



## **EISA International Election Observation Mission to the Liberia 2023 Presidential and Legislative Elections**

**12 October 2023, Monrovia, Liberia**

### **Preliminary Statement**

#### **1. Introduction**

In January 2023, EISA launched a Long-Term Election Observation Mission Activity to support the integrity of the 2023 Liberia Presidential and Legislative elections by assessing and reporting on all aspects of the electoral process. 12 Long-Term and Medium-Term Observers (LTOs) from April 2023 observed the preliminary stages of the elections. They were later joined by 20 Short-Term Observers (STOs) who arrived on 5 October 2023, and a total of 32 international observers (from 20 African countries) were deployed to 11 of Liberia's 15 counties. Observers were drawn from Election Management Bodies (EMBs), Civil Society Organizations (CSOs), and academia.

The EISA International Election Observation Mission (IEOM) is led by His Excellency Dr Nevers Mumba, former Vice President of the Republic of Zambia and deputised by EISA Executive Director, Mr. Baidessou Soukolgue, and a dedicated coordination and technical team.

The observer teams covered key phases of the electoral process, including voter registration, party primaries, electoral campaigns, pre-polling, and election day activities. The Mission's presence in Liberia is set to continue until May 2024.

The EISA IEOM engaged with a range of key stakeholders, including the National Electoral Commission (NEC), the Liberia National Police (LNP), political parties and candidates, the National Human Rights Commission (NHRC), the Press Union of Liberia (PUL), Civil Society Organizations (CSOs), the West African Network for Peacebuilding (WANEP), ECOWAS, Election Observation Networks, peacebuilding commission, development partners, women, youth, and persons living with disabilities. This collaborative approach ensured a comprehensive and informed assessment of the electoral process in Liberia.

EISA Mission's assessment of the electoral process is based on the principles and obligations for democratic elections stipulated in the African Union (AU) Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance (ACDEG); the Principles for Election Management, Monitoring and Observation (PEMMO); and the legal framework for elections in Liberia. EISA's observation methodology is guided by the Declaration of Principles for International Observation (DoP) and its attendant code of conduct for observers.

This statement presents a summary of the preliminary findings, conclusions, and recommendations of the EISA-IEOM. **The EISA statement is being issued while the tallying process is ongoing and the final election results have not been announced.** EISA will issue a final comprehensive report following the conclusion of the election process, including the announcement of results and post-election day complaints and appeals.

**The Mission noted substantial good practices from this election that include:**

1. The provision of gender-disaggregated data following the completion of BVR exercise aligning with international best practices to foster inclusive election management.
2. The signing of the Revised Farmington River Declaration demonstrating political parties' commitment to peaceful elections.
3. The establishment of various Situation Rooms and Early Warning and Response mechanisms for election-related violence and human rights violations.
4. Organising public debates at both presidential and legislative levels to encourage more issue-driven and participatory politics, fostering greater accountability among politicians.
5. The introduction of a tactile ballot aimed at enhancing the participation of persons with visual disability in the elections, making the voting process more accessible.
6. The presence and provision of adequate access for Party Agents and observers contributed to transparency in the process.
7. The elections saw an increased role for youth participation particularly through civil society organizations and as election officials. Their participation as voters was also remarkable.

**Some areas of improvement include:**

1. The slow budget release from the National Treasury and infrastructure challenges accentuated by the heavy rainy season hampered the delivery of election materials.
2. Lack of a strong legal framework for increased participation of women candidates by political parties.
3. Underrepresentation of young people in elective offices and growing engagement of youths as militants by political parties.

4. Delay in distributing the Final Registration Roll for public scrutiny and Delay in releasing regulations on collation and tabulation of results.
5. Lack of substantial issue-based or policy-focused campaign messages.
6. The widespread misinformation about elections on social media.
7. A weak communication strategy and low visibility of the NEC's programs.

