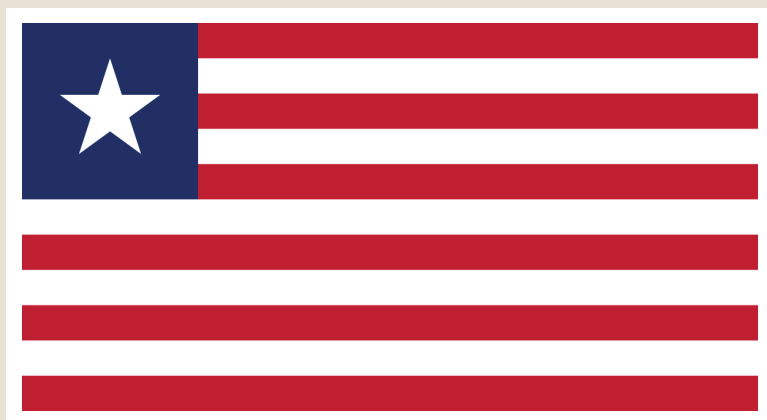


EISA INTERNATIONAL ELECTION OBSERVER MISSION REPORT

LIBERIA



2023 PRESIDENTIAL
AND LEGISLATIVE ELECTIONS
10 OCTOBER 2023

PRESIDENTIAL RUN-OFF ELECTION
14 NOVEMBER 2023



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 72

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ACRONYMS AND ABBREVIATIONS

ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
ANC	Alternative National Congress
ACS	American Colonization Society
BVR	Biometric Voter Registration
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CVE	Civic and Voter Education
CBOs	Community-Based Organizations
CRS	Community Radio Stations
CDC	Congress for Democratic Change/Coalition for Democratic Change
CPP	Collaborating Political Parties
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organizations
ECC	Elections Coordinating Committee
ECOWAS	Economic Community of West African States
EDA	Elections and Democracy Activity
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Election Management Body
EU	European Union
ICC	International Criminal Court
IEOM	International Election Observation Mission
FRR	Final Registration Roll
INCHR	Independent National Commission on Human Rights
IPCC	Inter-Party Consultative Committee
LBS	Liberian Broadcasting Service
LIS	Liberia Immigration Service
LISGIS	Liberia Institute for Geo-Information Services
LEON	Liberia Election Observation Network
LESP	Liberia Elections Support Project
LNP	Liberia National Police
LTOs	Long-Term Observers
MOU	Memorandum of Understanding
NEC	National Elections Commission
NOUD	National Union of Organizations for the Disabled
OMR	Optical Mark Recognition
PWD	Persons with Disabilities
PRC	People's Redemption Council
WANEP	West Africa Network for Peacebuilding
WADEMOS	West Africa Democracy Solidarity Network
STO	Short-Term Observers
TRC	Truth and Reconciliation Commission (TRC)

UNDP	United Nations Development Programme
UNMIL	United Nations Mission in Liberia
UP	Unity Party
USAID	United States Agency for International Development

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The deployment of the EISA-Liberia International Election Observation Mission (EISA-LIEOM) to the 2023 presidential and legislative elections in Liberia owes its success to the invaluable support of numerous individuals and institutions. EISA extends sincere gratitude to all those who played a role in ensuring the mission's success.

EISA acknowledges the National Elections Commission of Liberia (NEC) for extending the invitation to observe the elections. Special appreciation is given for the NEC's cooperation in accrediting EISA observers and engaging with them, providing crucial information at both national and local levels.

Thanks are also due to stakeholders at the national and local levels, including political parties, civil society organizations, the media, women's groups, and traditional leaders who willingly shared their experiences and opinions with EISA observers, contributing significantly to the success of the EISA-LIEOM. Recognition is extended to other election observation missions with whom collaborative interactions took place.

EISA expresses gratitude to His Excellency Dr. Nevers Mumba, former vice president of Zambia, for his exceptional leadership in guiding the EISA mission.

The contributions of EISA observers from across the continent are noted and acknowledged for their substantial role in the mission's success. Appreciation is extended to the EISA staff on the core team, the elections and political processes team, and the finance team at the EISA head office for their unwavering support. Special thanks are also directed to the mission's technical team for their efforts in compiling this report.

EISA wishes to express profound gratitude to the United States Agency for International Development (USAID) US Embassy in Liberia for its vital financial contribution, which made the mission's deployment possible.

EISA OBSERVATION METHODOLOGY AND MISSION OVERVIEW

EISA, as an advocate for democratic governance, human rights, and citizen participation in Africa, works towards realizing its mission by strengthening electoral processes and promoting good governance and democratic values. As part of its democratic support initiatives, EISA conducts election assessments in various African countries to contribute to election integrity and the advancement of democracy on the continent.

In the case of Liberia's 2023 elections, EISA received a grant from the USAID Liberia Office at the US Embassy in Liberia to support the integrity of the 2023 Liberia electoral process. The International Election Observation Mission (IEOM) Activity (December 2023–May 2024) was implemented in collaboration with USAID Liberia and other electoral stakeholders, including domestic observer groups and media organizations.

The IEOM, spanning from the period from January to December 2023, aimed to enhance the integrity of Liberia's 2023 general elections through the deployment of independent international election observers. The objectives included ongoing monitoring, assessment, and reporting on all aspects of the electoral process. Additionally, the mission sought to demonstrate international support for Liberia's democratic electoral process by providing timely and constructive recommendations.

The thematic observation focused on electoral violence monitoring, media and election assessment, and gender integration and social inclusion. EISA-IEOM recruited, trained, and deployed 12 long-term and 20 short-term international election observers to monitor all phases of the electoral process.

Utilizing a futuristic approach, the mission aimed at positively impacting the electoral process by promoting transparency, identifying challenges, encouraging voter participation, and enhancing democratic practices. The core team, including a chief of party, international election expert, finance manager, LTO coordinator, and four local analysts, focused on key aspects such as election security, legal framework, gender, and media.

Long-term observers (LTOs) were deployed in teams from April to August and continued their work until November and December 2023, observing pre- and post-election processes across all 12 counties. Short-term observers (STOs) comprising 32 persons for the elections on October 10, 2023 and 30 persons for the November 14, 2023 presidential runoff observed over 150 and 140 polling places, respectively. The observer teams also observed tabulation processes at the magistrate level.

While the Mission concluded its primary work in December 2023, EISA's core team continues post-election review and stakeholder consultations for electoral reform and by-elections until May 2024. The engagement in Liberia represents EISA's commitment to credible and transparent elections, utilizing advanced technology for real-time data analysis and contributing to the overall promotion of democracy in the region.

EXECUTIVE SUMMARY

The 2023 Liberian presidential and legislative elections marked an opportunity for the West African nation of 5,2 million people to consolidate the country's new democratic institutions and electoral procedures after rebuilding following the two devastating civil wars, the second of which ended in 2003. In 2017, the governing Unity Party was voted out of power, marking the first post-war alternation of power through the ballot. The Coalition for Democratic Change (CDC) candidate, George Manneh Weah, was installed as the country's new president. Liberia's presidential terms run for six years, and in 2023 President Weah was challenged by Joseph Boakai, former vice president in Ellen Johnson Sirleaf's government, standing for the Unity Party (UP) again in a repeat of the 2017 elections. An additional 18 other candidates contested the presidential ballot with these two main contenders, and there was a total of more than 1,030 contestants for seats in Liberia's Senate and House of Representatives.

The 2023 presidential and legislative elections were also the first post-war elections during which the Liberian armed forces and National Electoral Commission were not directly supported by the United Nations Mission in Liberia (UNMIL). The peacekeeping mission closed its operations on 30 March 2018, and in the lead-up to the October 2023 elections, there were notable concerns about the capacity of the Liberian government, Liberia National Police (LNP) and the National Elections Commission (NEC) to administer and maintain law and order during the elections.

Concerns about the electoral preconditions, potential for violence, fraud, and post-election violence were prevalent, and exacerbated by the worsening regional dynamics in neighboring states within the Economic Community of West African States (ECOWAS). The fallout from the controversial elections in Sierra Leone, Liberia's neighbor, in June 2023, and a military coup d'état in Niger, elevated concerns of both democratic backsliding within the West Africa region generally and also that Liberia's elections might trigger post-election violence and conflict.

Despite these pre-election misgivings, the NEC and LNP successfully administered the 2023 elections in accordance with the legal framework and

laws of Liberia, and in a generally peaceful manner without major incidences of violence and political conflict. The NEC introduced a new biometric voter registration (BVR) process for the 2023 elections in response to concerns about the prevalence of multiple voting and voter trucking issues during the 2017 presidential, and 2020 mid-term Senatorial elections. The NEC coordinated and directed all logistical operations pertaining to the distribution of election materials, a task that was previously supported by UNMIL, and the LNP boosted its standing capacity by training additional recruits to man the country's polling places on election day and preserve law and order in the precincts.

While the 2023 elections were not without shortcomings and challenges, the determination and commitment of Liberians to the democratic process, their emphatic rejection of violence and unrest during the electoral process, and the exceptional degree of transparency facilitated by the Liberian government, the NEC and other state institutions throughout the elections ultimately prevailed. These culminated in the peaceful and gracious concession of the incumbent President Weah to the victor, Ambassador Boakai, on 20 November 2023, with a few results still outstanding. Despite the closely-fought nature of the contest, requiring a runoff between the two leading candidates on 14 November 2023, and with less than 20,000 votes between the two candidates at the time of his concession, President Weah struck a statesmanlike tone in his concession speech which alleviated any tensions about potential post-election conflict.

