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## **EISA INTERNATIONAL ELECTION OBSERVATION MISSION TO LIBERIA'S 2023 PRESIDENTIAL RUN-OFF ELECTION**

### **PRELIMINARY STATEMENT**

**16 NOVEMBER 2023, MONROVIA, LIBERIA**

#### **INTRODUCTION**

EISA launched a Long-Term Election Observation Mission (IEOM) at the invitation of Liberia's National Elections Commission (NEC) to enhance the integrity of the 2023 Presidential and Legislative elections. The mission, ongoing since January 2023, deployed 12 Long-Term Observers (LTOs) for pre-election activities, covering the Biometric Voter Registration process. For the Presidential Run-Off election, 30 observers were deployed to 11 counties. Led by Dr. Nevers Mumba, former Vice President of Zambia, and EISA Executive Director Mr. Baidessou Soukolgue, the IEOM engaged various stakeholders, including NEC, Liberia National Police, political parties, civil society, ECOWAS, and more. EISA's assessment aligns with the continental and international normative frameworks for democratic elections and Liberia's legal framework. This statement builds upon previous reports, emphasizing EISA's commitment to providing informed observations and recommendations for the electoral process in Liberia.

#### **ELECTION DAY OBSERVATIONS**

**The Mission noted substantial good practices as follows:**

- NEC's proactiveness in addressing issues from the first round, including steps to address invalid votes, updating the tabulation manual, and refresher training to election officials, deployment of materials ahead in advance of the Run-off.
- Improved format of the ballot paper clarifying voting choices provided enough marking space for indicating a preferred choice.
- Use of the FRR hard copies by party agents to verify voters in some areas demonstrated improved transparency of the voting process.
- Improved coverage during both rounds of the election by the joint security given that the provision of security was the sole responsibility of internal security agencies.

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 reported a generally calm and peaceful environment with no election-related incidents. Opening procedures were largely observed at polling precincts observed, highlighting timely openings, the full complement of staff, and ease of access for authorised persons.

The secrecy of the vote was maintained through well-arranged polling booths. Polling staff, security agents, and election monitors demonstrated professionalism and knowledge of their roles, contributing to a smoothly conducted election day.

The Mission noted inconsistencies in the application of ink to indicate that a voter had cast their ballot. According to NEC regulations, the voter's index finger should be marked before casting the ballot. However, observations revealed that, in 61.6% of the polling places, voters were inked before casting the ballot. In 38.4% of the observed polling places, voters were inked after casting the ballot. This inconsistency raised concerns about adherence to prescribed procedures. An incident was reported at Don Bosco Youth Center in Montserrado where voting was briefly halted because a voter refused to be inked after casting her ballot.

Tensions arose due to the positioning of party agents close to Voter Identification Officers (VIOs). Some agents duplicated VIO efforts, directly collecting voters' cards for parallel checks. A formal complaint was filed in Grand Gedeh District 1, demanding VIOs to read names and numbers aloud.

Observers in Nimba, Margibi, Grand Gedeh, and River Gee reported instances of voter trucking. Transported voters would either be singing or shouting the candidate number (either 1 or 2) of their preferred candidate to demonstrate their support.

### *Closing and Counting*

The closing process was as reported a peaceful and orderly process with a 92.9% incidence-free rate. Counting processes were rated as transparent, with procedures adhered to in the presence of party agents and observers. However, approximately 25% of the visited polling places had inadequate lighting.

## **PRESIDENTIAL ELECTION RUN-OFF CONTEXTUAL BACKGROUND**

In accordance with article 2(3) of the African Charter on Democracy, Elections and Governance (ACDEG), the 10 October 2023 elections presented an opportunity for the second peaceful legitimisation of representative government and democratic transition of power. On October 24, 2023, the NEC successfully tallied and announced 100.0% of the total votes cast, stating that 5.89% were invalid. The incumbent, President George Weah of Coalition for Democratic Change (CDC), received 804,087 votes, constituting 43.83%, and the Standard Bearer, Joseph Boakai of Unity Party (UP) received 796,961 votes, constituting 43.44%. Due to the absence of an absolute majority among the presidential candidates in the presidential poll as mandated by election legislation, a Runoff was scheduled for November 14, 2023.