## **2. Political environment**

This was Liberia's fourth consecutive General Election since its return to democratic rule. Notably, the 2023 General Elections were organised primarily by Liberian authorities, with minimal technical or financial support from the international community, and no input from the United Nations Mission in Liberia (UNMIL), which concluded its Mission on March 30, 2018. The elections marked the first nationwide elections conducted solely under the leadership of the current National Elections Commission (NEC).

The Mission observed the absence of significant electoral or constitutional reforms for this election. Recent legislative attempts to make substantial changes to the New Elections Law, such as establishing a new independent body to address election-related complaints, altering the election date, and enabling Liberian diaspora members to vote with valid Liberian identification, were vetoed by the President. Although amendments to Section 4.5, which addresses women's political participation, were approved, the vetoing of other provisions left the entire reform process in limbo.

As a member of the Economic Community of West African States (ECOWAS), Liberia has been affected by regional dynamics, with military coups and contested elections suggesting democratic backsliding in the region. The 10 October 2023, elections therefore took place under intense sub-regional and international scrutiny.

## **3. Legal Framework**

The 2023 General Elections in Liberia are guided by the 1986 Constitution of Liberia, which stands as the supreme and fundamental law of the country. It specifies the qualification and disqualification of candidates, rights and responsibilities of voters, and establishes the National Elections Commission (NEC) and its authority in keeping with Article 77(b).

The NEC created supplementary election guidelines including the 2023 General Elections Regulations, Political Parties and Independent Candidates Regulations 2022, Voter Registration Regulations of 2022, 2023 Campaign Guidelines, Campaign Finance Regulations of 2022, Guidelines and Code of Conduct for Observers, and Hearing Regulations and Procedures.

However, the current legal framework falls short of international standards as it imposes restrictions on candidacy based on residency and property value. In 2022, Liberia passed the Dual Citizenship law allowing Liberians in the diaspora to maintain their citizenship even after acquiring another nationality. On the contrary, this law comes with certain limitations, including a ban on individuals with dual citizenship from holding elected positions.

Additionally, requirements for public officials to step down years before an election, though intended to prevent misuse of state resources, unduly limit the right to stand for elections and contradict international commitments.

Moreover, some legislations and regulations are unclear, leaving gaps that made make it difficult to effectively address contentious issues arising. Key examples include candidate registration residence criteria, underage voting and understanding what constitutes pre-campaigning and voter trucking.

#### **4. Preparedness of the National Elections Commission (NEC)**

The NEC operated on a compressed electoral timetable due to delays which occurred during the procurement of the Biometric Voter Registration (BVR) equipment. The voter registration process, initially planned to start on December 15, 2022, and run for six weeks was only finalised on 11 May 2023. Despite this, the NEC was mostly able to meet key electoral deadlines, including voter registration, the exhibition of the Preliminary Registration Roll (PRR), auditing of the PRR, de-duplication exercises to identify multiple registrations, and receiving candidates' nominations. However, Civic and Voter Education (CVE) activities were delayed, limiting their effectiveness.

While the NEC completed the biometric voter registration and distributed voter ID cards, the distribution of the Final Registration Roll (FRR) only a few days before election day did not allow enough time for public scrutiny of the registration roll. The release of the FRR was also subjected to litigation by political parties.

The Mission noted the delay in the release of the regulations on collation and tabulation of results, which was also released just before the election date, limiting the time available for stakeholders to become acquainted with the training manual.

The scaling back of international financial support to the 2023 elections placed an extra burden on the NEC's budget requisitions through the Liberian government. These requisitions were released in tranches, and in some cases, the timing of their release impacted NEC's ability to plan and execute its electoral timetable efficiently. The government initially approved a budget of over US \$53 million for the NEC, out of a

requested US \$91 million. This financial shortfall impacted the NEC's ability to execute its full mandate, particularly in civic and voter education, impacting on effective sensitization.

Regular Inter-Party Consultative Committee (IPCC) meetings, chaired by the NEC played a positive role in facilitating dialogue and consensus-building between political parties and the NEC. However, challenges related to the format and timing of the meetings affected their effectiveness.