This report is a comprehensive analysis of the Electoral Institute for Sustainable Democracy in Africa (EISA) International Election Observation Mission (IEOM) to Liberia's 2023 presidential and legislative elections. It was made possible through the generous support of the people of the United States, through USAID support to the EISA-IEOM. The findings of this report are the culmination of more than 600 stakeholder engagements over the course of 15 months, covering all 15 counties through the efforts of a core team, long-term and short-term observers, supported by Liberian thematic experts in areas such as legal matters, gender and social inclusion, peacekeeping and security matters and the media. EISA presents this report and its findings as part of its commitment to an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

INTRODUCTION

Liberia is situated on the West African coast and its political landscape reflects a dynamic tapestry interwoven with geographic, historical, and political intricacies. With an estimated population of 5.2 million in 2022, featuring a substantial youth demographic of over 46.1%, Liberia has undergone a transformative journey marked by historical milestones and political shifts.

The 2005 elections, facilitated by the United Nations Mission in Liberia (UNMIL), heralded a pivotal moment, witnessing Ellen Johnson-Sirleaf's historic ascent as Africa's first female president. Subsequent elections in 2011 and 2017 highlighted Liberia's commitment to democracy, culminating in a peaceful transfer of power to President George M. Weah in 2017.

As Liberia approached the 2023 general elections, several factors shaped the electoral context:

The 2023 elections marked the first nationwide elections under the current National Elections Commission (NEC) leadership with biometric voter registration (BVR) introduced for the first time. The BVR system incorporated technology to capture biometric data, aimed to ensure a transparent and fair process. However, citizens' trust in the BVR technology remained low. The elections represented Liberia's fourth consecutive general elections since its return to democratic rule. Notably, Liberian authorities primarily organized these elections, with minimal international support and no UNMIL involvement since its conclusion in 2018. Despite this, most Liberians perceived their last national elections as free, fair, and transparent.

As Liberia stands at the intersection of historical legacy and aspirations for a stable future, the 2023 elections served as a critical juncture in its democratic journey, considering the contextual factors. Despite these challenges, the 2023 elections symbolized a critical juncture in Liberia's democratic journey, culminating in the inauguration of President Joseph N. Boakai on January 22, 2024. As the country navigates this complex political terrain, it stands at the intersection of its historical legacy and the aspirations for a stable and prosperous future.



1

Historical and Context



1.1 Historical Background



1.2 Context of 2023 General Elections



1.1 HISTORICAL BACKGROUND

Liberia's political history has been shaped by a complex interplay of geographical, historical, and political dynamics. The country is on the West African coast, and its population, estimated at 5.2 million (5,248,621) based on the 2022 Census¹, is characterized by a substantial youth bulge accounting for more than 46.1%, with a median age of 19.2 years.² Over half of the population resides in urban areas.

Liberia was established in 1822 as a haven for freed slaves returning from the Americas. It achieved its independence on July 26, 1847, by drafting its constitution, marking a historic departure from the American Colonization Society (ACS).³ Joseph Jenkins Roberts assumed the role of the inaugural president in 1848. During the period from independence to 2023, Liberia has been led by 25 presidents, including an interim leadership during wartime.⁴ Despite the diverse ethnic makeup of Liberia, indigenous Africans did not have the opportunity for citizenship until 1904.⁵ The socio-political and economic spheres were overwhelmingly influenced by individuals of

1 <https://liberia.un.org/en/220493-liberia-announces-provisional-results-its-5th-national-population-and-housing-census>

2 <https://futures.issafrica.org/geographic/countries/liberia/>

3 <https://history.state.gov/milestones/1830-1860/liberia> and <https://www.loc.gov/exhibits/african/afam002.html>

4 See Presidents of Liberia in Chronological Order at <https://liberiapastandpresent.org/Presidents%204.htm> (Accessed 4 December 2023)

5 <https://constitutionnet.org/country/liberia>

Americo-Liberian descent who shaped the political landscape of the country for years.⁶

The ascendancy of Americo-Liberians faced a turning point during the 1979 public protest in Monrovia, triggered by planned rice price hikes.⁷ President William Richard Tolbert Jr. (1971-1980) responded by deploying troops who, in a tragic turn, fired on protesters, resulting in the death of 70 individuals. This incident fueled nationwide demonstrations, culminating in a coup d'état on April 12, 1980, led by Master Sergeant Samuel Doe. Doe captured President Tolbert, executed him along with members of his cabinet,⁸ suspended the 1847 Constitution, and established the People's Redemption Council (PRC), a military regime that governed Liberia from 1980 to 1985.⁹ The PRC initiated and facilitated the writing and promulgation of the 1986 Constitution, which stands as the current supreme law of the country. In comparison to the 1847 Constitution, the 1986 Constitution not only ensured immunity for PRC members, as stipulated in Article 97, but also underscored, expanded, and guaranteed fundamental rights to the people of Liberia under Chapter Three.¹⁰

Amidst mounting public dissatisfaction and the fiercely contested elections of 1985, President Doe's regime encountered public resistance, providing an opportunity for Charles Taylor to lead a rebel group that invaded Liberia from Côte d'Ivoire in December 1989. Confronted with resistance and heightened ethnic strife among militia groups, President Doe was captured on September 9, 1990, tortured, and killed by the faction led by Prince Yormie Johnson.¹¹ This marked the end of President Doe's brutal military regime and the genesis of seven years of tragic war, from 1990 to 1997, that led to the loss of thousands of lives and the destruction of property.¹²

From December 1989 to August 2003, Liberia endured a devastating series of civil wars, causing immense suffering and prompting many Liberians to seek

6 EISA EOM Report for Liberia 2017, p. 1. See also <https://www.blackpast.org/global-african-history/tolbert-jr-william-richard-1913-1980/>

7 <https://www.blackpast.org/global-african-history/tolbert-jr-william-richard-1913-1980/>

8 Ibid.

9 <https://constitutionnet.org/country/liberia>

10 See Article 1 of the 1847 Constitution of Liberia and Chapter Three of the 1986 Constitution of Liberia I <https://crl.gov.lr/doc/CONSTITUTION%20OF%201847%20final.pdf>

11 <https://www.theadvocatesforhumanrights.org/res/byid/9358>

12 Ibid.

refuge in neighboring countries such as Côte d'Ivoire, Guinea, Sierra Leone and other parts of the world. International peace interventions, initiated as early as 1992 by the Economic Community of West African States (ECOWAS), included the establishment of the Interim Government of National Unity (IGNU). However, it was the 1996 peace pact that paved the way for elections on July 19, 1997.¹³ Charles Taylor emerged as the victor with 75% of the votes against the 12 other candidates.¹⁴

In 2003, a rebel movement, backed by Guinea and Côte d'Ivoire, escalated the civil war. The conflict ultimately concluded with ECOWAS-led peace talks and the signing of a peace deal in Accra in August 2003.¹⁵ These negotiations resulted in Charles Taylor's resignation as president of Liberia and the establishment of the Comprehensive Peace Agreement (CPA).¹⁶ The CPA led to the formation of the National Transitional Government of Liberia (NTGL), operating under a power-sharing arrangement involving key conflict parties.

The NTGL played a crucial role in demobilizing rebel groups and instituting transitional mechanisms to oversee elections scheduled for 2005. Simultaneously, the United Nations established the United Nations Mission in Liberia (UNMIL) to support the implementation of the ceasefire agreement and the broader peace process. UNMIL's responsibilities included protecting United Nations personnel, facilities, and civilians, supporting humanitarian and human rights activities, as well as contributing to national security reform through initiatives like national police training and the restructuring of the military.

The 2005 elections in Liberia marked a pivotal moment in its history, representing a crucial step toward normalcy after years of conflict. Assisted by the United Nations Mission in Liberia (UNMIL), the National Elections Commission (NEC) administered the elections, which were praised for their peaceful and competitive nature. Ellen Johnson-Sirleaf's victory made her the first female president in Africa.¹⁷

13 Human Rights Watch, "Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights (June 1993)" at <https://www.hrw.org/reports/1993/liberia/#4> (Accessed 5 December 2023).

14 EISA EOM Report Liberia, 2017, p. 2.

15 <https://www.accord.org.za/ajcr-issues/peace-agreements-and-the-termination-of-civil-wars/>

16 Human Rights Watch, "Waging War to Keep the Peace".

17 EISA EOM Report, 2017, pp. 2-3.

In 2006, the Truth and Reconciliation Commission (TRC) was established to address the causes and crimes of the civil war, though its final report remains unimplemented, allowing some implicated individuals to continue influencing Liberian politics. International efforts, including the extradition of Charles Taylor to the International Criminal Court (ICC), sought to address the conflict's legacy, resulting in Taylor's conviction in 2012.¹⁸

The subsequent elections in 2011 and 2017 demonstrated Liberia's commitment to democracy. The 2017 elections marked the first peaceful transfer of power since 1944, as President Ellen Johnson Sirleaf handed over power to President George M. Weah. These elections were characterized by active campaigns, civic education, significant youth participation, and validation by citizen and international elections observers.¹⁹

The 2023 elections featured a highly contested presidential race between George M. Weah and Ambassador Joseph N. Boakai. Weah conceded defeat, and EISA observed the electoral process despite challenges such as public mistrust, hate speech, and concerns about violence. As President-elect Joseph Boakai took office on 22 January 2024, Liberia faces the task of navigating a complex political landscape.

1.2 CONTEXT OF THE 2023 GENERAL ELECTIONS

Liberia's 2023 presidential and legislative elections marked the fourth post-conflict election and a significant milestone in the country's democratic processes. The international community has widely hailed the peaceful and transparent conduct of the October 10 first-run election and, subsequently, the November 14 runoff election.²⁰ Being the first election to be entirely managed and funded by the country after the withdrawal of the United Nations Mission, the election was marked by concerns over the country's ability to manage the election successfully. These concerns were largely related to the logistical demands of elections, the satisfaction of which was deemed challenging due to the bad nature of roads in parts of the country. Parts of the country are considered hard-to-reach areas with unmotorable

¹⁸ <https://www.hrw.org/news/2012/04/26/sierra-leone-landmark-conviction-liberian-ex-president>

¹⁹ EISA EOM Report, 2017.