## ELECTION DISPUTE RESOLUTION

The NEC has jurisdiction to adjudicate electoral complaints and disputes in both the first and second instances, with the option for further appeal to the Supreme Court. EISA-IEOM noted that after the October 10 elections, the NEC's County magistrates and hearing officers received a total of 50 complaints. Of the 50 official complaints received by NEC, 20 were dismissed on legal technicalities such as lack of legal standing. While it is undisputed that legal matters may be adjudicated through technical grounds as provided for in Section 16.1 of the New Elections Law or based on merit, the overwhelming dismissal of electoral matters on technical grounds is concerning.

These technicalities have added complexity to the dispute resolution process and have the propensity to deny parties the right to be heard before condemnation, which is a fundamental human right as provided by the Constitution of Liberia. The Mission observed that inconsistent legal frameworks are being used to resolve election disputes. An example of this is the NEC v. Vision for Liberia Transformation Party (VOLT) case, where the Board of Commissioners upheld a ruling made by the hearing officer of NEC. VOLT's case was dismissed due to lack of legal capacity to sue, as they failed to attach an authorization from the Board of the Party instructing the party's leadership to file the suit. The NEC found that since VOLT is a corporate institution by law, their failure to present a corporate instruction is enough reason for dismissing the matter due to lack of capacity to sue.

EISA-IEOM observed that the inconsistent timetable for filing election disputes created more complications with the elections dispute resolution process.

## ELECTION ADMINISTRATION

### ***First Round Election Results Management***

The October 10, 2023, election in Liberia underwent comprehensive scrutiny by both international and domestic observers and other electoral stakeholders. The NEC's proactive initiatives in fostering public trust through transparency during result tabulation were widely commended. For example, the results were announced progressively in public NEC press conferences. At the same time, these results were consistently refreshed on the NEC's website, providing a breakdown by county and polling place. This strategy proved crucial, allowing political parties and observers to cross-verify copies of the records of the count from both the polling places and the tabulation centres. This is in line with the principle of access to information during elections.

Despite the overall positive assessment, some challenges surfaced during and after the first round. There were premature declarations of victory by certain political parties before the completion of the results tally process.

This prompted a response from national and international observer groups and the diplomatic community, urging political parties to adhere to the official announcement by the NEC. Additionally, the considerable percentage of invalid votes, accounting for 5.89%, although within Liberia's historical performance and global averages, underscores the necessity for enhanced civic and voter education efforts. The slow announcing of results although enacted within the prescribed 15-day period, coupled with security vulnerabilities and reported incidents of interference with ballot boxes in specific areas, particularly in Nimba and Maryland, were identified as areas of concern.

During the counting and results tabulation, the performance of some NEC temporary staff was found to be inadequate. Corrections had to be made to the counting sheets at the tallying centre, and there were instances of unstamped records of the count forms, leading to challenges regarding the validity of the results tally sheets. Observers reported cases where temporary staff falsified the results and these instances were exposed by party agents and NEC officials. Notably, the team in Montserrado observed the arrests of Presiding Officers in both Upper and Lower Montserrado for electoral malpractices. Discrepancies and errors within the tally process were effectively managed through verification, correction, and recounting. Particularly, disputes linked to electoral fraud were treated as criminal cases by the NEC, affirming a commitment to maintaining the integrity of the electoral process.

#### *Election Reruns*

The illegal snatching of ballot boxes from two polling places in Nimba prompted a re-run election on October 20, 2023, in the Beo Lontuo community, District 4, specifically at Polling Precinct Number 33258, Polling Place 1 and 2. The EISA IEOM noted that the poll proceeded smoothly without disturbances. The Mission observed that the tallying of results from the two polling places at the NEC magistrate in Saniquelle on October 21, 2023, was relatively quick, as these were the only outstanding results.