The NEC actively collaborated with the Liberian National Police (LNP) to educate election candidates about campaign schedule, submission of nomination procedures and the respective roles of the Liberian National Police (LNP) and National Elections Commission (NEC) during the campaign season.

### **5. Voter registration**

The NEC adopted the Biometric Voter Registration technology to register voters for the 2023 election as mandated by Section 5.2 of the 2023 General Elections Regulations. The introduction of BVR in 2023 represented a significant and proactive step to address concerns related to multiple voting and voter manipulation and shortcomings of the previous Optical Mark Recognition (OMR) system used in previous elections. Biometrics, including facial recognition and fingerprint scanning, were used to prevent multiple registrations and fraud.

During deduplication, the NEC identified and removed 27,192 duplicate registrations and 529 suspected underage registrants.

The provisional registration roll was exhibited for error checks, followed by the publication of the Final Registration Roll (FRR). The FRR for the 2023 elections comprised 2,471,617 voters, marking a 13.18% increase from the 2017 registration roll of 2,183,629. This total number represents 1,237,257 females and 1,234,360 males. Although the number of women registrants is slightly higher than men, the country's legal framework is weak in promoting women's political representation in elected offices. A total of 12,399 Persons with Disabilities (PwDs) were registered.

The NEC established 5,890 polling places and 2,080 voting precincts nationwide across 73 electoral districts to be used on polling day. This was in contrast to the 5,991 in the 2017 election which meant that 96 of the 2,080 precincts contained registered voters' well above the 3,000-voter limit prescribed by the country's electoral regulations. This had the potential to cause overcrowding and congestion at polling places.

While there were logistical and technical challenges noted during the voter registration process, the IEOM commends Liberia for its success in rolling out BVR.

## **6. Electoral Boundary Delimitation**

The current constituency boundaries in Liberia do not align with international standards for equal suffrage, as they exhibit wide variations in the number of voters per district. For instance, in the 2023 election, the district with the highest number of registered voters (Montserrado District 4 at 75,515) had approximately six times as many voters as the district with the lowest voter count (River Gee District 3 at 12,401).

A census was conducted in 2022 with results only being released in 2023, therefore not providing sufficient time for a boundary delimitation exercise to be conducted.

## **7. Candidate nominations**

The candidate nomination exercise was conducted between 14 June and 14 July 2023. A total of 1,030 candidates registered for all electoral contests during the nomination process. While some applicants faced rejections based on disputes over nationality and places of ordinary residence, legal mechanisms for recourse were provided and most applicants had their nominations confirmed, following a review.

## **8. Campaigns**

The official campaign period commenced on 5 August 2023 and ended on 8 October 2023. The NEC was in charge of the campaign schedules of political parties and candidates in efforts to avoid violent clashes between supporters.

The Mission had the privilege of observing the signing of the Revised 2023 Farmington River Declaration by both Presidential and Independent candidates on 4 April 2023 and 21 July 2023 respectively. In accordance with Articles 11, 12 and 13 of the African Charter on Democracy, Elections and Governance (ACDEG) and the ECOWAS Protocol on Good Governance and Democracy, the declaration was a guiding light during the campaign period, providing a powerful reference for all stakeholders to hold political parties and independent candidates accountable for maintaining peace.

EISA observers attended over 153 campaign activities. The Mission has identified a need for political candidates to adopt issue-based campaigning considering that observer field reports show that the most popular forms of campaign were public rallies (56,9%) and music caravans (47,1%). Whilst door to door campaigning (5,9%) and public debates (0,7%) were the least preferred forms of campaigning. Campaign messages often revolved around the candidates' personalities and ethnicity, with an emphasis on these aspects rather than issue-based politics.

While the campaign period was largely peaceful, the last leg campaigns had isolated incidents of election-related violence. The most significant being a violent clash between supporters of the Coalition for Democratic Change (CDC) and the All-Liberia Coalition Party (ALCOP) in District 10 in Montserrado and a clash between supporters of the Coalition for Democratic Change (CDC) and Unity Party (UP) in Foya City in Lofa, resulting in fatalities.