²⁰ <https://www.liberianobserver.com/liberia-us-hails-nec-independently-organizing-2023-elections>; <https://thenewsnewspaper.online/2023/11/17/election-observers-praise-nec/> [2] <https://www.un.int/news/liquidation-un-mission-liberia-successful>

roads. Access to and deployment of electoral materials and staff to the various counties including parts of Grand Kru, Sinoe, Maryland, Nimba and Lofa had to be done days before the election.

The insufficient resourcing of the Liberia National Police (LNP) and other state security agencies, both in terms of personnel and equipment, was a unanimous concern among stakeholders. This deficiency raised significant apprehensions, particularly given the heightened tension in certain areas of the country, including Lofa County, impacting the LNP's capacity to respond promptly and effectively in the event of violence. It also raised concern over the capacity of the state security agencies to provide security during campaigns and on election day.

As elections are expensive, meeting the budgetary needs of the 2023 election was another concern. Like many economies worldwide, Liberia's economy has faced significant challenges due to the global impact of the COVID-19 pandemic. Hence, the government's ability to meet its financial obligation to the NEC has been in question,²¹ and as such, the disbursements of funds for the various stages of the election have been erratic. This sometimes resulted in delays in the electoral calendar, disrupting the NEC's plans and necessitating tighter, more compressed timelines.

Despite the consensus among many stakeholders about the need for electoral reforms and a new delimitation of electoral districts, the 2023 elections were held in the absence of reforms and new delimitation of electoral boundaries.²² The country's constitution and electoral legal framework provides for a sufficient and sound basis for conducting credible elections. However, recommendations from previous elections were made for some constitutional reforms to enhance the country's democratic processes. The proposed reforms include a review of the presidential and senatorial term lengths, alternating electoral magistrates between counties, reviewing the powers and responsibilities of NEC magistrates, shifting the election's date from the rainy to the dry season, and introducing obligatory gender quotas

21 Frontpage Africa. <https://frontpageafricaonline.com/news/liberia-no-money-for-run-off-yet-national-elections-commission-chairperson-discloses/>

22 EISA-IEOM Pre-election Assessment Report to the Liberia 2023 General Elections

to increase women's political participation.²³ These proposals were however not implemented.

In the same vein, the NEC could not delimit new electoral boundaries, due to the delays in the release of final population and housing census data. As mandated by Article 39 of the Liberian Constitution, the country undertook a population census, the result of which was to inform a new electoral district delimitation ahead of the 2023 elections. The election was however held with the 73 electoral districts, nine (9) of which were prescribed and established in 2010 through a "Joint Resolution LEG-002 (2010)" passed by the Senate and House of Representatives.²⁴

Political coalitions characterize Liberia's polity. As per data from NEC, 46 political parties have been certified. However, two main coalitions led in the 2023 election: the Congress for Democratic Change (CDC) comprises nine political parties,²⁵ and the Unity Party (UP), which consists of three political parties. A third coalition, the Collaborating Political Parties (CPP), is made up of the Alternative National Congress (ANC) and Liberty Party (LP). Though projected to be a third force in the election, the CPP emerged in the fifth place.

The election was contested by twenty (20) presidential candidates, two of whom were women. Across the 15 counties, 100 Senatorial candidates contested for 15 vacant seats, while over 800 candidates vied for the 73 vacancies in the House of Representatives, some of whom were independent candidates. Most of the political parties and candidates consulted by EISA-IEOM had a general knowledge of the existing frameworks that regulate elections in Liberia. However, most of them, particularly those from the opposition, expressed concern over whether the NEC would be impartial and effective in the application of some of the election laws, particularly those regulating the behavior of political parties and candidates. Some of the parties, however, noted their lack of trust in the new registration system, including the BVR technology which some were convinced would be used on voting day, but which was not used. The BVR system was used for the

23 Guidelines on the Establishment of Electoral Districts in Liberia for the 2011 Legislative Elections

24 Guidelines on the Establishment of Electoral Districts in Liberia for the 2011 Legislative Elections

25 https://www.necliberia.org/party_info.php?229991a7ef5ad6556f1952967d16823bfc315952=NzI%3D

2023 voter registration process to capture and store biometric data, including fingerprints, facial recognition, and iris scans of voters. Its use was informed by recommendations from previous elections on managing the voter's role to ensure a transparent and fair process.

2

Legal and Institutional Framework



- 2.1 Legal Framework
- 2.2 Electoral System
- 2.3 Election Management, Administration and Independence

2.1 LEGAL FRAMEWORK

The Constitution of Liberia (1986)

The Constitution of Liberia (1986) as amended is the supreme and fundamental law governing the country. Its provisions must be strictly adhered to as they have binding effects and authorities according to Article 2 of the Constitution. Furthermore, any laws, treaties, statutes, decrees, customs, and regulations inconsistent with the Constitution shall be declared unconstitutional by the Supreme Court of Liberia pursuant to the Supreme Court’s constitutional authority.²⁶ It is important to note that the people of Liberia have inherent power as contained in Article 1 of the Constitution. This constitutional provision authorizes Liberians to institute authority for their benefit, change, and reform when their safety and happiness are required.

However, Article 1 of the Constitution mandates that any such change of government must be done democratically. The people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments.²⁷ The conduct of elections must be consistent with the 1986 Constitution of Liberia as amended, the Elections Law of the

²⁶ Lib. Const. Art. 2. (1986)

²⁷ Lib. Const. Art. 1. (1986)

Republic of Liberia as amended, other administrative regulations formulated by the NEC, and other national legal instruments as well as international treaties and statutes.

The New Elections Law

The National Elections Commission (NEC) operates independently from the government and is responsible for enforcing all laws related to elections in Liberia in accordance with Section 2.9 of the New Elections Law. The statute mandates the NEC to conduct all elections for public offices and referenda and handle voter registration, candidate nominations, and overall electoral management.²⁸ Moreover, the commission has the authority to create and enforce guidelines that align with Liberia's constitution and election laws to control the election process.

To ensure the smooth running of the 2023 presidential and general elections, the NEC has established and compiled additional administrative and legal instruments,²⁹ such as 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 Procedure. These instruments provide detailed guidance on various aspects of the election process. However, these supplementary legal frameworks have been unable to effectively address or deter the practice of voter trucking, a concern notably raised by candidates and political parties during Liberia's elections.

The EISA-IEOM notes the critical concern regarding the absence of a legal framework addressing voter trucking, a situation that raises more questions about the impact of voter trucking than it provides satisfactory answers. Ensuring that elections adhere to the prescribed legal standards is paramount to maintaining the integrity of the electoral process. Therefore, complying with the rule of law is not just a constitutional mandate but an indispensable aspect, particularly during electoral processes. Article 77 (b) of the Constitution guarantees Liberian citizens aged 18 or older the right to

²⁸ The New Elections Law Section 2.9. (2014)

²⁹ National Elections Commission Compiled Regulations (2023)

register and vote in public elections, except those who have been judicially declared as incompetent or of unsound mind.³⁰

Apart from the above constitutional qualification for voter registration and subsequent participation in an election in Liberia, Section 5.2 of the Voter Registration Regulations 2022 requires voters to register in the areas where they ordinarily reside. However, the legal framework falls short of specifying the exact criteria for determining ordinary residency, which is a critical factor in determining who qualifies to register and vote in a particular electoral district or a county. The statute does not clearly define the term *ordinarily resides*, leading to ambiguity in legal interpretation. This lack of an expressed legal definition of *ordinarily resides* further conflicts with the Constitution. Article 80 (c) of the Liberian Constitution guarantees those over 18 the right to register and vote in their constituency³¹ while the New Elections Law requires qualified Liberian citizens to register and vote in their locality of ordinary residence. While the Constitution is explicit about constituencies, the election law lacks clarity regarding ordinary residency. This inconsistency potentially undermines the capacity of election stakeholders effectively address voter trucking.

Under the New Elections Laws, voter trucking is both illegal and considered electoral malfeasance, punishable by a fine (US\$1,000-\$5,000) or imprisonment for not more than six (6) months, or both.³² However, the current law lacks clear specifications regarding what actions constitute “trucking of voters.” Furthermore, the National Elections Commission (NEC) has not yet provided a definitive definition for this term.

EISA has actively engaged with the NEC’s legal department on this issue, and all parties involved have acknowledged the considerable challenge in formulating a practical working definition for field application. Despite these ongoing uncertainties, a significant number of individuals persist in traveling together in sizeable groups from one location to another for the purpose of voter registration. This practice effectively disenfranchises residents in those respective districts, depriving them of the opportunity to elect their preferred

30 Lib. Const. Art. 77. (b) (1986)

31 Lib. Const. Art. 80 (c) (1986)

32 The New Elections Law Section 10.1 (a) (2014)

representatives. It is worth noting that the NEC has also pointed out that the existing law does not explicitly identify the primary wrongdoer in these instances, whether it is the individuals being transported or the orchestrators of these mass transportation efforts, who may be acting for their own benefit or on behalf of a political candidate.

Party and Campaign Finance

Liberia's political parties and their campaign financial transactions are regulated by Article 82 of the Constitution and Sections 7.1 to 7.4 of the New Elections Law as amended. These legal frameworks set the guideline to regulate campaign financing that aim to promote transparency, accountability, and fairness in the electoral process. Furthermore, regulations cover various aspects of campaign financing, holding candidates and political parties financially accountable, including spending limits, disclosure of funding sources, and contribution restrictions.³³ Adhering to financial accountability helps prevent corruption, bribery, and undue influence by wealthy individuals or organizations on the political process.

