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## EISA INTERNATIONAL TECHNICAL ELECTION OBSERVATION MISSION TO LIBERIA'S 2024 SENATORIAL AND HOUSE OF REPRESENTATIVE BY-ELECTIONS

April 29, 2024, Monrovia, Liberia

### TECHNICAL OBSERVATION REPORT

#### Introduction

At the invitation of the National Elections Commission of Liberia (NEC) and in line with its mandate for strengthening the democratic process in the African region, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a six-member Short-term Technical Election Observation Mission to assess and report on all aspects of the 2024 legislative by-elections in Nimba County and Grand Gedeh Electoral District No. 1 and offer recommendations to improve future elections.

Headed by EISA-Liberia Acting Country Director, Ms Antonetta Hamandishe, the Technical Mission experts arrived in Nimba and Grand Gedeh counties on April 15, 2024, and stayed until the end of the tally of results on April 26, 2024. The expert team provided critical analysis of the electoral environment in addition to campaigns, final deployment of voting materials, and application of election management procedures on by-election day and results management processes.

In its pre-election observation, the Technical Mission consulted widely with various state and regulatory authorities and non-state election stakeholders in Liberia and the counties where its observer teams were deployed to strengthen its understanding of the electoral process. The Technical Mission cooperated with other domestic observation missions and technical partners deployed to observe the by-elections. With the polling information provided by the NEC, EISA deployed a statistically randomized sampling method to minimize selection bias in the polling precincts observed. A pre-approved checklist was used to collect data to inform the analysis and formulation of conclusions and recommendations. On by-election day, EISA observed 39 polling precincts across five electoral districts in Nimba and one in Grand Gedeh. The teams also closely observed the results tabulation and aggregation at the NEC Upper and Lower Nimba magisterial offices in Saniquellie and Tappita, respectively.

EISA's assessment of the by-elections in Nimba and Grand Gedeh is that they were conducted in a manner consistent with the legal framework in Liberia and line with regional and international obligations and standards for elections and democracy.

#### By-election Run-off Contextual Background and Pre-election Processes

##### *Legal Framework*

The by-elections were held by Article 37 of the 1986 Constitution of Liberia, which states that "In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the

presiding officer shall within 30 days inform the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; ...". NEC was duly notified of the two vacancies, one in the Senate and the other in the House of Representatives, on February 1 and February 2, 2024, respectively. These vacancies were necessitated by the election of former Nimba County Senator Jeremiah Koug as Vice-President of Liberia in the recently held presidential election and runoff on October 10, and November 14, 2023, respectively. In Grand Gedeh, Representative Erol Madison Gwion, Representative-elect of District No. 1, who was elected during the October 10, 2023, legislative elections met with an untimely death on December 4, 2023.

### ***Nomination Process***

EISA observed that the nomination exercise for the by-elections was opened from March 6 to March 19, 2024, in line with Chapter 2, Section 2.9(e ) and (n) of the 1986 New Elections Law (NEL) (amended 2014) and Article 12.3 of the NEC's Candidate Nomination Regulations. The nomination process involved the collection and submission of forms by political parties and independent candidates. Sixteen political parties and three independent candidates collected forms for the two by-elections, with a total of 19 aspirants submitting successful applications. At the NEC central office in Monrovia, various desks were set up, including an information desk, log-in desk, archival desk, submission desk, data entry/archival desk, and scrutiny desk, to facilitate the process efficiently. The NEC Board of Commissioners screened and accepted all the submissions and published the provisional list of candidates on March 21, 2024. The process resulted in four male aspirants nominated for the senatorial by-election in Nimba County and 15 candidates, including three females, nominated for the representative by-election in Grand Gedeh County District No. 1. The nomination process was described by EISA teams that were observed directly as compliant with procedures and smooth, taking at most five minutes for each aspirant to complete their submission.

### ***Campaign Environment***

EISA observed that the NEC set the campaign period from April 4 to April 20, 2024, with a 48-hour non-campaigning period from April 21, before the April 23, 2024 by-election day. Although this deviated from Section 14.4 of the "2023 General Elections Regulations," which stipulates that the official campaign period should end at midnight, 24 hours before election day, the NEC explained that it decided to provide an additional cooling-off time to ease tensions before by-election day. EISA commends this decision as prudent to enable ample time to disengage from campaigning. The political environment during the campaign period was calm and peaceful with no cases reported or observed of confrontation, inflammatory language, or hate speech from any of the candidates. The Technical Mission noted a general respect for the campaign silence and political parties and candidates also adhered to the NEC regulation requiring the removal of campaign materials in the lead-up to by-election day.