#### *State of Preparedness for the Presidential Run-off*

In preparation for the 14 November polls, the EISA IEOM observed the timely dispatch of sensitive and non-sensitive electoral materials. In the Southeastern counties, materials were sent by boat and EISA observers confirmed successful delivery in Maryland and Grand Gedeh.

The NEC printed the Presidential ballot papers and the Final Registration Roll (FRR) on time. This was a welcome improvement as political parties were able to educate their partisans on how to mark the ballot and refine their respective campaign and poll-watching strategies.

The NEC faced persistent challenges in the recruitment of temporary staff. Contesting political parties levelled claims against the NEC for failing to conduct due diligence to determine the alleged political affiliations of NEC staff. These complaints were more pronounced during the first-round results tabulation period following the arrest of some NEC officials for electoral malpractices.

EISA-IEOM also notes that the delay in payment of allowances for temporary staff was a recurring practice observed during the voter registration period and the first round of the elections. The NEC stated that payments of allowances were being prioritized, with an ongoing verification process to confirm details of temporary staff before disbursement. EISA acknowledges that this is an administrative matter largely within the NEC's control to manage. The NEC took administrative steps to amend challenges noted in the first round through retraining of magistrates and poll workers. The Mission also noted that there was more emphasis on counting and results-capturing procedures to cure the challenges experienced in the first round. Polling officials who did not perform well and those found guilty of electoral malpractice during the first round were replaced.

## **ELECTION CAMPAIGNS**

The EISA-IEOM noted a shift in the campaign strategies, as the runoff campaign commenced on October 24, 2023, and spanning just 18 days unfolded with a relatively subdued atmosphere, characterized by limited campaign-related activities. However, the two political parties, the CDC, and the UP, deployed teams for house-to-house campaigning to convince voters through direct engagements. The contesting parties also focused on obtaining endorsements from other political parties and candidates instead of citizens. Particularly, various political presidential candidates and leaders engaged in both endorsements and counter-endorsements.

EISA noted that during the runoff campaign period, certain traditional leaders became involved in the elections, with instances of them receiving vehicles and motorbikes from political leaders. The influence of traditional leaders, who hold considerable power within communities is against the non-partisanship principle that defines their leadership role.

EISA noted acts of violence that emerged in Nimba, Lofa, Montserrado and Grand Gedeh counties involving supporters of the UP and CDC.

The Mission noted unverified claims by both parties aimed at discrediting the work of democracy-supporting institutions, such as independent international and domestic observer groups. The Mission emphasizes that fake and unverified rumours about election rigging, without substantiating evidence, can undermine confidence in the electoral process, contribute to heightened political tensions and harm the reputation of democratic institutions.

## **CIVIC AND VOTER EDUCATION**

EISA observed that the NEC conducted voter education by deploying its permanent staff to various counties, especially considering the significant number of invalid votes recorded in the first round. However, the voter education was lower in this runoff than in the first round.

EISA-IEOM noted that apart from the use of CVE cells and radio, chatrooms, and messaging platforms to reach citizens with election information were used. However, due to funding and timing constraints, more extensive outreach efforts, specifically those aimed at keeping voters engaged in the electoral process are needed. For the runoff, the UP and CDC produced educational posters and banners through the "Know Your Candidate" programme.

Political party supporters took the opportunity to conduct election-day education using their pre-marked ballots. They used different scenarios of correctly marked ballots and small and large font stickers and posters were distributed, and put on motorbikes, and walls among other convenient places. Observers followed such initiatives in Grand Gedeh and Nimba Counties. Despite these efforts, both international and domestic observers raised concerns about the lack of comprehensive CVE strategies.

## **INCLUSIVE POLITICAL PARTICIPATION**

### *Women's Political Participation*

The poor representation of women in the legislature has not changed, standing at nine out of 103 representatives, accounting for 08%, a decrease from 11 per cent in the 2017 elections. This percentage falls significantly below both regional and global averages, which stand at 26.5%. The mission commends the resilience of 159 women who contested in the first round.