Spending limits are critical in preventing excessive and potentially unfair use of financial resources to influence the outcome of the elections. Section 73 of the New Elections Law as amended sets forth the spending limitation of election expenses per candidate as follows:

- \$2,000,000.00 (Two Million United States Dollars) for presidential candidates
- \$600,000 (Six Hundred Thousand United States Dollars) for vice presidential candidates
- \$600,000 (Six Hundred Thousand United States Dollars) for senatorial candidates
- \$400,000 (Four Hundred Thousand United States Dollars) for representative compensation.³⁴

The Constitution and the New Elections Law of 1986 (as amended) permit political parties and campaigns to be financed by private contributions from within the country and the diaspora. It prohibits contributions from anonymous

33 Lib. Const. Art. 82 (1986), The New Elections Law Section 7.1-7.4 (2014)

34 The New Elections Law Section 7.3. (2014)

sources, foreign individuals or institutions, business organizations, and labor unions. Parties and candidates are required to appoint a campaign treasurer responsible for keeping track of all contributions and expenditures. Parties and candidates are required to submit a statement of assets and liabilities alongside their nomination documents.³⁵ The law further requires parties and candidates to submit an audited account and an assets and liabilities report to the NEC within fifteen days of the announcement of the final election results. However, the framework does not provide for the public financing of political parties.

Election Dispute Resolution

Election dispute resolution is a crucial aspect of Liberia's democratic processes. Like many other democratic nations, Liberia has faced challenges in conducting free, fair, and transparent elections due to various factors such as allegations of fraud, irregularities in the voting process, issues with voter registration, and disagreements over election results. EISA-IEOM noted that the NEC has the powers to hear and adjudicate all elections-related disputes which is important in strengthening the powers of the commission.³⁶ Additionally, the electoral system provides that aggrieved parties may seek relief in the Supreme Court in cases where parties are dissatisfied with the NEC's decisions. The Supreme Court of Liberia is the country's highest judicial authority and makes the final determinations on election-related disputes. Once the Supreme Court has ruled on a matter, all legal routes for contesting a decision have been exhausted.

To maintain the integrity of the electoral process, the National Elections Commission (NEC) has established a legal framework for dispute resolution before the October 10, 2023, elections. The NEC's Board of Commissioners adjudicates election-related disputes, such as candidate eligibility, voting irregularities, and election-related complaints. The NEC conducts hearings where parties involved in election disputes can present their case and provide evidence to support their claims.

The New Elections Law 2014 grants the Commission the authority to administer and enforce all election-related laws across Liberia, including the appointment of election magistrates as stipulated in Section 2.22 of the

35 Lib. Const. Art. 82 (1986), The New Elections Law Section 7.1-7.4 (2014)

36 The New Elections Law Section 2.9 (q) (2014)

New Elections Law 2014. The election magistrates are essential to Liberia's electoral process. They act as the NEC's representatives and oversee all election activities, including judicial duties within their assigned districts and counties. In addition, the election magistrates are authorized to hear and resolve objections to voter registration claims and disqualify voters on registration rolls. They can also order the reinstatement of names of qualified voters who were wrongly removed, upon a proper showing. They can hear and resolve election offences where the penalty does not exceed \$500.00 in the first instance.

Apart from the above, the election magistrates have significant authority. As per Section 4.4 of the New Elections Law, they are responsible for organizing the election and appointing a deputy or deputies, subject to the Commission's approval, to act specially or generally, or for a specific constituency, amongst other duties. Section 2.24 of the New Elections Law allows election magistrates to report directly to the Board of Commissioners and serves as the link between the Board of Commissioners and the county to which they are assigned.

2.2 ELECTORAL SYSTEM

According to Article 83(a)(b) of the Constitution, members of the House of Representatives are elected using a simple majority system for a six year term. All elections are by secret ballot. The Senate is made up of two seats per county. Members of the Senate can serve for a total of nine-year or six-year terms. According to Article 83(b) of the Constitution, the president is elected using an absolute majority electoral system wherein they must win with a 50% +1 vote. If no candidate in the first round receives more than 50% + 1 votes, a second round between the two candidates with the most votes in the first round is held on the second Tuesday following the announcement of the result of the first round. In the second round the candidate with the most votes wins.³⁷

The system covers timelines, the number of votes required for a ticket to win, a runoff in the event of none of the presidential candidates receiving a majority of votes, expected days for the declaration of results, complaints filing and timelines for the hearings of such complaints.

³⁷ Lib. Const. Art. 83 (a) (b) (1986)

The issue of term limits for the president and senators was a topic of discussion in Liberia in 2022. In March 2023, the Liberian legislature passed a bill aimed at amending various provisions of the Elections Law, including those related to term limits. One significant addition to the bill was the inclusion of a provision that would have reduced the number of years on these positions. Additionally, the bill contained paragraphs that proposed the establishment of a new independent body responsible for addressing complaints related to election conduct, altering the election date and allowing members of the Liberian diaspora to vote if they possessed valid Liberian identification. Notably, the bill also introduced a requirement for political parties to adhere to a gender quota when creating candidate lists for elected offices. This provision aimed to enhance gender diversity and representation within the electoral process. However, despite its initial approval by the legislature, the bill was vetoed by the president. As a result of this disagreement, the bill did not become law, underscoring the complexities and challenges associated with electoral reforms and gender quotas in Liberia.

The Mission noted that the two-round system for the election of the president allows for an absolute majority in terms of the election and therefore confers a high level of legitimacy on the elected candidate. The provision for presidential term limits also discourages and provides a check on the abuse of power associated with entrenched incumbency as noted in the EISA- IEOM Report 2017. The Mission notes shortcomings in the current electoral system as there are no specific measures and or scope to promote or to enhance the participation of women as candidates and the representation of groups that are traditionally disadvantaged such as women, youth and people living with disabilities, despite the fact that they occupy a large portion of the Liberian demography.

2.3 ELECTION MANAGEMENT, ADMINISTRATION AND INDEPENDENCE

The African Charter of Democracy, Elections and Governance (ACDEG)³⁸ affirms the important role of a competent, independent and impartial election management body (EMB) for the successful conduct and management of elections. Liberia has signed and ratified a number of international and sub-

38 Article 17 of African Charter on Democracy, Elections and Governance

regional protocols, thus committing itself to conduct national elections that uphold international best practice, protocols, laws, and human rights treaties.

The Constitution of Liberia establishes the National Elections Commission (NEC) in Article 89. The organization and administration of the NEC are detailed in Chapter 2 of the Elections Law. The NEC is an independent public commission composed of seven commissioners appointed by the president of Liberia. The president assigns one of them as the chairman and another as the co-chairman, with all appointments subject to the approval of the Senate.³⁹ To qualify as members of the commission, individuals must be Liberian citizens and at least 35⁴⁰ years old. Commissioners serve a seven-year term, and they can be removed from their positions in cases of proven misconduct. They should not belong to any political party.⁴¹ The Mission notes that the foundational set-up of the NEC is in line with best practice as espoused by ACDEG referred above.

The legal framework provides the NEC with broad authority to oversee and manage the election process. This includes responsibilities such as voter registration, electoral district delineation, ballot paper design and distribution, approval and procurement of ballot boxes, the establishment of polling centers and stations, and accreditation of citizen and international observers, media, and party agents.

However, there have been challenges related to public and stakeholder trust in various stages of the pre-election process. The EISA-IEOM noted that the confidence in the NEC's ability to effectively manage electoral processes was impacted by delays in procuring the BVR kits, and alleged concerns about the integrity of certain members of the Board of Commissioners as it relates to their previous political roles and appointments. It can be noted, however, that the presumed "partiality" did not deter the delivery of the election mandate. The NEC's public communications strategy has at times been ineffective in conveying the intended messaging to the public and political stakeholders. It is essential to ensure that individuals involved in the election management process adhere to the highest standards of competence, impartiality, and

39 The New Elections Law Section 2.1. (2014)

40 The New Elections Law Section 2.3 (2014)

41 The New Elections Law Section 2.2 (2014)

ethical conduct to maintain the credibility of democratic processes. The credibility of the electoral system depends on the coordinated efforts of all stakeholders to ensure transparent, fair, and credible elections.

The EISA IEOM noted NEC efforts at decentralization through its structure where magisterial offices are set up in each county responsible for managing electoral districts in a semi-autonomous manner. It is noteworthy that consideration was made in establishing magisterial offices to the extent that the NEC in some bigger counties has two (Upper and Lower) magisterial officers to ensure a manageable electoral district. Election magistrates are appointed to oversee the electoral process, polling stations, ballot distribution, and result tabulation. They play a critical role in maintaining order, ensuring compliance with electoral laws, and addressing any issues that may arise during the election. The election management process requires the coordinated efforts of various stakeholders, including the civil registrar, election magistrates, and temporary staff. The removal of incompetent election magistrates and temporary staff highlights the importance of upholding the integrity of the electoral system, as exemplified by the case of NEC temporary staff being removed for alleged failure to prevent underage registrants.

It can also be noted that in almost all jurisdictions the EMB's are funded by the respective governments through known mechanisms and the NEC is no exception. In March 2023, the NEC presented a budget of US\$91 million to the Ministry of Finance and Development Planning.⁴² The Mission noted though that the NEC received its funding disbursements from the government of Liberia in tranches and that may have curtailed or delayed and in some instances that made NEC independence vulnerable to the whims and controls of the government, or those responsible for authorizing funding to the election operations. The government of Liberia trimmed the budget to US\$33 million which then affected the biometric voter registration rollout. Consequently, there were reported shortages of BVR cards. Further support for the elections was provided by international and regional development partners. In June 2023, the UNDP signed an agreement with the EU to manage US\$88 million to support the government of Liberia election component, while ECOWAS supported the election through various contributions, as

42 The Cut in the 2023 Elections Budget tsmliberia.com

reported. The Mission noted, however, that the more than 60% budget cut by the government cripples the operational and administrative autonomy of the NEC.

