerable to undue discretion of the government to prosecute and revoke licenses, as it does not provide any clear guidance regarding prohibited actions.<sup>32</sup> It could also lead to self-censorship.

The Carter Center recognizes the Liberian government's track record in upholding freedom of expression and media freedom and urges it to reconsider its recent divergent approach in this respect and to continue to guarantee these constitutionally and internationally protected rights in accordance with the law. It is also imperative that the courts resist pressure by the

<sup>26</sup> Article 15(e) of the Constitution provides that limits on freedom of the press may only be by judicial actions in proceedings grounded in various civil actions.

<sup>27</sup> Article 21(h) of the Constitution of Liberia.

<sup>28</sup> A number of videotapes and newspaper articles were submitted to the court. Rejecting the defendant's motion to refuse the evidence based on violation of due process, the judge noted that he would need the evidence in order to make a determination in the matter.

<sup>29</sup> The messages were apparently given by CDC officials at the November 7 rally and broadcast by the stations.

<sup>30</sup> Under Article 21(c) of the Liberian Constitution and international law, a defendant has a right to know the charges against him or her. The Carter Center was informed by a Liberian legal expert that the alleged conduct is not a criminal offense in Liberia and that any judicial action would have to be civil in nature.

<sup>31</sup> Article 15(a) of the Constitution of Liberia.

<sup>32</sup> This event should be examined together with the firing of the public broadcasters' director during the first round campaign period following the airing of a CDC rally, which led to an almost incomplete absence of the broadcaster's coverage of any opposition party for the remainder of the election period. Additionally, the owner of one of the closed media outlets, Paul Mulbah, was fired from his position as Special Security Advisor for the Liberian National Police while the criminal proceedings were ongoing against the media outlets."



## NATIONAL ELECTIONS IN LIBERIA

authorities under all circumstances and act independently and transparently, and to deal with all judicial matters in accordance with the rule of law and due process.

The Carter Center also urges the media to undertake responsible and independent journalism, not to allow themselves to be unduly influenced by political actors, and to continue to assert its freedom and obligation to report all news in an accurate, fair and balanced manner. The establishment of a legal framework on media and an independent media regulatory body, based on a fully inclusive and participatory process involving all relevant stakeholders in government, media, and civil society, should be considered.

### **The Carter Center's Election Observation Mission in Liberia**

The Carter Center commenced its observation mission in Liberia in early September 2011 with the arrival of a core team and the deployment of eight long-term observers. For the Oct. 11 elections, The Carter Center partnered with EISA to deploy an integrated Carter Center-EISA observer mission of 55 short-term observers to witness voting, counting, and tallying. The Carter Center and EISA again partnered to deploy an integrated mission of 52 short-term observers to monitor the Nov. 8 presidential run-off election.

The objectives of the Carter Center's election observation mission in Liberia are: a) to provide an impartial assessment of the overall quality of the electoral process, b) to promote a process that is credible, transparent, and free from violence, and c) to demonstrate international interest in and support for the upcoming elections. The Center assesses Liberia's electoral process based on its national legal framework and its obligations for democratic elections contained in regional and international agreements, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights.<sup>33</sup> The Center conducts its observation activities in Liberia in accordance with the NEC's Code of Conduct for Observers and with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005 and has been endorsed by 37 election observation groups.

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<sup>33</sup> Liberia ratified the African Charter on Human and People's Rights (ACHPR) on Aug. 4, 1982, and the International Covenant on Civil and Political Rights on Sept. 22, 2004.



## APPENDIX E DEPLOYMENT PLANS

### DEPLOYMENT ROUND I

| Team # | Last Name | First Name     | County of Base/City |
|--------|-----------|----------------|---------------------|
| 1.1    | Chester   | Gerri          | Monteserrado        |
|        | Dieset    | Hans           |                     |
| 1.2    | Asfaw     | Rachel Tadesse | Monteserrado        |
|        | Larkan    | Alka           |                     |
| 1.3    | Crick     | Tom            | Monteserrado        |
|        | Rooney    | Luke           |                     |
| 1.4    | Payne     | Chelsea        | Monteserrado        |
|        | Pitman    | Robert         |                     |
| 2.1    | Chungong  | Cindy          | Nimba               |
|        | Cook      | Nicholas       |                     |
| 2.2    | Muke      | Junior         | Nimba               |
|        | Kamara    | Idrissa        |                     |
| 2.3    | Hyde      | Susan          | Nimba               |
|        | Cohen     | David "Pablo"  |                     |
| 2.4    | Keller    | Kim            | Lofa                |
|        | Machan    | Ahna           |                     |
|        | Brandt    | Chris          |                     |
| 2.5    | Ambrozova | Tereza         | Lofa                |
|        | Harris    | David          |                     |
| 2.6    | Bartlett  | Sarah          | Bong                |
|        | Lowe      | Julia          |                     |
|        | Oneka     | Joseph         |                     |
| 2.7    | Tufon     | Laura Anyola   | Bong                |
|        | Amodu     | Lawal          |                     |
| 2.8    | Nelson    | Doug           | Margibi             |
|        | Kieti     | Magdalena      |                     |
| 2.9    | Liwanga   | Roger          | Margibi             |
|        | Nyangairi | Barbara        |                     |
| 3.1    | Kraemer   | Carole L.      | Rivercess           |
|        | Lahai     | James          |                     |



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|     |                 |                |                  |
|-----|-----------------|----------------|------------------|
| 3.2 | Ranchod-Nilsson | Sita           | Bomi             |
|     | Gerring         | Nicole         |                  |
|     | Kalombo         | Gaston         |                  |
| 3.4 | Odera           | Beatrice Abuya | Grand Bassa      |
|     | Konate          | Maimouna       |                  |
| 3.5 | Kanneh          | Momoh          | Grand Cape Mount |
|     | Rawls           | Amanda         |                  |
| 3.6 | Fisher          | Marlene        | Gbarpolu         |
|     | Maluti          | Humphrey       |                  |
| 4.1 | Paczynska       | Agnieszka      | Grand Kru        |
|     | Ganna-Conteh    | Ken            |                  |
| 4.2 | Walla           | Marjorie A.    | Grand Gedeh      |
|     | Chapman         | Peter          |                  |
| 4.3 | An              | Mary           | Maryland         |
|     | Austin          | Jeff           |                  |
| 4.4 | Chavula         | Viwemi         | Sinoe            |
|     | Roine           | Eldrid         |                  |
| 4.5 | Jahr            | Nicholas       | River Gee        |
|     | Taylor          | Scott          |                  |



## NATIONAL ELECTIONS IN LIBERIA

## DEPLOYMENT ROUND II

| Team # | Last Name  | First Name   | County of Base/City |
|--------|------------|--------------|---------------------|
| 1.1    | Chester    | Gerri        | Monteserrado        |
|        | Wahab      | Shehu        |                     |
| 1.2    | Larkan     | Alka         | Monteserrado        |
|        | Dieset     | Hans         |                     |
| 1.3    | Crick      | Thomas       | Monteserrado        |
|        | Payne      | Chelsea      |                     |
| 1.4    | Rawls      | Amanda       | Monteserrado        |
|        | Pitman     | Robert       |                     |
| 1.5    | Mabonga    | Joel Opicho  | Monteserrado        |
|        | Wasike     | Abuid Simiyu |                     |
|        | Kariuki    | Nancy        |                     |
| 2.1    | Rogers     | Terry        | Nimba               |
|        | Kamara     | Idrissa      |                     |
| 2.2    | Amodu      | Lawal        | Nimba               |
|        | Brandt     | Chris        |                     |
| 2.3    | Santosham  | Shireen      | Lofa                |
|        | Alabi      | Williams     |                     |
| 2.4    | Handeland  | Mona         | Lofa                |
|        | Harris     | David        |                     |
| 2.5    | Wiik       | Oystein      | Bong                |
|        | Musuva     | Catherine    |                     |
| 2.6    | Nothern    | Steve        | Bong                |
|        | Olorunmola | Adebowale    |                     |
| 2.7    | Machan     | Ahna         | Margibi             |
|        | Wright     | Daniel       |                     |
|        | Oneka      | Joseph       |                     |
| 3.1    | Vwamu      | Joan Mudindi | Rivercess           |
|        | Kalombo    | Gaston       |                     |
| 3.2    | Folorunsho | Moshood      | Bomi                |
|        | Zerargui   | Khalil       |                     |