### **9. Media environment**

The Mission notes that while there is a proliferation of media institutions in the wake of availability of legal frameworks that guarantee free speech, only the state broadcaster covers the whole of Liberia. This makes the state broadcaster the only option for the presidential candidates who depended on the media to convey their plans to voters in all fifteen counties of Liberia.

The Mission commends the state broadcaster and the rest of the media institutions in the country for equitably covering the campaigns of all candidates in the elections. Most of the election campaign coverage by the media was done on newscasts. ECOWAS Radio dedicated programs to special issues during the elections such as female candidates.

The Mission also noted the widespread misinformation on social media platforms. This is worsened by the non-existence of an independent media regulatory commission and a clear election coverage guideline by the Liberian media.

### **10. Gender, youth and voters with disability**

Article 11 of the Constitution provides for the equity for all citizens irrespective of gender, youth or disability and right to participate in the electoral process.

The Mission noted the absence a strong legal framework that mandates political parties to increase their nomination of women candidates for elections. To address this challenge, registered political parties and the NEC signed a voluntary Memorandum of Understanding (MoU) in May 2023 to ensure women's 30% representation on parties' candidate nomination lists. EISA-IEOM noted that only relatively smaller party running fewer candidates met the quota and major political parties still ended up with empty slots after almost two years of engagement on the 30% quota.

Despite their population size, young people remain under-represented in elective offices. The age requirement to contest for the House of Representatives (HoR) is 25 years but no youth are presently represented in the House of Representatives (HoR).

Persons With Disabilities (PwDs) had difficulty accessing information on the electoral process and civic education activities tailored to the specific needs of persons with disabilities were limited. The Mission acknowledges the commendable efforts to improve the participation of persons with disabilities including the introduction of the tactile ballot, which is an important step towards making the electoral process more inclusive.

### **11. Civic and Voter Education**

The NEC, through its technical partners such as the UNDP and Democracy International and in collaboration with Community-Based Organizations (CBOs), carried out a nationwide civic voter education (CVE) public outreach on the BVR process. EISA emphasizes the need for an increased comprehensive civic and voter education strategy to ensure voter awareness, understanding, and engagement throughout the electoral process.

### **12. Security**

The Mission acknowledges the signing of the Farmington River Declaration by all political parties to promote peaceful elections. It also recognises the government and security agencies' efforts in establishing a Joint Security Council (JSC) for the election and implementing early warning and response mechanisms. However, the Mission has identified potential conflict triggers and flashpoints, including concerns about the limited capacity of the Liberia National Police (LNP).

### **13. Election day observations**

The EISA IEOM deployed 32 observers to 11 of the 15 counties of Liberia: Below is a summary of the Missions observations on opening, voting, closing, and counting and the initial stages of tallying procedures.

#### **Opening**

The EISA IEOM observed opening procedures at 17 polling places. All places opened within 30 minutes of opening time (08h00), with no significant delay reported.

All procedures pertaining to opening including showing of empty ballot boxes, inspection of ballot booklets and proper sealing of boxes were professionally adhered to. Observers reported long queues in most areas, with poor queue control being one of the major challenges during voting.



## **Voting**

The EISA IEOM observed voting in 156 polling places in 35 electoral districts. With the GIS data provided by the NEC, EISA was able to deploy a statistically randomized sampling method to minimize selection bias in the polling precincts observed.

Voting proceeded uninterrupted throughout the day in most polling places observed, except in a few cases where voters' identities needed to be verified.

Election materials were available in sufficient quantity and there was no report of shortage throughout the voting process.

Following the end of the campaign period on 8 October 2023, all political parties and candidates were required to observe 48 hours of campaign silence. The IEOM noted a general respect for campaign silence and political parties and candidates went further by removing campaign materials in the lead-up to election day. EISA observers reported that all voting precincts visited were free of campaign materials.