The Mission noted that throughout the process the NEC exhibited high levels of independence in its administration of the election, and despite the reservations about the disbursements of funds, the operations were well coordinated. NEC sought to engage with stakeholders at all material times through the designated magistrate offices and HQ officials. The Mission noted that the election calendar was followed and guided the key activities and ensured stakeholders participation. The EISA-IEOM noted the need to review the electoral legal framework on appointments of the Board of Commissioners to safeguard the independence of the commission and guarantee the outcome of the electoral process.

3

The Pre-Election Phase



- 3.1 Voter Registration
- 3.2 Electoral District Boundary Delimitation
- 3.3 Political Party Registration and Candidate Nomination
- 3.4 Civic and Voter Education
- 3.5 Civil Society Engagement and Election Observation
- 3.6 Gender and Social Inclusion Issues
- 3.7 Media Environment
- 3.8 Campaign Financing
- 3.9 Campaign Conduct
- 3.10 Security
- 3.11 NEC State of Preparedness

3.1 VOTER REGISTRATION

The NEC adopted biometric voter registration technology to register voters for the 2023 elections as mandated by Section 5:2 of the 2023 General Elections Regulations. The introduction of BVR in 2023 was a recommendation from previous international election observer missions in response to the issue of voter trucking in past elections.⁴³ The BVR in 2023 represented a significant and proactive step taken by the NEC to address concerns related to multiple voting, voter manipulation and shortcomings of the previous optical mark recognition (OMR) witnessed in previous elections. Biometrics, including facial recognition and fingerprint scanning, were used to prevent electoral malpractices and fraud. However, the BVR implementation process faced several challenges and delays. For example, the procurement by the BVR supplier, Laxton Group, was delayed due to political disagreements surrounding the selection of the supplier. As a result, this delay had a cascading effect on the entire election calendar, resulting in the compression of the preparation schedule by approximately four months.

EISA's LTOs arrived in Monrovia on April 24, 2023, and extensively observed the voter registration process, covering 11 out of Liberia's 15 counties. They conducted interviews with key electoral stakeholders to gain insights into the successes and challenges of the BVR implementation. The BVR process was executed in three phases, with Phase 1 covering six counties and Phase 2

⁴³ EISA's 2017 IEOM report

covering the remaining nine counties. Phase 3 involved the exhibition of the voters' roll, allowing for objections and corrections. Splitting the voter registration process into phases was noted by the Mission as a good practice that provided NEC the opportunity to learn from phase one to improve the exercise for phase two. EISA-IEOM released three observation reports covering observations made during phase one and phase two of the BVR process, and the comprehensive report covering the two phases and the deduplication exhibition and cleaning of the roll.⁴⁴ This process led to the production of the Final Registration Roll (FRR) for the 2023 Presidential and Legislative Elections.

Phases one and two of biometric voter registration

The BVR exercise was conducted in two phases over 42 days and afforded equal opportunity for citizens across the country to register. Phase one covering six counties was conducted from 20 March 2023 to 9 April 2023⁴⁵ whilst phase two covering nine counties was conducted from 21 April to 11 May 2023. The EISA-IEOM noted that a 2014 modification to the New Electoral Law obliges voters to register where they “ordinarily reside”, an amendment aimed at preventing “trucking”, or bringing voters from outside of the district or county to register and vote in an area where they do not ordinarily reside. Section 5.2 of the Voter Registration Regulations 2022, which requires voters to register in their areas of ordinary residence lacks a clear definition of “ordinarily resides”. This led to ambiguity in legal interpretation and potential conflicts with Article 80(c) of the Liberian Constitution, which guarantees citizens the right to register and vote in their constituency. The lack of clarity in the election law concerning ordinary residency creates opportunities for individuals with ulterior motives to exploit the election process, resulting in what is referred to as “voter trucking”. Section 10.1 (a) of the New Elections Law of 2014 deems voter trucking illegal and classifies it as malfeasance, punishable by a fine or imprisonment. However, the law lacks a specific definition of voter trucking, and the National Elections Commission (NEC) has not provided a clear definition either. Consequently, there were challenges in applying the law in the field. In addition, neither the law texts nor the NEC's Trainer Manual for Voter Registration define

⁴⁴ EISA IEOM BVR Report for Phase 2 <https://www.eisa.org/wp-content/uploads/2023/06/2-EISA-IEOM-ReportNo-2-Phase-2-Biometric-Voter-Registration-Process-16-May-2023.pdf>

⁴⁵ Phase one of BVR was covered by EISA-IEOM core team.

ordinary residence or give guidance on how registration officials ought to determine where a voter often lives.

As a result of this legal uncertainty, the EISA-IEOM noted that during the 2023 pre-election period, the voter trucking matter garnered significant attention from various stakeholders including the media, citizen observer groups, political parties, and international development partners. Voter trucking, considered a procedural offense, is generally perceived as detrimental to democracy in Liberia. It is viewed as suppressing local voices, distorting the voting process, and potentially leading to conflicts associated with election-related issues. Some stakeholders argue that these practices amount to the commercialization of Liberia's democracy, undermining the principles of electoral integrity, credibility, and the legitimate representation of citizens in the national legislature.

The EISA-IEOM noted the voter registration process was, broadly-speaking, conducted successfully in a peaceful manner despite challenges. Citizens turned out with enthusiasm to register not only to have the right to vote but also to acquire the improved voter card that will be used as an ID card in their daily businesses. The LTOs observed that even though proof of citizenship and eligibility through the presentation of an ID document or confirmation by a Liberian traditional leader⁴⁶ were required before registration, most applicants were not asked to provide any ID document. In most rural BVR centers, LTOs observed that registrars and immigration officials resorted to oral testimonies, language, names, and accents to verify nationality. The presence of political parties' representatives, mostly CDC and UP, as well as domestic observers was effective in VRCs during registration phase but they had a very low presence during the exhibition phase.

The EISA mission noted operational and logistical challenges such as the improper charging of BVR kits, inconsistent overnight storage procedures, and limited accessibility of BVR centers. Some registrants faced difficulties in accessing BVR centers due to their remote locations, which particularly affected vulnerable groups like the elderly, Persons with Disabilities (PWDs) and pregnant women.⁴⁷ For example, in Rivercess County, District 1, villages

⁴⁶ Section 8.3 of the NEC regulation on 2023 biometric voter registration

⁴⁷ The New Elections Law Section 3.2. (2014)

like Sand Beach and Nimba Junction were not provided with voter registration centers (VRCs). Applicants from these localities had to travel for 10 km and 18 km respectively to the nearer registration center at Neezuin Town (code 36009) to register and have the right to vote. Long distances have put some citizens in a vulnerable position vis a vis politicians, especially candidates for senator and representative positions who provided transportation support and who also organized voter trucking.

Exhibition of voters register and production of the Final Registration Roll (FRR)

The NEC conducted a thorough deduplication followed by an exhibition exercise to identify and remove duplicate registrations and suspected underage registrants, using biometric data. A total of 27,192 duplicates including a total of 3,436 individuals who registered multiple times and 529 suspected underage registrants were identified.⁴⁸ The NEC clarified that individuals who engaged in multiple registrations will be allowed to cast their vote only once, and that vote will be counted at the polling station where they completed their initial registration. The deduplication exercise was followed by the exhibition of the Provisional Registration Roll (PRR).

The exhibition process commenced on 12 June 2023 and ended on 17 June 2023, with centers operating from 8:00 to 17:00 daily. The process allowed stakeholders to inspect the PRR for errors, omissions, and duplications. The EISA-IEOM noted that the numbers of people who turned out to check the PRR at exhibition centers were very low across all counties observed. Based on stakeholder consultations, there were several reasons that can be attributed to the low turnout. First, there was a general lack of interest in the process among the electorate as well as misunderstandings among residents regarding the purpose of the exhibition process. Secondly, unlike BVR phases one and two, civic and voter education initiatives were almost non-existent during the exhibition process.

The NEC announced a provisional record of 2,488,904 registrants from the biometric voters registration (BVR) exercise.⁴⁹ Among them, 27,192 were flagged as duplicates and 529 as suspected underage across all 15 counties.

48 <https://www.necliberia.org/>

49 <https://www.necliberia.org/>

EISA was informed that ineligible registrants would be removed, and cases involving potential criminal motives referred to the Ministry of Justice for appropriate action. The Mission noted that the NEC's application of these procedures aligns with international best practice for using biometric data to verify and clean the voters' roll, thereby enhancing the credibility and transparency of this essential document for the elections on 10 October 2023. Following the cleaning and correction of the provisional voter roll in accordance with the law, the NEC published the final registration roll (FRR) for the 2023 elections with voter numbers at 2,471,617⁵⁰, an increase of 13.18 % compared to the 2017 registration roll of 2,183,629. This indicated the level of effort made by the NEC and its partners to mobilize Liberian men and women who expressed equal levels of interest in participating in the electoral process (49.95% men and 50.05% women). Also, 12,399 Persons with Disabilities (PWDs) were registered. EISA-IEOM noted however that the FRR was published late for the first round of the elections. The late publication did not give political parties and candidates enough room to make best use of the FRR. The election law does not provide a clear deadline for the publication of the FRR by the NEC.

Although there were logistical and technical challenges noted during the voter registration process, the preparation of the voters' roll using appropriate technologies and processes was conducted transparently. EISA-IEOM noted some limitations to the finalized voter roll and the use of BVR devices. For instance, the use of non-current census data to allocate polling stations based on information for the past 20 years and the incorrect assumption by some citizens and political parties that the BVR devices would be used on election day to verify voters continued to circulate. In practice, the Mission observed that, to the contrary, on election day, hard copies of the voters' register, and the 2023 voter cards were used to authenticate voters.