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|     |           |             |                  |
|-----|-----------|-------------|------------------|
| 3.3 | Kraemer   | Carole L.   | Grand Bassa      |
|     | Lahai     | James       |                  |
| 3.4 | Ntiwunka  | Gerald      | Grand Cape Mount |
|     | Kieti     | Magdalena   |                  |
| 3.5 | Dieudonne | Dominique   | Gbarpolu         |
|     | Ibrahim   | Zikirullahi |                  |
| 4.1 | Dogbe     | Komi Ruben  | Grand Kru        |
|     | Reinhardt | Karen       |                  |
| 4.2 | Jahr      | Nicholas D. | Grand Gedeh      |
|     | Polaki    | Mareatile   |                  |
| 4.3 | Ambrožová | Tereza      | Maryland         |
|     | Watson    | Ethan       |                  |
| 4.4 | Chungong  | Cindy       | Sinoe            |
|     | Clevenger | Gray        |                  |
| 4.5 | Walla     | Marjorie A. | River Gee        |
|     | Naftalin  | Mark        |                  |



# APPENDIX F CHECKLISTS

|  |   |   |    |     |    |
|--|---|---|----|-----|----|
|  <b>Liberia Elections<br/>October 11, 2011</b>  |   | <b>Observer Team#:</b> _____<br><b>Magisterial Area:</b> _____ <b>Polling Precinct#:</b> _____<br><b>District:</b> _____ <b>Arrival Time:</b> _____ am/pm<br><b>Polling Place #:</b> _____ <b>Departure Time:</b> _____ am/pm |    |     |    |
| <b>Opening Check List</b>  |   |   |    |     |    |
| Urban <input type="checkbox"/> Rural <input type="checkbox"/>  |   |   |    |     |    |
|  |   | Yes   | No | N/A | DK |
| 1  | Was the environment outside the polling place peaceful and free from intimidation?  |   |    |     |    |
| 2  | Was the polling place accessible to all voters including the disabled?  |   |    |     |    |
| 3  | Was the polling place free from campaigning and campaign materials within 100m of the entrance?   |   |    |     |    |
| 4  | Was the station laid out in a manner that facilitated easy flow of voters?  |   |    |     |    |
| 5  | Was the police/security presence at the polling place in accordance with the procedures?  |   |    |     |    |
| 6  | Was the process free from interference/intimidation (including by security personnel)?  |   |    |     |    |
| 7  | Was the polling place free from any unauthorized persons?   |   |    |     |    |
| 8  | Did the Polling Center open at 08:00? If not what time did it open? _____ If the polling station did not open at 08:00 please check all applicable reasons why:<br>Insufficient election materials <input type="checkbox"/> Confusion about procedures <input type="checkbox"/><br>Poll workers absence <input type="checkbox"/> Disorder/Security issue <input type="checkbox"/> |   |    |     |    |
| 9  | Were the parties/candidates agents present to observe the opening procedures? Please indicate the number of agents present<br>UP <input type="checkbox"/> CDC <input type="checkbox"/><br>LP <input type="checkbox"/> NUDP <input type="checkbox"/>   |   |    |     |    |
| 10   | Were the domestic observers present to observe the procedures? Please indicate the number of observers present<br>Mano River Women Peace Network <input type="checkbox"/> ECC umbrella <input type="checkbox"/><br>Other _____    Liberia Council of Churches <input type="checkbox"/>  |   |    |     |    |
| 11   | Were the observers and agents able to effectively observe the process?  |   |    |     |    |
| <b>Note: Questions 12 and 13 will require you to speak to poll workers. Please do so only when this will not disrupt the voting process.</b>   |   |   |    |     |    |
| 12   | No. of poll workers present _____ No. of female party agents _____  |   |    |     |    |
| 13   | No. of female poll workers _____ No. of other female observers _____  |   |    |     |    |
| 14   | Did the Presiding Officer record all required information in the Presiding Officer's Worksheet?   |   |    |     |    |
| 15   | Was the total number of ballots received per each election type 550?  |   |    |     |    |
| 16   | Were the poll workers performing in an impartial and non partisan manner?   |   |    |     |    |
| 17   | Was the ballot box presented as empty to all present including party agents, candidates and observers?  |   |    |     |    |
| 18   | Was the ballot box sealed with numbered seals by the Presiding Officer?   |   |    |     |    |
| 19   | Were the numbers of the seals recorded on the 'Record of Seals Forms'?  |   |    |     |    |
| 20   | Were the party/cand. agents and domestic observers able to record the numbers of the seals?   |   |    |     |    |
| 21   | Was the process free from official complaints?  |   |    |     |    |
| 22   | If complaints were made were they recorded in the Journal?  |   |    |     |    |
| 23   | If complaints were made was the Presiding Officer accurately responding to these complaints?  |   |    |     |    |
| <b>Overall Assessment</b>  |   |   |    |     |    |
| <b>Instructions for this Section:</b> Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.                                   |   |   |    |     |    |
| <b>Very Good</b> - No significant incidents or irregularities  |   |   |    |     |    |
| <b>Good</b> - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process   |   |   |    |     |    |
| <b>Poor</b> - Incidents or irregularities that have the potential to affect the integrity of the process   |   |   |    |     |    |
| <b>Very Poor</b> - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.  |   |   |    |     |    |
| <b>Comments</b>  |   |   |    |     |    |
| Please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |   |   |    |     |    |





## NATIONAL ELECTIONS IN LIBERIA

| Overall Assessment of the Voting Process  |  |
|---|--|
| <b>Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this</b>  |  |
| Very Good - No significant incidents or irregularities  |  |
| Good - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process   |  |
| Poor - Incidents or irregularities that have the potential to affect the integrity of the process   |  |
| Very Poor - Incidents or irregularities of such magnitude that the integrity of the process is in doubt.  |  |
| <b>Comments</b>   |  |
| <b>Instructions:</b> In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |  |
|   |  |



NATIONAL ELECTIONS IN LIBERIA

|  |   |   |     |
|--|---|---|-----|
|  <p><b>Liberia Elections<br/>October 11, 2011</b></p>   |   | <b>Observer Team#:</b> _____<br><b>Magisterial Area:</b> _____ <b>Polling Precinct#:</b> _____<br><b>District:</b> _____ <b>Arrival Time:</b> _____ am pm<br><b>Polling Place #:</b> _____ <b>Departure Time:</b> _____ am pm |     |
| <b>Poll Closing and Vote Counting Check List</b>   |   |   |     |
| Urban <input type="checkbox"/> Rural <input type="checkbox"/>  |   |   |     |
|  |   | Yes   | No  |
|  |   | N/A   | D/K |
| <b>Poll Closing</b>  |   |   |     |
| 1  | Were all voters who were in line at 18:00h allowed to vote?   |   |     |
| 2  | Were all voters who arrived after 18:00h turned away without voting?  |   |     |
| 3  | Was the closing of the polling place peaceful and free of disruptive or violent incidents?  |   |     |
| 4  | Did the presiding officer seal the slots of all ballot boxes and record the serial # on the 'Record of Seals Form'?   |   |     |
| 5  | Did the party/cand. agents sign the 'Record of Seals Form'?   |   |     |
| <b>Counting and Reconciliation</b>   |   |   |     |
| 6  | When did the count begin? _____ pm  |   |     |
| 7  | Were the parties/candidates agents present to observe closing procedures? Please indicate the number of agents present.<br>UP <input type="checkbox"/> CDC <input type="checkbox"/><br>LP <input type="checkbox"/> NUDP <input type="checkbox"/>  |   |     |
| 8  | Were the domestic observers present to observe the procedures? Please indicate the number of observers present.<br>Mano River Women Peace Network <input type="checkbox"/> ECC umbrella <input type="checkbox"/><br>Other _____      Liberia Council of Churches <input type="checkbox"/> |   |     |
| 9  | Were the observers and agents able to effectively observe the process?  |   |     |
| <b>Note: Questions 10-11 will require you to speak to poll workers. Please do so only when this will not disrupt the voting process.</b> |   |   |     |
| 10   | No. of poll workers present _____ No. of female poll workers _____  |   |     |
| 11   | No. of female domestic observers _____ No. of female agents observers _____   |   |     |
| 12   | When counting began did it appear that the ballot boxes were free from tampering?   |   |     |
| 12   | Did the Presiding Officer open each ballot box in the presence of candidates or their representatives?  |   |     |
| 12   | Were the spoiled, discarded and unused ballots counted and recorded in accordance with procedures?  |   |     |
| 13   | Was the count of the ballots carried out in line with the procedures?   |   |     |
| 14   | Were the procedures for determining valid and invalid ballots dully followed?   |   |     |
| 15   | Was the environment in which counting was conducted peaceful?   |   |     |
| 16   | Was the polling place free from the presence of unauthorized persons during counting?   |   |     |
| 17   | Was the counting process free from interference (including by the security personnel)?  |   |     |
| 18   | Was the process free from official complaints recorded in the Journal?  |   |     |
| 19   | If complaints were made was the Presiding Officer accurately responding to these complaints?  |   |     |
| 20   | Did the Presiding Officer in the presence of candidates or their agents, seal the ballot boxes after counting?  |   |     |
| 21   | Did the presiding officer record the seal numbers in the 'Record of Seals Form' and read aloud numbers of recorded seals for agents and observers?  |   |     |
| 22   | Were the procedures followed in the cases of irregularities?  |   |     |
| 23   | Were the results sheets handed over to the party agents and displayed at the polling place ?  |   |     |
| 24   | Did all party/cand. agents sign the 'Record of the Count' forms?  |   |     |
| 25   | Were all election materials packed and handed over to the Election Supervising Team in accordance with procedures?  |   |     |
| 26   | Did the Presiding Officer fill in the 'Transfer of Election Material After Counting Form'?  |   |     |
| 26   | When did the count end? _____ am pm   |   |     |
| 27   | When were results from the polling place displayed _____ am pm  |   |     |