EISA teams in Nimba and Grand Gedeh observed several campaign rallies, door-to-door campaigns, and candidate community-level meetings and reported them as generally peaceful.

According to the NEC Magistrate for Upper Nimba and Grand Gedeh counties, candidates provided their campaign rally schedules and respected the planned dates, which constituted an effective electoral violence mitigation measure that contributed to no conflicts among respective supporters. EISA observers in Grand Gedeh, however, noted in Zwedru, that seven candidates planned to close their road shows/campaigns on the last day of the campaign (April 20, 2024). This should have been avoided if the NEC Magistrate had done it on first-come-first-served to prevent conflicts/clashes.

The Technical Mission noted unverified claims by some stakeholders aimed at discrediting the work of democracy-supporting institutions, such as NEC. The Technical Mission emphasizes that fake and unverified rumours or both, without substantiating evidence, can undermine confidence in the electoral process, contribute to heightened political tensions, and harm the reputation of democratic institutions.

Generally, campaigning took place within the framework of the electoral law and regulation. There was no evidence of using state resources for campaigns and no evidence of two parties meeting in the same place at the same time for campaign purposes. Most of the candidates claimed that they funded their participation from their funds with little financial support from family members and funding from grassroots supporters. The engaged candidates also informed the EISA observers that they did not receive financial support from their parties.

The participation of political parties was encouraging and there was inter-party mingling and cordial relationship among the candidates. Extensive preparations were made by all parties characterised by tolerant political conduct. Posters could be seen across villages, at boreholes, around shops, and in other high-traffic areas, such as trees along major roads within the villages and markets in Nimba and Zwedru in Grand Gedeh.

The Technical Mission also noted pre-election peace messaging and advocacy by NEC, CSOs, and development partners that continued to encourage restraint and calm, as well as encourage acceptance of results, community dispute resolution, physical safety, and participation of persons living with disabilities. For instance, UNDP promoted dialogue on the prevention of election violence in Bahn, Tappita, and Ganta for political party representatives before the by-elections.

EISA commends the candidate's public debates organised by Internews between April 06 and 18 2024 in Nimba and Zwedru in Grand Gedeh. Organising public debates for both the Senatorial and House of Representative candidates encouraged more issue-driven and participatory politics, fostering greater accountability.

### ***NEC Preparedness for April 23, 2024, By-elections***

In preparation for the by-election polls, EISA observed the timely dispatch of sensitive and non-sensitive electoral materials to all nine electoral districts in Nimba and polling precincts in Grand Gedeh Electoral District #1. NEC printed the ballot papers and the Final Registration Roll (FRR) on time. The mock ballot paper for civic and voter education (CVE) was printed and distributed on time and this was a welcome improvement from the 2023 general elections, as political parties and other groups were able to educate voters on how to mark the ballot and refine their respective campaign and poll-watching strategies.

EISA commends the administrative steps taken by NEC to address challenges and bridge the gaps noted during the 2023 general elections. The proactive initiatives significantly enhanced the overall efficiency of by-election-day operations. These include but are not limited to the following:

- Increased emphasis on counting and results-capturing procedures during the training and updating of the counting and tabulation manual.
- Training and deployment of 3,910 temporary election workers across both counties. EISA noted that a significant number of women were trained as presiding officers and other polling place officials, especially in Grand Gedeh Electoral District #1.
- Provision of sufficient, timely operational and material support from NEC headquarters, exemplified by the deployment of other county magistrates and experienced officials to

assist in preparations, the delivery of all necessary sensitive and non-sensitive electoral materials, and the conduct of by-election day and tabulation and aggregation exercises.

- Adequate measures were implemented to prevent delayed payments to temporary staff, as was experienced during the 2023 general elections.
- Provision of gender-disaggregated data following the completion of ballot reconciliation, which aligned with international best practices to foster inclusive election management.

### ***Civic and Voter Education***

Leading up to by-election day, EISA noted that NEC launched its CVE program in the two counties on March 22, 2024, and reengaged its nine electoral district CVE cells in Nimba and one CVE cell in Grand Gedeh Electoral District No. 1. The Technical Mission, however, received reports from stakeholders that the CVE outreach efforts were late and less expansive, specifically those aimed at keeping voters engaged in the proper marking of ballot papers during voting. On a positive note, EISA observed awareness posters and banners along the roads, public schools, and other public places. Apart from the use of CVE cells in each district, NEC utilized radio talk shows and messaging platforms to reach citizens with election information and peace messages.