Although women's representation is at its lowest since 2005, the mission acknowledges key successes during these elections where women were elected in some of the most traditional counties such as Cape Mount and Grand Gedeh. For the first time in Grand Gedeh's history, a female House of Representative candidate was elected. In Grand Cape Mount, female candidates won the House of Representative and Senatorial elections.

The Mission noted threats of violence against women especially in traditional counties such as Lofa were prevalent.

### *Youth Political Participation*

The mission observed the positive contribution of young people throughout the electoral process. Young people took active roles as voter educators, polling officials, observers, and voters among others. Both young men and women have been especially visible on social media as influencers and messengers of peace. EISA-IEOM acknowledges the election of Liberia's youngest lawmaker at the age of 26 from Grand Cape Mount.

### *PwDs*

The Mission commends the election of one PwDs aspirant in District 8, Montserrado during the first round. There have been considerable efforts by NEC to include PwDs as voter educators, polling officials and sign language interpreters.

### *Media environment*

The lack of regulatory frameworks that guide the behaviours of journalists and media institutions during elections in Liberia creates a way for misinformation and disinformation noted in the runoff period notably around the pre-marked ballot papers, disappearing marks on ballot papers after voting and the case in Maryland of Traditional Devil coming out and obstructing and destroying ballot boxes and papers on election day.

The Mission notes that, although the live broadcast of the tally process from the county level has its benefits in terms of promoting transparency and accountability, it can be a potential conflict trigger especially if the NEC is not releasing results at the same pace.

## **ELECTORAL SECURITY**

The Mission commends the collaboration between the LNP and the Joint Security Council (JSC), ensuring the safety of voters, candidates, and election officials. Security forces responded promptly to electoral fraud and voter intimidation incidents; however, stakeholders highlighted a need for feedback on the status of cases. Budgetary constraints and logistical difficulties were noted by security officials managing election deployments.

The IEOM notes that there is a need for the state security apparatus to remain neutral in the provision of security for political candidates during campaigns.

## **RECOMMENDATIONS**

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

1. Consider appropriate electoral reforms to strengthen the existing legal framework.
2. Clarify and strengthen legal requirements and establish measures to identify and deter incidents of voter trucking.
3. Consider the establishment of an intermediary court/electoral tribunal to hear and dispose of elections-related matters.
4. Improve the media regulatory framework to reduce the leeway for journalists and media houses to report and publish unverified news.

### ***Traditional leaders***

1. Abstain from partisan politics in violation of the constitution and execute mandates in a nonpartisan manner.

### ***To the National Elections Commission (NEC):***

1. Improve the contracting and vetting of temporary staff in future elections.
2. Review CVE strategies to reduce the number of invalid ballots.
3. Facilitate the movement and inclusion of PWDs by ensuring the NEC budget reflects the need for additional specialised support
4. Publicly address and act on reports of voter trucking, treating it as a pressing matter for post-election discussions.

5. To the Political Parties and Candidates:

Leverage insights and knowledge gained from the 2023 election cycle to engage in consultations and implement suggestions for electoral reform.

6. Refrain from unofficial pronouncements of election results, intimidation, violence and political rhetoric and respect election management institutions and political diversity.

**To the Media:**

1. Report only verified information and discourage inciteful language and dispel rumours around the conduct of elections.

## CONCLUSIONS

EISA congratulates Liberians for the peaceful conduct of the election and their calmness as they wait for the results from the NEC. Early celebratory activities must be stopped. Liberians should wait for the official announcement from NEC. EISA will issue a final comprehensive report following the announcement of results and post-election day complaints and appeals. The final report will form the basis of the EISA IEOM's contribution towards the consolidation of democracy in Liberia. Through its core team, the Mission will maintain its presence in Liberia until May 2024.

May God bless Liberia.

May God bless Africa.

I thank you.

The electronic version of this Preliminary Statement is available on the Mission website and Facebook Blog.

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