NATIONAL ELECTIONS IN LIBERIA

| Overall Assessment  |  |  |  |  |
|---|--|--|--|--|
| <b>Instructions for this Section:</b> Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.  |  |  |  |  |
| Very Good - No significant incidents or irregularities  |  |  |  |  |
| Good - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process   |  |  |  |  |
| Poor - Incidents or irregularities that have the potential to affect the integrity of the process   |  |  |  |  |
| Very Poor - Incidents or irregularities of such magnitude that the integrity of the process is in doubt.  |  |  |  |  |
| Comments  |  |  |  |  |
| <b>Instructions:</b> In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |  |  |  |  |



NATIONAL ELECTIONS IN LIBERIA

|  <p>THE<br/>CARTER CENTER</p> <p><b>Liberia Elections<br/>October 11, 2011</b></p>  |                           | <b>Observers team#:</b>  |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
|--|---------------------------|--------------------------|------------------------|--------------------------|------------------------------|----------------------------|--------------------------|--|--------------|--------------------------|--------|----|--|--|--|-----|--|--|--|----|--|--|--|------|--|--|--|-----|--|--|--|-----|--|--|--|----------------------------------|--|--|--|--------------|--|--|--|----------------------------------|--|--|--|--------------|--|--|--|
|  |                           | <b>Magisterial Area:</b> |                        |                          | <b>Polling Precinct#:</b>    |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
|  |                           | <b>District:</b>         |                        |                          | <b>Arrival Time:</b> am pm   |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
|  |                           | <b>Polling Place #:</b>  |                        |                          | <b>Departure Time:</b> am pm |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| <b>Results Check List</b>  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| <b>Number of registered Voters:</b>  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| <b>Elections Type</b>  | <b>No. of b. received</b> | <b>No. of b. casted</b>  | <b>No. of valid b.</b> | <b>No. of b. invalid</b> | <b>No. of b. unused</b>      | <b>No. of b. discarded</b> | <b>No. of b. spoiled</b> |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| Presidential   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| Senate   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| HoR  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 33.33%;">Presidential</th> <th style="width: 33.33%;">House of Representatives</th> <th style="width: 13.34%;">Senate</th> </tr> </thead> <tbody> <tr><td>UP</td><td></td><td></td><td></td></tr> <tr><td>CDC</td><td></td><td></td><td></td></tr> <tr><td>LP</td><td></td><td></td><td></td></tr> <tr><td>NUDP</td><td></td><td></td><td></td></tr> <tr><td>NDC</td><td></td><td></td><td></td></tr> <tr><td>LTP</td><td></td><td></td><td></td></tr> <tr><td>Other political parties in total</td><td></td><td></td><td></td></tr> <tr><td>First indep.</td><td></td><td></td><td></td></tr> <tr><td>Other indep. candidates in total</td><td></td><td></td><td></td></tr> <tr><td><b>TOTAL</b></td><td></td><td></td><td></td></tr> </tbody> </table> |                           |                          |                        |                          |                              |                            |                          |  | Presidential | House of Representatives | Senate | UP |  |  |  | CDC |  |  |  | LP |  |  |  | NUDP |  |  |  | NDC |  |  |  | LTP |  |  |  | Other political parties in total |  |  |  | First indep. |  |  |  | Other indep. candidates in total |  |  |  | <b>TOTAL</b> |  |  |  |
|  | Presidential              | House of Representatives | Senate                 |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| UP   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| CDC  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| LP   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| NUDP   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| NDC  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| LTP  |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| Other political parties in total   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| First indep.   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| Other indep. candidates in total   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |
| <b>TOTAL</b>   |                           |                          |                        |                          |                              |                            |                          |  |              |                          |        |    |  |  |  |     |  |  |  |    |  |  |  |      |  |  |  |     |  |  |  |     |  |  |  |                                  |  |  |  |              |  |  |  |                                  |  |  |  |              |  |  |  |



NATIONAL ELECTIONS IN LIBERIA

| <b>Liberia Run-off Elections</b><br><b>November 8, 2011</b>  |   | Mag. Area:       | No. of reg. voters:                        |     |     |
|--|---|------------------|--|-----|-----|
|  |   | Observer Team#:  | Polling Precinct#:                         |     |     |
|  |   | District#:       | Arrival Time:                      am pm   |     |     |
|  |   | Polling Place #: | Departure Time:                      am pm |     |     |
| <b>Opening Check List</b>  |   |                  |  |     |     |
| Urban <input type="checkbox"/> Rural <input type="checkbox"/>  |   |                  |  |     |     |
|  |   | Yes              | No   | N/A | D/K |
| 1  | Was the environment outside the polling place peaceful and free from intimidation?  |                  |  |     |     |
| 2  | Was the polling place accessible to all voters including the disabled?  |                  |  |     |     |
| 3  | Was the polling place free from campaigning and campaign materials within 100m of the entrance?   |                  |  |     |     |
| 4  | Was the station laid out in a manner that facilitated easy flow of voters?  |                  |  |     |     |
| 5  | Was the police/security presence at the polling place in accordance with the procedures?  |                  |  |     |     |
| 6  | Was the process free from interference/intimidation (including by security personnel)?  |                  |  |     |     |
| 7  | Was the polling place free from any unauthorized persons?   |                  |  |     |     |
| 8  | Did the Polling Center open at 08:00? If not what time did it open? _____ If the polling station did not open at 08:00 please check all applicable reasons why:<br>Insufficient election materials <input type="checkbox"/> Confusion about procedures <input type="checkbox"/><br>Poll workers absence <input type="checkbox"/> Disorder/Security issue <input type="checkbox"/> |                  |  |     |     |
| 9  | Were the parties/candidates agents present to observe the opening procedures? Please indicate the <b>number</b> of agents present →<br>UP <input type="checkbox"/> CDC <input type="checkbox"/><br>Total# <input type="checkbox"/>  |                  |  |     |     |
| 10   | Were the domestic observers present to observe the procedures? Please indicate the <b>number</b> of observers present<br>Mano River Women Peace Network <input type="checkbox"/> ECC umbrella <input type="checkbox"/><br>Other _____                      Liberia Council of Churches <input type="checkbox"/> Total # <input type="checkbox"/>                                  |                  |  |     |     |
| 11   | Were the observers and agents able to effectively observe the process?                      →                      →  |                  |  |     |     |
| <b>Note: Questions 12 and 13 will require you to speak to poll workers. Please do so only when this will not disrupt the voting process.</b>   |   |                  |  |     |     |
| 12   | No. of poll workers present _____                      No. of female party agents _____   |                  |  |     |     |
| 13   | No. of female poll workers _____                      No. of other female observers _____   |                  |  |     |     |
| 14   | Were the opening procedures followed?   |                  |  |     |     |
| 15   | Did the Presiding Officer record all required information in the Presiding Officer's Worksheet?   |                  |  |     |     |
| 16   | Was the total number of ballots received 550?   |                  |  |     |     |
| 17   | Were the poll workers performing in an impartial and non partisan manner?   |                  |  |     |     |
| 18   | Was the ballot box presented as empty to all present including party agents, candidates and observers?  |                  |  |     |     |
| 19   | Was the ballot box sealed with numbered seals by the Presiding Officer?   |                  |  |     |     |
| 20   | Were the numbers of the seals recorded on the 'Record of Seals Forms'?  |                  |  |     |     |
| 21   | Were the party/cand. agents and domestic observers able to record the numbers of the seals?   |                  |  |     |     |
| 22   | Was the polling place free from any problems prior to your arrival? (reported by Domestic Observers)  |                  |  |     |     |
| 23   | Was the process free from official complaints?  |                  |  |     |     |
| 24   | If complaints were made were they recorded in the Journal?  |                  |  |     |     |
| 25   | If complaints were made was the Presiding Officer accurately responding to these complaints?  |                  |  |     |     |
| <b>Overall Assessment</b>  |   |                  |  |     |     |
| <b>Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.</b>                                   |   |                  |  |     |     |
| Very Good - No significant incidents or irregularities   |   |                  |  |     |     |
| Good - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process  |   |                  |  |     |     |
| Poor - Incidents or irregularities that have the potential to affect the integrity of the process  |   |                  |  |     |     |
| Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt  |   |                  |  |     |     |
| <b>Comments</b>  |   |                  |  |     |     |
| Please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |   |                  |  |     |     |