### ***Inclusive Political Participation***

EISA noted that during the campaign period, electoral stakeholders played a pivotal role in mobilizing women and youth groups, urging their involvement in the electoral process. Initiatives to enhance their participation included targeted outreach, educational campaigns, and efforts to foster an inclusive political environment. Regardless, EISA observed that there were no female candidates in the senatorial race in Nimba. Despite significant obstacles, including financial and institutional constraints, three female candidates in Grand Gedeh demonstrated remarkable resilience by contesting. Nevertheless, EISA received reports that there were prevalent threats of violence against women and instances of bullying in Grand Gedeh, exacerbated by factors such as intra-communal competition, inter-clan conflicts, and a lack of financial resources.

Regarding youth political participation, the Technical Mission noted the positive contributions of young people throughout the electoral process. They actively participated as mobilizers, entertainers, transporters, and distributors of materials and information.

Regarding persons living with disabilities, Liberia's electoral law guarantees their right to register on the voter roll and prioritizes their participation at all electoral levels. Regardless, EISA did not observe any temporary election workers that represented this group in the polling places observed.

### ***Media Environment***

The media environment was active and engaged in both counties. Three of the four radio stations visited by the EISA team, including Smile FM, Voice of Gedeh, and TOP FM, were involved in election coverage. Smile FM allocated one hour of airtime to each female candidate, with one candidate leveraging this opportunity twice. All three stations ran election programs featuring candidates, charging \$2 per minute for airtime, which was negotiable. The radio stations also hosted call-in shows about the elections throughout the day, with supporters campaigning for candidates. The stations partnered with NEC, police, and CVE cells to broadcast jingles about the by-elections. The media also maintained cordial relationships with stakeholders, including NEC, police, CVE cells, and candidates. NEC interacted with the media through radio talk shows to disseminate important information about election processes, procedures, results, and updates, contributing to a positive relationship between NEC and the media.

The lack of in-house regulatory frameworks that guide the behaviour of journalists and media institutions during elections in Liberia must be noted as an ongoing challenge that creates a means for unethical journalism and imbalanced reporting.

### ***Civil Society***

Civil society played a significant role in CVE, peace advocacy, and domestic observation. Two domestic observer groups, the Elections Coordinating Committee (ECC) and Liberia Elections Observation Network (LEON), undertook comprehensive election observation through their long-term resident and mobile observers and short-term analysts. They contributed press statements and analysis to the election process.

### ***Electoral Security***

EISA commends the preparedness of the Liberia National Police (LNP) to ensure the safety of voters, candidates, and election officials. The Technical Mission noted that the police expressed cordial relationships with all candidates, which was confirmed by the engaged candidates. EISA, however, observed that candidates had no police around during campaign trails and road shows. The candidates relied on their security details for protection during road shows.

## **EISA-EOM By-election Day Observations**

Below is a summary of the Technical Mission's observations on opening, voting, closing, and counting and the tallying procedure:

### ***Opening***

EISA noted a calm and peaceful electoral environment. Opening was on time and procedures were largely observed at polling places with a full complement of staff and ease of access for observers and party agents. Election materials were in adequate quantity throughout the day in all the polling places visited. EISA observed the presence of police officers that enhanced the largely peaceful environment observed in and around the polling precincts visited.

### ***Voting***

The voting process went smoothly with easy access for persons living with disabilities and assistance given to those in need. A low turnout, however, was observed across the majority of the polling precincts with short to no queues. The competency of polling officials demonstrated overall efficiency and adherence to required procedures.

EISA observed that NEC posted the FRR outside each polling place, with voter names classified in alphabetical order by last name. The FRR for each precinct was also divided alphabetically to distribute voters to their respective polling places, which facilitated easy direction to the relevant polling places within the precincts.

EISA noted that the Voter Inking Officer (VIO) read out the names of the voters as they presented their voting cards in those polling places observed.

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

NEC polling place officials consistently applied indelible ink to indicate that a voter had cast their ballot, an improvement from observations during the 2023 general elections. According to NEC regulations, the voter's left index finger should be marked before casting the ballot.

### ***Closing and Counting***

The closing process was peaceful and orderly with all polling places observed reporting an incident-free rate. Counting processes were rated as transparent, with procedures adhered to by NEC polling officials in the presence of party agents from the Unity Party (UP) and People's Unification Party (PUP) in Nimba and various parties in Grand Gedeh. Party agents demonstrated competence in following up and commenting on the proceedings, demonstrating a clear understanding of the NEC's procedures.