Replacement of lost or damaged voter cards

The BVR process allowed a window period for the replacement of lost and damaged cards from August 14 to 19, 2023. Some registered citizens lost their voter cards before the elections, but also the quality of the printed cards was of concern, as the ink used to mark them seems to be easily removable, rendering

50 <https://www.necliberia.org/>

the cards unusable. Despite the opportunity for replacement, the process saw a very low turnout. EISA-IEOM noted that the operation was organized only at magisterial offices resulting in very long distances for citizens from remote areas to reach there. Additionally, in accordance with Section 3.5(2) of the New Elections Law, applicants had to pay 5 USD to the Internal Revenue for the replacement of their cards. Some counties do not have banks and cash payment was not accepted at magisterial offices, making it very difficult for the few applicants who turned out. Stakeholders attributed the low turnout to the absence of banks at the county level, transportation fees, and poor road conditions. Sending mobile registration teams to the capital cities of every district would shorten distances, help resolve transportation challenges for citizens and increase their participation. In addition, the Mission noted that the conditions of payment should be reviewed and adapted to local realities to avoid penalizing applicants due to the absence of banks in the counties.

EISA-IEOM has received extensive reports indicating that some voters had been coerced into handing over their voter cards to political parties in exchange for financial incentives. These voters were under the impression that they would be expected to vote as directed by the political party on election day, raising concerns about the integrity of the electoral process. Some Representative candidates, in Margibi county for example, deployed teams in districts to register partisans who had the 2023 voter cards. The registration included citizen's particulars and the voter card's number as well as telephone contacts. Based on the recorded database, the teams were able to track, monitor and mobilize these potential voters up to election day. The alleged purpose, according to the candidates, was to help partisans to turn out effectively and vote on election day.

EISA-IEOM commends the BVR for its potential to improve the credibility of the electoral process by preventing multiple registrations and fraud. BVR's effectiveness depends on supporting factors such as a functional civil registry, clear legislation, and procedures. This requires the support of other branches of the Liberian government through the promulgation of updated legislation, and the timely preparation of population data before an election to facilitate a new delimitation process. The Mission has noted gaps between the Constitution and the New Elections Law that have contributed significantly to challenges faced by the NEC during the BVR exercise.

The introduction of BVR for the first time in the Liberian electoral process enabled easier processing of registration data and the identification of multiple and underage registrations. The deduplication and cleaning of the roll allowed the NEC to produce a more reliable and consensual final registration roll (FRR).

3.2 ELECTORAL DISTRICT BOUNDARY DELIMITATION

Electoral boundary delimitation plays a crucial role in ensuring equitable representation and the equal value of each vote in the legislative process. Article 39 of the Liberian Constitution mandates the national legislature to ensure that a population census occurs every ten years.⁵¹ This census aims to provide a detailed and accurate representation of the country's demographic, social, and economic conditions. According to the Constitution, these districts must be contained within county boundaries and should ideally have a roughly equal population distribution of approximately 20,000 citizens or as determined by the legislature based on census data accounting for population changes and migrations, provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.⁵² Following a national census, electoral constituencies shall be redrawn based on the new population figures so that each constituency has an almost equal population before the next elections.⁵³

EISA-IEOM noted that the Liberia Institute of Statistics and Geo-Information Services (LISGIS) conducted a national population census in November and December 2022. According to provisional results from the LISGIS, the estimated population of Liberia stands at 5.2 million. This figure represents a significant increase of 50.4% when compared to the population recorded in the 2008 census, which was 3.5 million. In summary, Liberia's population has grown by more than 1.7 million people over 14 years.⁵⁴

However, following this process, a new electoral district delimitation based on these provisional data did not take place before the 2023 elections. Without official final census results over the last ten years, the NEC retained the

51 Lib. Const. Art. 39 (1986)

52 Lib. Const. Art. 80 (d) (1986)

53 Lib. Const. Art. 80 (e) (1986)

54 <https://liberia.un.org/en/220493-liberia-announces-provisional-results-its-5th-national-population-and-housing-census>

previous electoral district boundaries rather than conduct a comprehensive redistricting exercise as required by law for the 2023 elections. The use of outdated data from the 2010 delimitation exercise by NEC for the 2023 elections does not ensure the equal value of each vote and goes against the principles of democratic representation.

The last National Population and Housing Census took place in 2008. EISA-IEOM noted that there is a consensus among many stakeholders that a new delimitation before the 2023 elections was constitutional.⁵⁵ On March 17, 2023, the Collaborating Political Parties (CPP) filed a petition before the Supreme Court of Liberia praying the Court “*In Re: Constitutionality of the National Elections Commission Planned Conduct of Voters Registration Without the Demarcation of the Constitutional Electoral Constituencies*” to enjoin a voter registration exercise because the exercise was unconstitutional and violated Article 80(d)&(e) of the Constitution. The Supreme Court dismissed the petition and opined that the Court found no reason to disturb the ongoing voters’ registration exercise since the NEC is not in violation of the Constitution as regards Article 80(d)(e).⁵⁶

The last delimitation of electoral districts was conducted in 2010 through a Joint Resolution LEG-002 (2010) of the Senate and House of Representatives of the 52nd Legislature. The 52nd Legislature agreed that sixty-four (64) electoral districts set up by the NEC for the conduct of the 2005 legislative elections continue to be used but for the 2011 legislative elections, nine (9) additional electoral districts are prescribed and established, making a total of seventy-three (73) electoral districts in the Republic of Liberia, which was approved by the President of Liberia and published in a handbill.

3.3 POLITICAL PARTY REGISTRATION AND CANDIDATE NOMINATION

The Constitution of the Republic of Liberia establishes the requirements for the registration of political parties and independent candidates by the National Elections Commission.⁵⁷ The NEC registered a total of 46 political

⁵⁵ Liberia: Cllr. Warner Questions Legitimacy of October Elections (liberianobserver.com)

⁵⁶ IN RE THE CONSTITUTIONALITY OF THE NATIONAL ELECTIONS COMMISSION PLANNED CONDUCT OF THE VOTERS (04/12/2023) – (judiciary.gov.lr)

⁵⁷ Lib. Const. Art. 79 (1986)

parties for the 2023 general elections.⁵⁸ The candidate nomination process was conducted in one phase from June 14th to July 14th, 2023, compared to the 2017 nomination where the NEC extended the registration period by 10 days after the first 23 day phase. During the nomination, the EISA-IEOM observed a significant influx of aspirants during the final 2-3 days, contrasting with the low turnout reported during the early period of the process.

The EISA-IEOM noted that most political parties have listed candidates based on consensus and not by systematic primaries. In some cases where the consensus was not found because the party preferred one aspirant to the other, the non-listed aspirant contested as independent. The Mission observed that smaller political parties opened the recruitment of aspirants to citizens even if they were not adherents to the party. Some aspirants check to know the overall capacities of the party that guarantee the likelihood for them to win elections before registering on the list. As such, most aspirants on the lists of some political parties became adherents by facto. Most political parties used the nomination period to recruit aspirants, resulting in the submission of their lists of candidates to the NEC on the last days of nomination. It was observed, however, that the NEC was flexible in dealing with some gaps during the process in a way that aspirants who have completed nomination could be invited to provide any missing documents or information within the legal period of the process.

Regarding observer access to the candidate nomination centers, EISA LTOs were not permitted to enter the area where registrants were undergoing the nomination process without an NEC official accompanying them. However, through the guided tour provided by NEC officials to observers, the nomination steps were explained. The rationale for this guided access was to ensure the privacy of candidates due to the involvement of sensitive personal and private documents. It is important to note that the role and access of observers during the nomination process are not explicitly defined in the Elections Law, which primarily addresses observer roles on voting day. EISA observed that the NEC had efficiently structured and organized the center to facilitate a smooth process. Each election category, including president, Senate, and the House of Representatives, had predefined sets of

58 <https://www.necliberia.org/>

required forms and documents available for political parties and independent aspirants to collect, complete, and return to the center for nomination. EISA LTOs interacted with political parties, candidates, the police, the media, and all stakeholders and were observed to have positively supported the process. However, some political parties expressed concerns about the challenges candidates faced in obtaining Liberia Revenue Authority (LRA) clearance certificates, with delays lasting over two weeks in some cases.

A total of 1,030 candidates had submitted their nomination documents. This included 20 presidential candidates and 1,010 candidates competing for Senatorial and House of Representative seats.⁵⁹ Among these candidates, 871 (approximately 85%) were male, while female candidates numbered only 159 (around 15%). It is worth noting that both political actors and the NEC had previously committed to fulfilling a minimum of 30% representation of women candidates in the 2023 elections. Independent aspirants for the three elections accounted for 199, constituting 19%, while aspirants for political parties, coalitions, and alliances were 831 or 81%. Of the 199 independent aspirants, 44 women constituted 22%. Of the 831 party aspirants' women were numbered 115 constituting 14%. The Mission noted that the tendency for women to contest as independent aspirants was higher (22%) than party aspirants (14%). While some applicants faced rejection due to issues such as nationality and disputes over their domicile, most applicants were confirmed as candidates. For those candidates who were not confirmed, legal avenues were available for them to contest and appeal the decision made by the NEC. Regarding nomination fees, presidential candidates were required to pay a filing fee of two thousand five hundred United States Dollars (USD 2,500.00), while those competing for Senate seats had to pay seven hundred fifty United States Dollars (USD 750.00). Candidates seeking election to the House of Representative seats were required to pay five hundred United States Dollars (USD 500.00). In addition to these fees, political parties were expected to maintain a minimum balance of ten thousand United States Dollars (USD 10,000.00) in their accounts and provide tax clearance certificates as part of the documentation required for individuals to qualify as candidates in the elections. These financial requirements were in addition to the standard constitutional age and other qualification criteria.