NATIONAL ELECTIONS IN LIBERIA

|   |  |                              |
|---|--|------------------------------|
| <p><b>Liberia Run-Off Elections<br/>November 8, 2011</b></p>  | <b>Magisterial Area:</b>   | <b>No. of reg. voters:</b>   |
|   | <b>Observer Team#:</b>   | <b>Polling Precinct#:</b>    |
|   | <b>District#:</b>  | <b>Arrival Time:</b> am pm   |
|   | <b>Polling Place #:</b>  | <b>Departure Time:</b> am pm |
| <b>Polling Check List</b>   |  |                              |
| Urban <input type="checkbox"/> Rural <input type="checkbox"/><br>Repeat visit? <input type="checkbox"/>                                 |  | Yes No N/A D/K               |
| <b>Outside the Polling Place</b>  |  |                              |
| 1   | Was the environment outside the polling place peaceful and free from intimidation?   |                              |
| 2   | Was the polling place accessible to all voters including the disabled?   |                              |
| 3   | Was the polling place free from campaigning and campaigning materials within 100m of the entrance?   |                              |
| 4   | Was the police/security presence at the polling place in accordance with procedures?   |                              |
| <b>Inside the Polling Place</b>   |  |                              |
| <b>Note:</b> Questions 5-8 will require you to speak to a poll worker. Please do so only when this will not disrupt the voting process. |  |                              |
| 5   | No. of voters who voted so far _____   |                              |
| 6   | No. of spoiled ballots recorded by the time departure/closure _____ No. of poll workers present _____  |                              |
| 7   | No. of female poll workers _____ No. of female domestic observers _____  |                              |
| 8   | No. of female agents observers _____   |                              |
| 9   | Was the total number of ballots received 550?  |                              |
| 10  | Were all ballot boxes properly sealed?   |                              |
| 11  | Were the poll workers performing in an impartial and non partisan manner?  |                              |
| 12  | Were all adequate election materials available for all registered voters?  |                              |
| 13  | Was the environment inside the polling place peaceful and free from intimidation?  |                              |
| 14  | Was the station laid out in a manner that facilitated easy flow of voters?   |                              |
| 15  | Was the process free from interference/intimidation (including by security personnel)?   |                              |
| 16  | Was the polling place free form any unauthorized persons?  |                              |
| 17  | Were the parties/candidates agents present to observe the opening procedures? Please indicate the <b>number</b> of agents present. →<br>UP <input type="checkbox"/> CDC <input type="checkbox"/><br>Total#: <input type="checkbox"/>   |                              |
| 18  | Were the domestic observers present to observe the proceduras? Please indicate the <b>number</b> of observers present. →<br>Mano River Women Peace Network <input type="checkbox"/> ECC umbrella <input type="checkbox"/><br>Other _____ Total#: <input type="checkbox"/> Liberia Council of Churches <input type="checkbox"/> |                              |
| 19  | Were the observers and agents able to effectively observe the process?   |                              |
| 20  | Was the polling place free from any problems prior to your arrival? (reported by Domestic Observers) →   |                              |
| <b>Polling</b>  |  |                              |
| 21  | Was every voter identified according to the procedures?  |                              |
| 22  | Were all additions to the Final Registration Roll done in accordance with procedures?  |                              |
| 23  | Were voters' fingers checked for traces of indelible ink? ( except the left index finger all fingers should be free from the ink stains)   |                              |
| 24  | Was every voter's left pinky finger marked with indelible ink?   |                              |
| 25  | Was every voter's name ticked on the Final Registration Roll?  |                              |
| 26  | Was every voter's VRC punched?   |                              |
| 27  | Were all ballots issued to voters stamped in accordance with procedures?   |                              |
| 28  | Did the poll workers explain to the voters how to correctly mark the ballot?   |                              |
| 29  | Did the poll workers clearly demonstrate to the voters how to correctly fold their ballots   |                              |
| 30  | Was every ineligible voter truned away?  |                              |
| 31  | Was every eligibile voter allowed to vote?   |                              |
| 32  | Was the name of every registered voter found on Final Registration Roll?   |                              |
| 33  | Was the process free from any listed irregularities? If NO tick the proper box →<br>Proxy voting <input type="checkbox"/> Group voting <input type="checkbox"/><br>Other _____ Under-age voting <input type="checkbox"/> Multiple voting <input type="checkbox"/>  |                              |
| 34  | Was the assistance to the voters when required provided in line with procedures?   |                              |
| 35  | Was the secrecy of vote maintained?  |                              |
| 36  | Was the process carried out smoothly?  |                              |
| 37  | Were the polling procedures followed in general?   |                              |
| 38  | Was the process free from official complaints?   |                              |
| 39  | If complaints were made were they recorded in the Journal?   |                              |
| 40  | If complaints were made was the Presiding Officer accurately responding to these complaints?   |                              |



## NATIONAL ELECTIONS IN LIBERIA

| Overall Assessment of the Voting Process  |  |
|---|--|
| <b>Instructions for this Section:</b> Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this  |  |
| Very Good - No significant incidents or irregularities  |  |
| Good - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process   |  |
| Poor - Incidents or irregularities that have the potential to affect the integrity of the process   |  |
| Very Poor - Incidents or irregularities of such magnitude that the integrity of the process is in doubt.  |  |
| <b>Comments</b>   |  |
| <b>Instructions:</b> In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |  |
|   |  |



NATIONAL ELECTIONS IN LIBERIA

|  |  |                                 |
|--|--|---------------------------------|
|  <p style="text-align: center;"><b>Liberia Run-Off Elections</b><br/>November 8, 2011</p> | <b>Magisterial Area:</b>   | <b>No. of reg. voters:</b>      |
|  | <b>Observer Team#:</b>   | <b>Polling Precinct#:</b>       |
|  | <b>District#:</b>  | <b>Arrival Time:</b> am    pm   |
|  | <b>Polling Place #:</b>  | <b>Departure Time:</b> am    pm |
| <b>Closing and Vote Counting Check List</b>  |  |                                 |
| Urban <input type="checkbox"/>   | Rural <input type="checkbox"/>   |                                 |
|  |  | Yes    No    N/A    D/K         |
| <b>Poll Closing</b>  |  |                                 |
| 1  | Were all voters who were in line at 18:00h allowed to vote?  |                                 |
| 2  | Were all voters who arrived after 18:00h turned away without voting?   |                                 |
| 3  | Was the closing of the polling place peaceful and free of disruptive or violent incidents?   |                                 |
| 4  | Did the presiding officer seal the slots of all ballot boxes and record the serial # on the 'Record of Seals Form'?  |                                 |
| 5  | Did the party/cand. agents sign the 'Record of Seals Form'?  |                                 |
| 6  | Were the closing procedures followed in general?   |                                 |
| <b>Counting and Reconciliation</b>   |  |                                 |
| 7  | When did the count begin? _____ pm   |                                 |
| 8  | Were the parties/candidates agents present to observe closing procedures? Please indicate the <b>number</b> of agents present. →<br><br>UP <input type="checkbox"/> CDC <input type="checkbox"/> Total# <input type="checkbox"/>   |                                 |
| 9  | Were the domestic observers present to observe the procedures? Please indicate the <b>number</b> of observers present. →<br><br>Mano River Women Peace Network <input type="checkbox"/> ECC umbrella <input type="checkbox"/><br>Other _____                      Liberia Council of Churches <input type="checkbox"/> Total# <input type="checkbox"/> |                                 |
| 10   | Were the observers and agents able to effectively observe the process? →   |                                 |
| <b>Note: Questions 11 and 12 will require you to speak to poll workers. Please do so only when this will not disrupt the voting process.</b>                               |  |                                 |
| 11   | No. of poll workers present _____ No. of female poll workers _____   |                                 |
| 12   | No. of female domestic observers _____ No. of female agents observers _____  |                                 |
| 13   | When counting began did it appear that the ballot boxes were free from tampering?  |                                 |
| 14   | Did the Presiding Officer open each ballot box in the presence of candidates or their representatives?   |                                 |
| 15   | Were the spoiled, discarded and unused ballots counted and recorded in accordance with procedures?   |                                 |
| 16   | Was the count of the ballots carried out in line with the procedures?  |                                 |
| 17   | Were the procedures for determining valid and invalid ballots dully followed?  |                                 |
| 18   | Was the environment in which counting was conducted peaceful?  |                                 |
| 19   | Was the polling place free from the presence of unauthorized persons during counting?  |                                 |
| 20   | Was the counting process free from interference (including by the security personnel)?   |                                 |
| 21   | Was the polling place free from any problems prior to your arrival? (reported by Domestic Observers)   |                                 |
| 22   | Was the process free from official complaints recorded in the Journal?   |                                 |
| 23   | If complaints were made was the Presiding Officer accurately responding to these complaints?   |                                 |
| 24   | Did the Presiding Officer, in the presence of candidates or their agents, seal the ballot boxes after counting?  |                                 |
| 25   | Did the presiding officer record the seal numbers in the 'Record of Seals Form' and read aloud numbers of recorded seals for agents and observers?   |                                 |
| 26   | Were the procedures followed in the cases of irregularities?   |                                 |
| 27   | Were the results sheets handed over to the party agents and displayed at the polling place ?   |                                 |
| 28   | Did all party/cand. agents sign the 'Record of the Count' forms?   |                                 |
| 29   | Were all election materials packed and handed over to the Election Supervising Team in accordance with procedures?   |                                 |
| 30   | Did the Presiding Officer fill in the 'Transfer of Election Material After Counting Form'?   |                                 |
| 31   | Were the reconciliation and counting procedures followed in general?   |                                 |
| 32   | When did the count end? _____ am    pm   |                                 |
| 33   | When were results from the polling place displayed _____ am    pm  |                                 |