### ***County-Level Intake and Tabulation***

The Technical Mission followed the tabulation process at the NEC's magisterial offices and reported meticulous adherence to procedures by NEC officials. The tabulation exercise was noted as efficient, with all steps closely followed. The opening of the record of counts was observed, and manual data was accurately captured in the computer-based application in full view of party agents and observers. No irregularities were recorded, which helped expedite the process and illustrated the competency of presiding officers and polling officials at the polling station level.

During the tabulation process, the EISA team in Tappita observed that party agents at some point attempted to cross their bounds, wanting to determine whether a vote was valid or invalid. Also, in Tappita, EISA observed that PUP filed a complaint form but could not present it to NEC because the other party present refused to sign the form as a witness as the procedure demands.

Additionally, EISA noted that some NEC officials in Zwedru and Tappita expected observers to sign the record of count and consolidated count forms, which goes against NEC procedures. Specifically, the EISA team at Tappita was asked to sign the hard copy of the consolidated results form. They respectfully indicated that they were not authorized to sign, and the officer instructed the magistrate not to give them a copy of the results.

The Technical Mission also noted that PUP agents also declined to sign the Upper and Lower Nimba consolidated forms on April 25, 2024. No reason was provided by the time the team left.

### ***Voter Turnout and invalid votes***

The by-election registered a decline in voter turnout notably in Nimba County. Of 307,254 registered voters in Nimba, 115,435 (37,57%) turned out to vote. Of 20,407 registered voters Grand Gedeh, 10,536 (51,63%) turned out to vote. Based on consultations with stakeholder pre- and post-election, EISA Technical Mission noted that several reasons could explain the low turn ranging from citizens feeling disengaged with the political process in both counties or a sense that their vote will not make a difference as well as some voters viewing by-elections as less significant compared to general elections. In addition, limited access to information about the by-election also contributed. The number of invalid votes cast during the Nimba by-election was 1,85% whilst Gand Gedeh District #1 recorded 2,17% of the total votes cast.

## **Recommendations**

Based on its observations and consultations with electoral stakeholders, EISA offers the following recommendations to improve future elections in Liberia:

## NEC

- Sustain the use of Community-Based Organisations (CBOs ) as CVE cells, ensure prompt payment for their services, and build their capacity not only for voter education but also for civic education and engagement.
- Ensure proper monitoring of the activities of the CVE cells for improved services and an even stronger impact.
- Provide customised training to female candidates that encompasses media preparation and guidance on addressing public perceptions and image management.

## Political Parties and Candidates

- Communicate with and present timely campaign schedules to NEC and LNP to enable LNP officers to prepare for the campaign period.
- Recruit and continue to provide financial assistance to women aspirants who would not otherwise be able to afford the cost of participating in elections.
- Clarify to their party agents or representatives what they can and cannot do during poll watching and enlighten them on utilizing the complaint forms efficiently to reduce the chances of confrontation.

## Conclusion

***Despite the noticeable low turnout on by-election day, EISA acknowledges constructive efforts made collectively by the relevant national electoral stakeholders in preparation for the by-elections. EISA hails the commitment to democratic consolidation marked by adequate preparations by NEC and LNP, respect and tolerance among competing political parties, and continuous monitoring and support from domestic and international observer groups, alongside the diplomatic community. The 2024 senatorial and representative by-elections were a reaffirmation of the strength of democratic institutions in Liberia and a test of the commitment of Liberians to competitive, peaceful, and transparent electoral events. Furthermore, EISA applauds all registered voters in Nimba and Grand Gedeh Electoral District #1 who took part in exercising their democratic right to vote in a peaceful and disciplined manner.***

**About EISA:** The Electoral Institute for Sustainable Democracy in Africa (EISA) is a continental not-for-profit organization located in Johannesburg, South Africa, and Abidjan, Cote d'Ivoire with field offices in the Central African Republic, Democratic Republic of Congo, Gabon, Madagascar, Niger, Liberia Chad, and Sudan. EISA has continental and sub-regional programs in the field of elections and democracy throughout Africa. EISA strives for excellence in the promotion of credible elections, domestic participation, and the strengthening of political institutions for sustainable democracy in Africa.

**About USAID Support to EISA-IEOM to Liberia:** The USAID-funded EISA International Election Observation Mission (EISA-IEOM) Activity seeks to enhance the integrity of the 2023 Liberia Presidential and Legislative elections through the deployment of an independent international election observer mission (EOM) to monitor, assess and report on all phases of the electoral process by international and regional benchmarks. The IEOM is implemented in close coordination with the financial support of USAID/Liberia and will complement the efforts of other electoral stakeholders.

For all resources, including EISA statements and reports from the 2017 Liberia Elections <https://eisa.org/epp-liberia.php>