59 News conference on July 17, 2023 by the NEC Chairperson at the headquarters

The EISA Mission has observed that the high filing fees mandated by the NEC, along with the uniform application of these fees without considering the financial constraints faced by women and other candidates, may have discouraged many women and youth from participating in the electoral process. The fees posed a significant barrier for potential candidates, making it difficult for them to cover the cost of filing. Additionally, the restrictions imposed by the 2022 Campaign Financing Regulations and the 1986 Constitution place the onus on political parties and candidates to secure their funding for campaign activities. The state does not offer financial support to political parties, and the Constitution prohibits political parties from receiving funds from external entities. This situation presents a substantial challenge to promoting inclusive political participation in Liberia, particularly in a context where a large portion of the population lives below the poverty line and the country is grappling with the broader economic impact of the global downturn.

The elections law provides that a candidate in an election should be a regular taxpayer and be resident in the area in which he or she is standing for election for at least one year before election day.⁶⁰ The Mission noted that the requirement imposed by the LRA for the 2023 general elections for individuals to pay five years of taxes to obtain clearance for tax compliance was seen as a disadvantage to candidates. The NEC did not provide clarity on why the LRA deviated from the legal requirement of only providing aspirants with proof of regular tax compliance. In addition, aspirants had to spend more money by moving repeatedly to various institutions to assemble all the documents required for nomination. To address this issue in future electoral processes, the NEC could establish an all-in-one center in which all institutions involved in providing documents to election aspirants would be represented. This recommendation has been raised in previous elections.

Female candidate participation

Liberia has shown its commitment to providing women with equal opportunities to participate in political life alongside men by ratifying the Convention on the Elimination of all Forms of Discrimination against

60 The New Elections Law Section 3. (a) (2014)

Women (CEDAW).⁶¹ However, it's important to note that the current legal framework for elections in Liberia does not include provisions for quotas or other affirmative measures that would ensure women's representation in elected positions, as advocated by CEDAW.⁶² Therefore, there is a need for revisions to the electoral laws and regulations to align with international commitments and promote gender equality in political representation.

The candidate nomination period also offered an opportunity for political parties to support the existing Memorandum of Understanding (MoU) calling for 30% representation of women within political party decision-making structures. However, the failure to sign into law the proposed amendments making the gender quota binding on political parties, as well as the failure of political parties to fulfill their commitments, has resulted in only 15% of all candidates fielded for the election being female. It is therefore recommended that the MoU be enacted into law by the national legislature, thereby making the gender quota legally binding on all political parties.

EISA-IEOM noted with concern that the collective performance of political parties to promote women's representation in political office remains far behind regional and international standards, with the trends suggesting that the disparity between men and women in political office is worsening rather than improving. This is an issue that requires urgent attention from a range of stakeholders to reverse the ongoing declines and help Liberia catch up with the regional and international standards on representation which it has adopted through its membership of ECOWAS, the AU and the United Nations.

Despite the high filing fees and other financial constraints required for candidate nomination, Liberian citizens demonstrated very high interest in occupying elective positions. A total of 1,030 positions (20 presidential candidates and 1,010 candidates competing for Senatorial and House of

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

62 Article 4.1 of CEDAW.

Representative seats) were registered for 90 positions in the 2023 general elections (the presidency and the vice-presidency positions, 15 Senatorial positions and 73 House of Representative positions). However, female participation in the elections represented only 15% compared to 85% for male candidates.

3.4 CIVIC AND VOTER EDUCATION

Civic and Voter Education (CVE) plays a crucial role in the electoral cycle as it ensures that citizens are well-informed and can exercise their voting rights effectively and without hindrance, thus upholding universal suffrage principles.⁶³ The EISA-IEOM noted that the NEC, in collaboration with institutions involved in the elections, initiated civic and voter education campaigns for different phases of the electoral process, deploying various media channels like print media, radio, the internet through its website and Facebook pages, and face-to-face interactions.

NEC strategic approach to civic and voter education

The NEC officially launched the CVE campaign for the 2023 electoral period on February 24, 2023. With the support of its technical partners such as the UNDP and Democracy International (DI), the NEC adopted a CVE cell approach by recruiting community-based organizations (CBOs) to conduct CVE in their respective communities. The CBOs were selected locally for reasons of proximity, accessibility, cultural and language familiarities. Through a competitive selection process, the NEC enlisted 400 CBOs, with a focus on women, youth, and Persons with Disabilities (PwDs) groups, to undertake CVE activities across the country. Each electoral district was assigned one community-based organization, totaling 81 CVE cells covering Liberia's 73 districts. It was reported that the NEC printed a total of 25,000 A2 posters to serve 81 cells nationwide during the exhibition phase.

CVE activities were carried out in two main phases with the aim of bringing citizens to turn out in large numbers for the new biometric exercise in the first phase and voter education, including campaigns for violence-free elections in the second phase. The CVE activities for the BVR process and the subsequent exhibition of the Provisional Voter Roll in Liberia were

63 U.N. ICCPR, Article 25(b)

carried out with the involvement of civil society organizations and various stakeholders, including media, political parties, and religious institutions. EISA observers interacted with various CBOs and stakeholders at district levels. The CBOs opted for a mixed strategy using house-to-house, public meetings at schools and in the markets. Most messages were sent by the NEC inviting citizens to participate in the process. However, CBOs broadcasted additional convincing messages to increase participation of those who did not want to register. The CBOs advised all citizens to register even if they were not willing to vote, as voter cards might be useful to them for banking or administrative transactions, given the lack of citizenship cards. The NEC supplied CBOs with some flyers and posters, T-shirts, and a megaphone for every CBO, but this was not enough to cover all the localities. The Mission observed the effectiveness of CVE activities but also noted its significant decline at some stages of the electoral process. For example, during the exhibition phase, LTOs reported reduced levels of CVE efforts in all observed counties. Only 20% of the exhibition centres visited between 12 and 17 June 2023, reported conducting CVE initiatives. The NEC and its financial partner UNDP organized periodic workshops to reinforce CBO capacities during the implementation of CVE. The Mission noted that UNDP improved CBOs' operational capacities for the second phase of the CVE program that was set from July to October 2023 by increasing the financial envelope from 3 000 USD to 5 000 USD for each CBO.

Prior to the October 10 polls, the NEC launched the program of voter information across the country by organizing two-day workshops in the counties in early September 2023. The NEC's workshop aimed at delivering not only key information to citizens on the necessity of maintaining a peaceful environment during elections, but also to providing answers to some frequently asked questions about where, when, why, and how to vote on election day. The strategy of the program was to raise the awareness of administrative and social leaders, traditional and religious leaders, civil society, youth groups, women's associations and PwDs who will disseminate the information into the population.

Civic and voter education challenges

The regression in CVE public outreach was attributed to several challenges related to financial constraints and poor coordination between the NEC, the

CBOs and the financial partner UNDP. EISA LTOs noted the late distribution of CVE materials and late disbursement of funds allocated to CBOs, resulting in the late launching of activities. The CBOs were asked to pre-finance CVE activities before the donor's first disbursement of 40% of the amount contracted with the remaining 60% to be paid at the end of the activity. LTOs observed very low capacities of the CBOs to effectively pre-finance CVE activities, resulting in a relatively positive outcome of the program. The Mission observed the interruption of CVE activities in the counties at the time of the exhibition exercise because CBOs were expecting the NEC to disburse the remaining 60% of the amount contracted.

The EISA-IEOM noted the late launching and distribution of CVE materials by the NEC for the second phase of CVE which commenced during party/candidates' campaigns for the elections. Following the official launching in Monrovia in April 2023, the second phase of CVE was expected to commence without delay at county levels, but was postponed several times until 16 August, the time election campaign activities were ongoing in the counties. In Grand Bassa and Rivercess, for example, magistrates announced the launching of the second phase of CVE on August 4, but it was postponed to August 9, then to August 11, and finally to August 16, 2023, due to financial and logistical constraints. In addition to financial constraints, LTOs observed that magisterial offices were not involved in the coordination of CVE activities in their respective areas of responsibility (AoRs). EISA's LTOs could not confirm with magisterial offices the effectiveness of CBO performances in the field. The CBOs reported their activities directly to the NEC in Monrovia and were paid through a mobile money system under the funding of UNDP. In the absence of a connection between magisterial offices and CBOs, the effectiveness of CVE in the field lacked monitoring and control mechanisms. Political parties and candidates played an important role in CVE by inviting their supporters to turn out and register during the BVR. They also carried out voter education during campaigns, raising awareness on how to vote. LTOs noted that most political parties used various channels, including through the media, inviting their respective supporters to avoid provocation and violence.

The EISA Mission was concerned with the limited comprehensiveness of the civic and voter education strategy by NEC. EISA-IOM is of the view that civic and voter education should be designed to reach the broadest possible

audience using easily comprehensible methods, considering the low literacy rates in Liberia. The EISA-IEOM noted that the civic education program has been the most challenging program for the NEC in the implementation of the 2023 electoral process in Liberia. Financial constraints and a lack of strategic coordination from the NEC resulted in poor awareness and a high rate of invalid votes, especially during the first round of the elections. The greater involvement of political parties and candidates in educating their respective supporters contributed to significantly reducing the number of invalid votes, notably during the second round of the presidential election.

3.5 CIVIL SOCIETY ENGAGEMENT AND ELECTION OBSERVATION

The EISA commends the NEC for carrying out its mandate of accrediting election observers. According to the NEC there was a total of 9,162 citizen and international observers and media disaggregate as follows: Citizen observers, 3,083 females and 3,843 males; international observers, 425 females and 901 males; international media, 34 females and 28 males; national media, 146 females and 612 males; and national special guests, 4 females and 10 males; international special guests, 28 females and 48 males.

Civil society plays a pivotal role in ensuring support for institutional electoral processes and fostering the integrity of elections through their advocacy, accountability, and community engagement in protecting and maintaining the health of democratic space in a country. Liberia's civil society sector was crucial in the 2023 presidential and legislative elections. Their involvement encompassed various activities, including voter education, process observation, advocacy for election law reform, and candidate training. EISA-IEOM noted that for most of the pre-election period, CSO observer networks contributed significantly to maintaining an engaged election environment.