NATIONAL ELECTIONS IN LIBERIA

| Overall Assessment  |  |
|---|--|
| <b>Instructions for this Section:</b> Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.  |  |
| <b>Very Good</b> - No significant incidents or irregularities   |  |
| <b>Good</b> - A few incidents or some minor irregularities, but that had no significant effect on the integrity of the process  |  |
| <b>Poor</b> - Incidents or irregularities that have the potential to affect the integrity of the process  |  |
| <b>Very Poor</b> - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.   |  |
| Comments  |  |
| <b>Instructions:</b> In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form. |  |



NATIONAL ELECTIONS IN LIBERIA

|   |                          |           |                              |        |          |       |         |      |
|---|--------------------------|-----------|------------------------------|--------|----------|-------|---------|------|
|  <p>THE<br/>CARTER CENTER</p> <p><b>Liberia Run-Off Elections<br/>November 8, 2011</b></p> | <b>Magisterial Area:</b> |           | <b>No. of reg. voters</b>    |        |          |       |         |      |
|   | <b>Observers team#:</b>  |           | <b>Polling Precinct#:</b>    |        |          |       |         |      |
|   | <b>District#:</b>        |           | <b>Arrival Time:</b> am pm   |        |          |       |         |      |
|   | <b>Polling Place #:</b>  |           | <b>Departure Time:</b> am pm |        |          |       |         |      |
| <b>Results Check List</b>   |                          |           |                              |        |          |       |         |      |
| <p>Please note the + and = signs below. The numbers should add up as shown.<br/>If they do not, please make a note as to why?</p>   |                          |           |                              |        |          |       |         |      |
| <b>Elections Type</b>   | cast                     | discarded | spoiled                      | unused | received | valid | invalid | cast |
| Presidential Run-Off  | +                        | +         | +                            | =      |          | +     | =       |      |
| <b>Results</b>  |                          |           |                              |        |          |       |         |      |
| UP  |                          |           |                              |        |          |       |         |      |
| CDC   |                          |           |                              |        |          |       |         |      |
| TOTAL   |                          |           |                              |        |          |       |         |      |



## APPENDIX G LETTER OF INVITATION



OFFICE OF THE CHAIRMAN

Republic of Liberia  
**NATIONAL ELECTIONS COMMISSION  
(NEC)**

TUBMAN BOULEVARD, SINKOR - P. O. BOX 2044  
MONROVIA, LIBERIA



FAX: +23177226246

**Ref: NEC- C/0223/09-10**

September 22, 2010

Atty. Chelsea Payne  
Country Representative/Access to Justice  
Project Lead  
The Carter Center/Liberia  
Mamba Point, Monrovia  
LIBERIA

Dear Atty. Payne:

I wish to present compliments on behalf of the Board of Commissioners of the National Elections Commission (NEC), and herein, inform you that the Commission has embarked on a number of key electoral activities leading to the holding of the Presidential and Legislative Elections in 2011. These activities include the conduct of Voters' Registration, Civic and Voters' Education and the delineation of electoral districts among others. As part of these ongoing activities, the Commission is currently preparing to conduct a successful Voters' Registration exercise which will commence on January 10, 2011. As you are aware, Voters' Registration constitutes a critical component of any given electoral process because without registered voters, you cannot have free, fair and credible elections.

In view of the foregoing, the Commission wishes to invite the Carter Center to send Observers to come and observe the entire Voters' Registration exercise from January 10, – February 6, 2011. Similarly, the Commission looks forward to receiving Observers from the Carter Center for the Presidential and Legislative elections scheduled to take place on October 11, 2011 throughout the Country. Thus, it is our fervent hope that this invitation is timely enough to enable you adequately prepare for these two important and historic events.

The continued support of the Carter Center to Liberia's post-war democratic process is much appreciated.

Kind regards.

Sincerely yours,

  
James M. Froman  
CHAIRMAN



# APPENDIX H OFFICIAL NEC RESULTS



Republic of Liberia  
NATIONAL ELECTIONS COMMISSION

## **National Tally Center Tally Report for the Presidential and Legislative Elections on 11 October 2011**

as of 25 Oct 2011 5:00 p





Republic of Liberia  
NATIONAL ELECTIONS COMMISSION



Presidential and Vice-Presidential Elections (Votes Order)

11 October 2011 Presidential and Legislative Elections Results as of 25 Oct 2011 5:00 p

4,457 of 4,457 Polling Places Reported

| Presidential Candidate    | Vice-Presidential Candidate | Political Party                               | Votes     | %      |
|---------------------------|-----------------------------|---|-----------|--------|
| JOHNSON-SIRLEAF, Ellen    | BOAKAI, Joseph Nyema        | Unity Party (UP)                              | 530,020   | 43.9%  |
| TUBMAN, Winston A.        | WEAH, George Manneh         | Congress for Democratic Change (CDC)          | 394,370   | 32.7%  |
| JOHNSON, Prince Yormie    | SUPUWOOD, James Lavelle     | National Union for Democratic Progress (NUDP) | 139,786   | 11.6%  |
| BRUMSKINE, Charles Walker | SIAKOR, Franklin O.         | Liberty Party (LP)                            | 65,800    | 5.5%   |
| SANDY, Kennedy Gbleyah    | WOLLOH, Alloyicious Dennis  | Liberia Transformation Party (LTP)            | 13,612    | 1.1%   |
| BEYAN, Gladys G. Y.       | DESHIELD, Edward G.         | Grassroot Democratic Party of Liberia (GDPL)  | 12,740    | 1.1%   |
| TIPOTEH, Togba-Nah        | MARSH, J. Rudolph           | Freedom Alliance Party of Liberia (FAPL)      | 7,659     | 0.6%   |
| MAYSON, Dew Tuan-Wleeh    | WOLKOLLIE, Dusty            | National Democratic Coalition (NDC)           | 5,819     | 0.5%   |
| NDEBE, Manjerngie Cecelia | ZUBAH, Zizi Kolubah         | Liberia Reconstruction Party (LRP)            | 5,746     | 0.5%   |
| FREEMAN, Simeon           | CROMAH, Cyrus               | Movement for Progressive Change (MPC)         | 5,559     | 0.5%   |
| JONES, Marcus Roland      | BORBOR, Monica Dokie        | Victory for Change Party (VCP)                | 5,305     | 0.4%   |
| GUSEH, James Sawalla      | GEORGE, Lawrence A.         | Citizens Unification Party (CUP)              | 5,025     | 0.4%   |
| ZOE, Hananiah             | FLOMO, Richard K.           | Liberia Empowerment Party (LEP)               | 4,463     | 0.4%   |
| CHEAPOO, SR., Chea Job    | TARWAY, Jeremiah            | Progressive People's Party (PPP)              | 4,085     | 0.3%   |
| CHELLEY, James Kpa        | WOAH-TEE, Jerry Kollie      | Original Congress Party of Liberia (OCPOL)    | 4,008     | 0.3%   |
| MASON, Jonathan A.        | SANDO, Jemeon Alphonso      | Union of Liberian Democrats (ULD)             | 2,645     | 0.2%   |
| <i>Total Valid Votes</i>  |                             |   | 1,206,642 | 100.0% |
| <i>Invalid Votes *</i>    |                             |   | 82,074    |        |
| <i>Total Votes</i>        |                             |   | 1,288,716 |        |

\* Invalid votes account for 6.4% of total votes.