## **Polling officials**

All polling places visited by EISA-IEOM had the full complement of staff throughout the polling day, who implemented all polling procedures professionally and observers rated their performance as good to very good. The Mission noted the use of one or two polling booths, and this slowed down the voter processing time. Polling staff in some instances used their initiatives to create additional booths.

## **Accessibility**

Priority assistance was extended to elderly voters and expectant and nursing mothers. People with disability (PWDs) however face some challenges. The Mission reported that 52% of the polling stations visited were located either on poorly levelled surfaces or upstairs and therefore inaccessible to persons with disability. Some polling places also had poor crowd control, and this obstructed the entry and exit points.

## **Security**

Although the atmosphere outside the voting precincts observed was generally peaceful, observers reported queues to be mostly chaotic and disorderly. Security officials were visibly present throughout the day and EISA observers reported their conduct to be professional and discreet. In some cases, they were brought in to assist with crowd

management at the voting precincts. The Mission commends the Liberian National Police (LNP) for ensuring conduct of the election day activities remained peaceful.

### **Secrecy of the vote**

All polling places were laid out in a manner that allowed the free flow of voters and ensured the secrecy of the vote.

### **Electoral monitoring & observation**

Party agents, citizen and international observers were able to conduct their duties without any restrictions or obstructions. EISA also observed the presence of citizen observers in 56% of polling places.

### **Closing and counting**

Most polling places closed on time and all voters who were on the queue at the time of closing were allowed to cast their vote before counting procedures began.

This statement of the EISA International Election Observation Mission (IEOM) has been issued while the counting and tallying process is still ongoing throughout Liberia. It does not render an opinion on any aspect of the election beyond voting day 10 October. EISA will in due course produce a comprehensive electoral report that includes these important aspects of the electoral process.

### **Recommendations**

#### **To the Government of Liberia**

1. Promulgate into law provisions on compulsory gender quotas for female candidates in line with Liberia's international commitment for affirmative action.
2. Explore the possibility of legally moving election day to a time frame that does not coincide with the rainy season, reducing logistical challenges and risks while facilitating voter participation.
3. Enforce the rules in the election law by prosecuting offences such as voter trucking.

#### **To the NEC**

1. Strengthen public communications with emphasis on key processes making it more proactive, timely and precise.
2. Collaborate with CSOs to improve the conduct of civic and voter education.
3. Replicate the Inter-Party Consultative Committee (IPCC) meetings at the county level as an alternative means of improving knowledge of electoral laws and processes.

4. Increase the number of voting booths in the polling places to expedite the voting process.
5. Improve the habitability of polling places considering size and ventilation.

#### **To Political parties**

1. Commit to the principles of the Revised Farmington River Declaration and take a leading role as advocates for peace.
2. Strategically deploy party agents so that there are no more than two party agents from the same party in one polling place.

#### **To the Media**

1. Prioritise professional training, especially in conflict-sensitive election reporting, to manage tensions and incidents of violence.
2. Establish a media monitoring and regulation mechanism to combat misinformation.

#### **Security**

1. Prioritise the deployment of security officers to polling precincts with higher numbers of registered voters.

#### **Youth**

1. Create a voice and agency to push for electoral reforms that ensure their participation and representation.
2. Resist all forms of coercion, manipulation, and recruitment into militant structures, especially during elections.

#### **Conclusions**

Based on the EISA-IEOM assessment of the pre-election environment and the reports of its observer teams on election day, the Mission acknowledges the peaceful and enthusiastic participation of Liberians in the electoral process. With some few exceptions, voting proceeded without interruption throughout the day, and voters freely express their choice. The NEC discharged its responsibilities with diligence, often under difficult conditions, and EISA's observers expressed confidence in the conduct of NEC staff. EISA calls on all stakeholders, supporters, security personnel and the media to sustain the peaceful conduct of election day as the country waits for the tallying process and final announcement of results.

May God bless Liberia.

May God bless Africa.

I thank you.