Republic of Liberia  
NATIONAL ELECTIONS COMMISSION

Senate Elections (Top 3 Candidates per County)

11 October 2011 Presidential and Legislative Elections Results as of 25 Oct 2011 5:00 p



| County           | Polling Places Reported | Candidate                          | Votes  | %     | County      | Polling Places Reported | Candidate                         | Votes   | %     |
|------------------|-------------------------|------------------------------------|--------|-------|-------------|-------------------------|-----------------------------------|---------|-------|
| Bomi             | 128 of 128 (100.0%)     | JOHNSON, Sando Dazoo (NPP)         | 10,996 | 33.0% | Margibi     | 305 of 305 (100.0%)     | COOPER, Oscar A. (UP)             | 36,138  | 45.3% |
|                  |                         | DEVINE, Richard B. (UP)            | 7,497  | 22.5% |             |                         | SONI, Ansu Deo (IND)              | 18,715  | 23.5% |
|                  |                         | TOLBERT, Neh Dukuly (IND)          | 7,331  | 22.0% |             |                         | KAINE, Roland C. (ULD)            | 9,022   | 11.3% |
| Bong             | 420 of 420 (100.0%)     | YALLAH, Henry Willie (NDC)         | 29,804 | 26.2% | Maryland    | 133 of 133 (100.0%)     | MORAIS, H. Dan (NPP)              | 10,305  | 35.5% |
|                  |                         | JACKSON, Ranney Banana (UP)        | 29,023 | 25.6% |             |                         | MUSU-SCOTT, Gloria M. (UP)        | 6,135   | 21.1% |
|                  |                         | FLOMO, Augustus Jonathan (LP)      | 24,116 | 21.2% |             |                         | ANDERSON, James Norman (IND)      | 5,544   | 19.1% |
| Gbarpolu         | 105 of 105 (100.0%)     | JALLAH, Amah Zolu (NPP)            | 15,263 | 61.8% | Montserrado | 1477 of 1477 (100.0%)   | DOE-SHERIF, Geraldine M. (CDC)    | 233,038 | 52.7% |
|                  |                         | NAATEHN, SR., Daniel Flomo (UP)    | 6,450  | 26.1% |             |                         | BROWN, II., Lewis Garseedah (IND) | 129,255 | 29.2% |
|                  |                         | WESSO, A. Kame (LP)                | 2,414  | 9.8%  |             |                         | BILITY, Lesene F. (LP)            | 51,611  | 11.7% |
| Grand Bassa      | 336 of 336 (100.0%)     | WHITFIELD, JR., John Francis (NPP) | 23,490 | 31.4% | Nimba       | 566 of 566 (100.0%)     | GRUPEE, Thomas Semandahn (NUDP)   | 48,911  | 30.0% |
|                  |                         | CHEA, Daniel Lymus (IND)           | 23,072 | 30.8% |             |                         | GONGLOE-WEH, Edith Lianue (IND)   | 42,061  | 25.8% |
|                  |                         | INNIS, SR., Nathaniel K. (LP)      | 13,501 | 18.0% |             |                         | GBEISAY, SR., Yamie QuiQui (IND)  | 22,781  | 14.0% |
| Grand Cape Mount | 146 of 146 (100.0%)     | DAGOSEH, Edward Boakai (UP)        | 12,031 | 32.4% | River Gee   | 72 of 72 (100.0%)       | JAYE, Matthew N. (IND)            | 5,924   | 33.3% |
|                  |                         | KROMAH, Fodee (IND)                | 9,173  | 24.7% |             |                         | SOGBIE, Jonathan Boy Charles (UP) | 4,286   | 24.1% |
|                  |                         | DARBLO, SR., Matthew V. Z. (LP)    | 5,001  | 13.5% |             |                         | WILLIAMS, J. Nathaniel (LDP)      | 3,892   | 21.9% |
| Grand Gedeh      | 131 of 131 (100.0%)     | GAYE, Alphonso G. (UP)             | 10,499 | 35.2% | Rivercess   | 78 of 78 (100.0%)       | GUEH, Dallas Advertus V. (LDP)    | 6,604   | 37.8% |
|                  |                         | DENNIS, A. Marshall (LTP)          | 8,637  | 28.9% |             |                         | ZAHNWEA, Byron W. (CDC)           | 4,490   | 25.7% |
|                  |                         | NIMELY, Thomas Yaya (LP)           | 6,526  | 21.9% |             |                         | MOORE, George Dee (UP)            | 2,687   | 15.4% |
| Grand Kru        | 76 of 76 (100.0%)       | COLEMAN, Peter Sonpon (CDC)        | 6,250  | 33.8% | Sinoe       | 106 of 106 (100.0%)     | NAGBE, Joseph Nyenietue (APD)     | 10,770  | 46.4% |
|                  |                         | NELSON, Blamoh (APD)               | 5,392  | 29.2% |             |                         | QUIOH, Thomas Romeo (LP)          | 5,871   | 25.3% |
|                  |                         | SNEH, Rosalind Tonne (UP)          | 3,526  | 19.1% |             |                         | BARTEE, Nathaniel Sniweah (NDC)   | 5,747   | 24.7% |
| Lofa             | 378 of 378 (100.0%)     | TENGBEH, George Tamba (UP)         | 21,914 | 24.0% |             |                         |                                   |         |       |
|                  |                         | ZARGO, Stephen Jorgbor H. (LP)     | 13,536 | 14.8% |             |                         |                                   |         |       |
|                  |                         | KPARKILLEN, Stanley S. (IND)       | 13,391 | 14.7% |             |                         |                                   |         |       |





Republic of Liberia  
NATIONAL ELECTIONS COMMISSION



House of Representatives Elections (Top 2 Candidates per Electoral District)

11 October 2011 Presidential and Legislative Elections Results as of 25 Oct 2011 5:00 p

| County      | ED* | Polling Places Reported | Candidate                             | Votes | %     | County           | ED                | Polling Places Reported            | Candidate                     | Votes                      | %     |       |
|-------------|-----|-------------------------|---------------------------------------|-------|-------|------------------|-------------------|------------------------------------|-------------------------------|----------------------------|-------|-------|
| Bomi        | 1   | 43 of 43 (100.0%)       | KARMO, Samuel Gayah (UP)              | 2,576 | 23.6% | Grand Cape Mount | 1                 | 47 of 47 (100.0%)                  | VINCENT, Aaron Bondokai (NRP) | 2,694                      | 25.9% |       |
|             |     |                         | COOPER, Tarnue H. (CDC)               | 1,999 | 18.3% |                  |                   |                                    |                               | TAYLOR, Simeon Boima (CDC) | 2,101 | 20.2% |
|             | 2   | 44 of 44 (100.0%)       | TYLER, SR., Jenekai Alex (UP)         | 3,976 | 35.3% |                  | 2                 | 49 of 49 (100.0%)                  | SONII, Mambu M. (LP)          | 4,293                      | 33.1% |       |
| Bong        | 3   | 41 of 41 (100.0%)       | JOHNSON, SR., Manah Bishop (NDC)      | 1,986 | 17.7% | 3                | 50 of 50 (100.0%) | WARE, SR., Mohammed Abraham (IND)  | 1,806                         | 13.9%                      |       |       |
|             |     |                         | SIRYON, Haja Fata (UP)                | 4,996 | 45.3% |                  |                   | PAASEWE, Charles Boima (LP)        | 2,552                         | 18.7%                      |       |       |
|             |     |                         | DAVIS, JR., Ballah K. M. (NDPL)       | 2,076 | 18.8% | 1                | 37 of 37 (100.0%) | PENNUE, Zoe Emmanuel (IND)         | 2,340                         | 17.1%                      |       |       |
| Bong        | 1   | 64 of 64 (100.0%)       | MULBAH, Tokpah J. (CDC)               | 3,279 | 18.9% | 2                | 44 of 44 (100.0%) | WAYLEE, Morris Tarwoe (UP)         | 5,851                         | 57.1%                      |       |       |
|             |     |                         | KORKOYA, Jerome George (UP)           | 2,321 | 13.4% | 3                | 50 of 50 (100.0%) | CHARAFEDDINE, Camille Vleudy (CDC) | 3,057                         | 29.8%                      |       |       |
|             | 2   | 56 of 56 (100.0%)       | MOYE, Prince Karmue (UP)              | 9,443 | 65.2% |                  |                   | WALLO, Pyne (NDC)                  | 1,941                         | 21.6%                      |       |       |
|             | 3   | 55 of 55 (100.0%)       | SAYBAY, James Karpsee (LP)            | 2,107 | 14.5% | 1                | 36 of 36 (100.0%) | GRANT, Alex Chersia (MPC)          | 1,865                         | 15.4%                      |       |       |
| Bong        | 4   | 60 of 60 (100.0%)       | PAYE, Lester M. (IND)                 | 2,875 | 16.7% | 2                | 44 of 44 (100.0%) | KARYEE, William Surveysa (CCPOL)   | 1,515                         | 14.0%                      |       |       |
|             |     |                         | MATOR, Susannah Lorpui (APD)          | 2,698 | 15.7% | 3                | 50 of 50 (100.0%) | BLAMOH, George Wessah (UP)         | 3,852                         | 41.2%                      |       |       |
|             | 5   | 59 of 59 (100.0%)       | KARFIAH, Edward Women (NDC)           | 2,933 | 20.1% |                  |                   | SCERE, Alexander Blotey (CDC)      | 1,930                         | 20.6%                      |       |       |
|             | 6   | 62 of 62 (100.0%)       | CORNEH, Adam Bill (NFP)               | 2,258 | 15.5% | 2                | 40 of 40 (100.0%) | BARTEKWA, Numene T. H. (MPC)       | 2,433                         | 27.0%                      |       |       |
| Bong        | 7   | 64 of 64 (100.0%)       | BRIGGS, Moley Augustus (NDC)          | 2,564 | 15.0% |                  |                   | KOFFA, Jonathan Fonati (LP)        | 2,059                         | 22.9%                      |       |       |
|             |     |                         | BARCLAY, Corpu G. (UP)                | 3,438 | 21.5% | 1                | 69 of 69 (100.0%) | KPARKAR, Eugene Falah (LP)         | 12,135                        | 69.8%                      |       |       |
|             | 1   | 32 of 32 (100.0%)       | KOIWOOD, Alfred Gaylor (CDC)          | 2,274 | 28.1% | 2                | 71 of 71 (100.0%) | BAIMBA, SR., Fofi Sahr (UP)        | 5,237                         | 34.9%                      |       |       |
|             | 2   | 38 of 38 (100.0%)       | GBOGAR, Malai Gouto (LP)              | 3,076 | 34.9% |                  |                   | KPOTO, Momo Siata (LP)             | 2,746                         | 18.3%                      |       |       |
| Bong        | 3   | 35 of 35 (100.0%)       | LAMIN, Gertrude T. (UP)               | 1,492 | 19.8% | 3                | 72 of 72 (100.0%) | MASSAQUOI, Clarence (UP)           | 9,340                         | 53.2%                      |       |       |
|             |     |                         | KOLLE, George Blama (CDC)             | 1,409 | 18.7% | 4                | 85 of 85 (100.0%) | NGAIMA, Samuel Kpehe (LP)          | 4,475                         | 25.5%                      |       |       |
|             |     |                         | BARGHUE, Hans M. (IND)                | 4,799 | 33.1% | 5                | 81 of 81 (100.0%) | FOFANA, Maniamu Beyan (UP)         | 4,631                         | 22.8%                      |       |       |
| Grand Bassa | 1   | 71 of 71 (100.0%)       | SPILLER, Austin Wreemongar (UP)       | 2,223 | 15.4% |                  |                   | KFADEH, Ruth Kiabeh (IND)          | 2,574                         | 12.7%                      |       |       |
|             | 2   | 71 of 71 (100.0%)       | KARWOR, Mary M. (UP)                  | 3,425 | 25.0% | 1                | 59 of 59 (100.0%) | SHARPE, William Garway (UP)        | 6,383                         | 41.7%                      |       |       |
|             | 3   | 64 of 64 (100.0%)       | SMITH, Gabriel Buchanan (IND)         | 6,818 | 38.3% | 2                | 66 of 66 (100.0%) | ZAYZAY, Ballah Gaylor (UP)         | 3,514                         | 23.0%                      |       |       |
| Grand Bassa | 4   | 68 of 68 (100.0%)       | BARWON, Elizabeth Maru-pleh (UP)      | 3,794 | 21.3% | 3                | 61 of 61 (100.0%) | ROBINSON, Joshua Vellen (CDC)      | 4,993                         | 27.0%                      |       |       |
|             |     |                         | BROWNE, Jeh Byron (LP)                | 5,155 | 33.9% | 4                | 60 of 60 (100.0%) | KAFI, JR., Stephen S. (IND)        | 4,577                         | 30.0%                      |       |       |
|             | 5   | 62 of 62 (100.0%)       | TUKUE, Fred Dahndy (UP)               | 2,178 | 14.3% | 5                | 57 of 57 (100.0%) | WREH, Prince Anything (IND)        | 2,479                         | 16.2%                      |       |       |
| Grand Bassa |     |                         | SIAWAY, SR., Robertson Niwendeh (APD) | 4,328 | 32.9% |                  |                   | FOFANA, Bern A. (UP)               | 6,575                         | 42.7%                      |       |       |
|             |     |                         | GBOR, Johnson Y. (LP)                 | 2,059 | 15.6% | 1                | 57 of 57 (100.0%) | NUQUAY, Emmanuel James (UP)        | 7,145                         | 48.9%                      |       |       |
| Grand Bassa |     |                         | BENNIE, Charles D. (LP)               | 3,043 | 20.8% |                  |                   |                                    |                               |                            |       |       |

\* ED = Electoral District





NATIONAL ELECTIONS IN LIBERIA



Republic of Liberia  
NATIONAL ELECTIONS COMMISSION

House of Representatives Elections (Top 2 Candidates per Electoral District)  
11 October 2011 Presidential and Legislative Elections Results as of 25 Oct 2011 5:00 p

| County      | ED* | Polling Places Reported   | Candidate                         | Votes  | %     | County            | ED*                        | Polling Places Reported            | Candidate                       | Votes                    | %     |       |
|-------------|-----|---------------------------|-----------------------------------|--------|-------|-------------------|----------------------------|------------------------------------|---------------------------------|--------------------------|-------|-------|
| Maryland    | 1   | 42 of 42 (100.0%)         | BINEY, James Pobee (NPP)          | 2,579  | 26.4% | Montserrado       | 16                         | 94 of 94 (100.0%)                  | FORH, Edward S. (CDC)           | 7,202                    | 26.1% |       |
|             |     |                           | JURRY, P. Mike (LTP)              | 1,964  | 20.1% |                   |                            |                                    |                                 | CONTO, P. Manasseh (LTP) | 4,225 | 15.3% |
|             | 2   | 43 of 43 (100.0%)         | CHAMBERS, Bhofof (CDC)            | 4,171  | 41.1% |                   | 17                         | 95 of 95 (100.0%)                  | DAKEL SR., William Varney (NDC) | 5,024                    | 18.5% |       |
| Montserrado | 3   | 48 of 48 (100.0%)         | SAYTUE, Gripman (LTP)             | 1,854  | 18.3% |                   |                            |                                    | KETTOR, William Saah (CDC)      | 4,102                    | 15.1% |       |
|             |     |                           | ROLAND, Isaac Blatu (LP)          | 1,549  | 16.7% | 1                 | 57 of 57 (100.0%)          | KOUNG, Jeremiah Kpan (NUDP)        | 5,667                           | 35.4%                    |       |       |
|             |     |                           | SAYDEE, David Gwiah (UP)          | 1,501  | 16.2% | 2                 | 70 of 70 (100.0%)          | KIDAU, Nohn Rebecca (UP)           | 2,889                           | 18.1%                    |       |       |
| Montserrado | 1   | 92 of 92 (100.0%)         | FRANCIS, Josephine M. George (UP) | 2,763  | 12.2% | 3                 | 87 of 87 (100.0%)          | WOLEH, Samuel G. Z. (NUDP)         | 3,868                           | 21.1%                    |       |       |
|             | 2   | 80 of 80 (100.0%)         | YARKPAZUA, Emmanuel D. (NRP)      | 2,173  | 9.6%  | 4                 | 83 of 83 (100.0%)          | YALUE, JR., Garrison (NUDP)        | 2,748                           | 15.0%                    |       |       |
|             | 3   | 83 of 83 (100.0%)         | SMITH, Jimmy W. (CDC)             | 6,600  | 27.5% | 5                 | 57 of 57 (100.0%)          | KOGAR, Samuel Gongben (NUDP)       | 8,286                           | 43.4%                    |       |       |
|             | 4   | 90 of 90 (100.0%)         | FLOMO, David Sumonwui (CDC)       | 5,607  | 22.5% | 6                 | 56 of 56 (100.0%)          | TOWEH, Ricks Yeah (NUDP)           | 3,018                           | 15.8%                    |       |       |
|             | 5   | 87 of 87 (100.0%)         | FALLAH, Thomas Pangar (CDC)       | 7,824  | 29.7% | 7                 | 86 of 88 (100.0%)          | WILES, Michael Misan (IND)         | 2,925                           | 15.5%                    |       |       |
|             | 6   | 84 of 84 (100.0%)         | SUAH, SR., Alexander Allieu (UP)  | 4,879  | 18.5% | 8                 | 85 of 85 (100.0%)          | YOUNQUOI, Larry P. (APD)           | 3,087                           | 17.8%                    |       |       |
|             | 7   | 89 of 89 (100.0%)         | SNOWE, JR., Edwin Melvin (IND)    | 13,262 | 51.0% | 9                 | 63 of 63 (100.0%)          | TINGBAN, Richard Matenokay (IND)   | 2,996                           | 17.3%                    |       |       |
|             | 8   | 95 of 95 (100.0%)         | GEORGE, Solomon Claudius (CDC)    | 7,004  | 25.9% | 1                 | 24 of 24 (100.0%)          | CHEA, Johnson Toe (NDC)            | 4,768                           | 29.4%                    |       |       |
|             | 9   | 87 of 87 (100.0%)         | GRAY, Acarius Moses (CDC)         | 3,976  | 14.7% | 2                 | 23 of 23 (100.0%)          | CHEA, Christian Shorten (UP)       | 2,320                           | 14.3%                    |       |       |
|             | 10  | 87 of 87 (100.0%)         | DEAN, JR., Frank Musah (UP)       | 4,548  | 17.5% | 3                 | 25 of 25 (100.0%)          | YOUNGE, Francis Saywan (LP)        | 3,508                           | 17.5%                    |       |       |
|             | 11  | 78 of 78 (100.0%)         | KRAH, Jeremiah O. (UP)            | 4,738  | 17.8% | 4                 | 25 of 25 (100.0%)          | BARDYL, Charles K. (UP)            | 2,981                           | 14.8%                    |       |       |
|             | 12  | 78 of 78 (100.0%)         | PEWEE, Garbee F. (CDC)            | 7,824  | 29.7% | 5                 | 63 of 63 (100.0%)          | YOUNG, Francis Saywan (LP)         | 6,047                           | 31.6%                    |       |       |
|             | 13  | 88 of 89 (100.0%)         | FALLAH, Thomas Pangar (CDC)       | 7,824  | 29.7% | 6                 | 36 of 38 (100.0%)          | DUKENEH, George L. (IND)           | 4,579                           | 24.0%                    |       |       |
|             | 14  | 85 of 85 (100.0%)         | WEAHL, JR., John J. (IND)         | 4,750  | 17.5% | 7                 | 35 of 35 (100.0%)          | WEATO, Peter, Yealamie Buahm (IND) | 2,939                           | 16.4%                    |       |       |
|             | 15  | 85 of 85 (100.0%)         | WEAHL, JR., John J. (IND)         | 4,750  | 17.5% | 8                 | 35 of 35 (100.0%)          | WILES, Michael Misan (IND)         | 1,673                           | 27.5%                    |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 9     | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 938                                | 15.4%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 10    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 2,334                              | 39.1%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 11    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 2,168                              | 36.3%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 12    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,829                              | 32.2%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 13    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,395                              | 24.5%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 14    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 2,117                              | 25.2%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 15    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,290                              | 15.4%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 16    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 2,067                              | 23.2%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 17    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,409                              | 15.8%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 18    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,931                              | 23.1%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 19    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 855                                | 10.2%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 20    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,851                              | 26.5%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 21    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,612                              | 23.1%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 22    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,471                              | 19.5%                           |                          |       |       |
|             |     | WEAHL, JR., John J. (IND) | 4,750                             | 17.5%  | 23    | 35 of 35 (100.0%) | WILES, Michael Misan (IND) | 1,303                              | 17.3%                           |                          |       |       |

\*ED = Electoral District



Republic of Liberia  
NATIONAL ELECTIONS COMMISSION

**National Tally Center Tally Report  
for the Run-off Election of the President and Vice-President  
on 08 November 2011**

15 Nov 2011 5:00 p





NATIONAL ELECTIONS IN LIBERIA



Republic of Liberia  
NATIONAL ELECTIONS COMMISSION

Presidential and Vice-Presidential Run-Off Election (By County)

08 November 2011 Run-Off Election Final Results of the President and Vice-President 15 Nov 2011 5:00 PM

4,457 of 4,457 Polling Places Reported

Votes Obtained by the Candidates

| Presidential Candidate        | Bomi   | Bong   | Gbarpolu | Grand Bassa | Grand Cape Mount | Grand Gedeh | Grand Kru | Lofa   | Margibi | Maryland | Montser-rado | Nimba   | River Gee | Rivercess | Sinoe  | Total   |
|-------------------------------|--------|--------|----------|-------------|------------------|-------------|-----------|--------|---------|----------|--------------|---------|-----------|-----------|--------|---------|
| <b>JOHNSON-SIRLEAF, Ellen</b> | 20,054 | 52,949 | 15,098   | 25,446      | 19,085           | 13,795      | 14,318    | 72,309 | 33,207  | 12,141   | 190,120      | 114,528 | 8,492     | 6,020     | 10,056 | 607,618 |
| <b>TUBMAN, Winston A.</b>     | 1,654  | 10,498 | 1,495    | 3,673       | 2,245            | 2,692       | 1,490     | 5,470  | 5,495   | 2,937    | 14,571       | 3,868   | 1,661     | 1,120     | 2,337  | 62,207  |
| Total Valid Votes             | 21,708 | 63,448 | 16,593   | 29,119      | 21,330           | 16,487      | 15,808    | 78,779 | 38,702  | 15,078   | 204,691      | 118,395 | 10,153    | 7,140     | 12,393 | 669,825 |
| Invalid Votes                 | 720    | 2,515  | 510      | 1,158       | 719              | 539         | 329       | 2,835  | 1,533   | 511      | 9,999        | 2,287   | 269       | 309       | 354    | 24,587  |
| Total Votes                   | 22,428 | 65,963 | 17,103   | 30,277      | 22,049           | 17,026      | 16,137    | 81,614 | 40,235  | 15,589   | 214,690      | 120,683 | 10,422    | 7,449     | 12,747 | 694,412 |

Percentage of Votes Obtained by the Candidates

| Presidential Candidate            | Bomi   | Bong   | Gbarpolu | Grand Bassa | Grand Cape Mount | Grand Gedeh | Grand Kru | Lofa   | Margibi | Maryland | Montser-rado | Nimba   | River Gee | Rivercess | Sinoe  | Total   |
|-----------------------------------|--------|--------|----------|-------------|------------------|-------------|-----------|--------|---------|----------|--------------|---------|-----------|-----------|--------|---------|
| <b>JOHNSON-SIRLEAF, Ellen</b>     | 92.38% | 83.45% | 90.99%   | 87.39%      | 89.47%           | 83.67%      | 90.57%    | 91.79% | 85.80%  | 80.52%   | 92.88%       | 96.73%  | 83.64%    | 84.31%    | 81.14% | 90.7%   |
| <b>TUBMAN, Winston A.</b>         | 7.62%  | 16.55% | 9.01%    | 12.61%      | 10.53%           | 16.33%      | 9.43%     | 8.21%  | 14.20%  | 19.48%   | 7.12%        | 3.27%   | 16.36%    | 15.69%    | 18.86% | 9.3%    |
| Total Valid Votes                 | 21,708 | 63,448 | 16,593   | 29,119      | 21,330           | 16,487      | 15,808    | 78,779 | 38,702  | 15,078   | 204,691      | 118,396 | 10,153    | 7,140     | 12,393 | 669,825 |
| Invalid Votes                     | 720    | 2,515  | 510      | 1,158       | 719              | 539         | 329       | 2,835  | 1,533   | 511      | 9,999        | 2,287   | 269       | 309       | 354    | 24,587  |
| Total Votes                       | 22,428 | 65,963 | 17,103   | 30,277      | 22,049           | 17,026      | 16,137    | 81,614 | 40,235  | 15,589   | 214,690      | 120,683 | 10,422    | 7,449     | 12,747 | 694,412 |
| Invalid votes as % of total votes | 3.2%   | 3.8%   | 3.0%     | 3.9%        | 3.3%             | 3.2%        | 2.0%      | 3.5%   | 3.6%    | 3.3%     | 4.7%         | 1.9%    | 2.6%      | 4.1%      | 2.6%   | 3.5%    |

█ = Leading Candidate

# THE CARTER CENTER AT A GLANCE

**Overview:** 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 nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

**Accomplishments:** The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

**Budget:** \$96.0 million 2011–2012 operating budget.

**Donations:** The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

**Facilities:** The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

**Location:** In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

**Staff:** 160 employees, based primarily in Atlanta.



Martin Frank