According to the NEC, about 300 CSOs and community-based organizations were accredited to carry out civic and voter education [CVE] in all phases of the 2023 electoral process. Many of these organizations operated in various districts at the local or county level, tailoring their programs to cater to specific constituencies. EISA LTOs engaged with some CBOs such as the National Union of the Disabled (NUoD) in Sinoe County, which deployed twenty-five (25) PwDs across the districts to empower and educate the PwD community and the general public, as well as, most significantly, the marginalized groups, to participate in the elections.

Despite civil society's crucial role in CVE, training, peace promotion, and domestic observation, their involvement in electoral reform and monitoring was limited due to inadequate resources and financial constraints. Liberia has many civil society organizations, the majority of which are concentrated around the capital, Monrovia. Despite being in a country with significant poverty levels, these organizations have faced challenges transitioning from a primarily humanitarian funding landscape to a changing developmental and democracy context. CBOs from the first round of the election have been actively involved in the pre-election electoral process, particularly in civic and voter education and the release of regular observation updates. EISA-IEOM's interaction with some CSOs unleashed dissatisfaction with the NEC's communication, funding allocation for election-related programs, notably during the BVR exercise, and the need for a stable and institutionalized forum for a two-way information exchange with the NEC. On the other hand, the NEC recognized the importance of civil society as stakeholders and partners, but expressed discomfort with feedback being conveyed primarily through press and radio statements rather than structured dialogue.

Two domestic observer groups, the Elections Coordinating Committee (ECC) and the Liberia Elections Observation Network (LEON), played substantial roles in monitoring and gathering information and facts about the election process. These coalitions function as coordination platforms for civil society engagement in the electoral process. EISA-IEOM applauds the efforts of these groups in deploying long-term observers to monitor and evaluate critical aspects of the electoral process, including voter registration, the exhibition of the voter roll, candidate nominations, party primaries and ongoing campaigning.

The involvement of multiple CSOs, at both the national and international levels, played a crucial role in overseeing the voter registration process in Liberia. EISA-IEOM commends the collaborative effort and partnership that the ECC established with these CSOs during the observation period. In particular, the ECC and LEON formalized their partnership through a memorandum of understanding (MoU), which serves as a comprehensive framework document guiding their relationship. This collaborative approach demonstrated a commitment to transparency, accountability, and the promotion of free and fair elections in Liberia throughout the entire electoral

cycle. Additionally, other groups closely monitored the pre-election period. These included the Independent National Commission on Human Rights (INCHR) focusing on human rights in elections, the West Africa Network for Peacebuilding focusing on peacebuilding, early warning mechanisms and conflict prevention, and the Angie Brooks International Centre-Women's Situation Room (ABIC-WSR), with a particular focus on women's political participation and gender-based violence during elections. The Peace Building Office also participated in monitoring efforts, particularly election-related violence and conflict triggers.

The international community has deployed observation missions to Liberia from 2005 up to the 2017 Liberia elections. In the 2023 elections, EISA-IEOM, the European Union (EU), and the African Union and ECOWAS, which also conducted mediation work, also deployed pre-election observation teams in August 2023. These missions issued pre-election assessment findings reports and provided constructive recommendations for Liberian stakeholders to consider as the election process unfolds. The West Africa Democracy Solidarity Network (WADEMOS), a transnational civil society network, conducted a pre-election solidarity mission to Liberia in August 2023 as an acknowledgement of the common democratic principles and existing cooperation among civil society and other civic actors in the West African sub-region. This involved a series of meetings with election stakeholders to deepen learning, share experiences, and exchange knowledge exchange among civil society and other election relevant stakeholders, particularly with the emerging realities of elections in recent times in the sub-region.⁶⁴

3.6 GENDER AND SOCIAL INCLUSION ISSUES

Article 11 of the Liberian Constitution guarantees equal rights for all citizens "irrespective of sex."⁶⁵ The New Elections Law, as amended, also stipulates that political parties should strive for gender balance in their governing bodies and candidate lists, aiming for no less than 30% representation from each gender. However, it's important to note that these provisions are more persuasive than mandatory, resulting in minimal impact on promoting greater women's participation. Despite Liberia's achievement of having

64 <https://wademosnetwork.org/2023/09/statement-on-the-wademos-pre-election-solidarity-mission-to-liberia-ahead-of-the-october-10-general-elections/>

65 <https://www.eisa.org/pdf/lib2017amendedlaw.pdf>

Africa's first elected female president, the country has yet to attain equal gender representation in political life. For instance, no legal framework or regulation supports equal representation of women in political processes and other decision-making positions. Despite the stalled progress in achieving the expected percentage, EISA-IEOM commends the NEC for providing gender-disaggregated voter registration statistics and its commitment to ensuring gender balance in the recruitment of polling staff, it's noteworthy that women, who constitute 50.4% of registered voters, make up only 15% of approved candidates in the elections.

Out of 31 political parties which participated in the nomination exercise, the Liberia Transformation Party (LTP) was the only political party that met the gender quota. The LTP is a party with limited support contesting fewer candidates than some other parties. The Collaborating Political Parties (CPP) is the only larger coalition that came close to 30%. Notably, major political parties still had empty slots after almost two years of engagement with the 30% quota. Political parties have continually demonstrated that they do not have any interest in strengthening their internal democracy and promoting equal political participation. Additionally, the proposed amendments to make the gender quota binding on political parties have not been signed into law, and political parties have not fully adhered to their commitments regarding gender quotas. The persistent trend of a declining proportion of women being included on the candidate rosters of political parties signals a need for more progress in this area.

Consultations revealed that women's political participation faces significant barriers that impede the emergence of female candidates in elections. One prominent obstacle is the requirement of a US\$100,000 Indemnity Bond for independent candidates and political parties. This financial burden was highly discouraging for most independent candidates and women in general, especially considering that women constitute 50.4% of currently registered voters.

However, EISA-IEOM acknowledges the initiatives taken by the NEC, along with the support of development partners and stakeholders such as the United Nations sister agencies, UNDP and UN Women, to promote gender equality in Liberia through electoral law reforms. In February 2022, UNDP

and UN Women in collaboration with the Government of Liberia officially launched a USD2M project titled “Promoting Inclusive Political Participation and Elimination of Violence against Women in Politics” by the Peace Building Fund (PBF). This project, meant to promote women’s participation in politics and electoral processes in Liberia, was essential in contributing to the promotion of equal political participation and representation in governance structures and elected positions.⁶⁶

From the first-round elections, a total of 1,026 candidates participated in the elections, of which 15% were females. The figures above included presidential, senatorial and parliamentary candidates respectively. The table below shows women representation in the 2023 presidential and legislative elections:

Position	No. of Females	No. of Males	Total
Presidential & Vice Presidential	0	2	2
Senatorial	0	11	11
Parliamentary	8	55	63

Persons with Disabilities (PWDs)

Regarding accessibility for Persons with Disabilities (PwDs) in the electoral process, the New Elections Law (as amended) requires the NEC to make necessary arrangements to ensure registration and voting centers/voting precincts are accessible to PwDs.⁶⁷ For example, during the BVR phase, the Mission noted efforts made by the NEC to ensure that PwDs participate during presidential and legislative elections. Illustratively, the NOUD, a community-based organization (CBO) in Sinoe County focusing on disability rights and access issues, was assigned to carry out civic voter education for the 2023 presidential and legislative elections; this was the first of its kind in past election history. Despite the great strides made, some challenges were still encountered during the pre-electoral period, whereby the Mission noted that the voter registration process was not widely accessible to PwDs due to the long distances from one center to another. Although the PwDs community

⁶⁶ <https://www.undp.org/liberia/news/undp-un-women-launch-project-inclusive-political-participation-women>

⁶⁷ <https://judiciary.gov.lr/wp-content/uploads/2017/11/CONSTITUTION-OF-THE-REPUBLIC-OF-LIBERIA.pdf>

were prioritized at various registration centers, the NOUD nonetheless undertook awareness campaigns to advocate for improved accessibility for PWDs during the BVR and exhibition phases. Concerns were raised regarding the accessibility of polling stations, especially centers used during voter registration exercises, which were difficult to access.

However, EISA-IEOM observed the participation of one PwD who was an aspirant in District 8 of Montserrado, and noted efforts from the NEC by including PwDs as voter educators, polling officials, and sign language interpreters. Aside from the NEC's efforts to have PwDs in the 2023 elections, they tried their best to protect the privacy and the votes of the visually Impaired by introducing tactile ballot papers to aid them in casting their votes in secrecy.

Youth

Liberia has a youthful population that constitutes a significant majority, estimated at approximately 65%.⁶⁸ This demographic reality and a substantial number of first-time voter registrants led to a focused advocacy effort targeting young people in the 2023 presidential and legislative elections. The youth were seen as active partisans, battle criers, and supporters of all the major and minor political parties with zero or limited representation in higher positions.

Youth organizations and other stakeholders played prominent roles in advocating for peaceful, free and fair elections. The Federation of Liberian Youth (FLY) launched an initiative called "Vote your peace".⁶⁹ This initiative was youth driven and aimed to promote and inform peaceful participation among young voters in the 2023 presidential and legislative elections. They urged all political actors to refrain from using inflammatory rhetoric and intensifying acrimony. The advocacy, which was centered around the youth, has been instrumental in maintaining peace during the elections and promoting a positive vision for the youth demographic, according to stakeholders from organizations like NAYMOTE.

68 <https://liberia.unfpa.org/en/topics/adolescents-and-youth-4#:~:text=The%20age%20structure%20of%20the,is%2010%2D24%20years%20old.>

69 <https://www.liberianobserver.com/liberia-fly-launch-vote-your-peace-initiative-campaign>

The Mission observed the positive contribution from young people to promote the democratic process in Liberia. Young people turned out in numbers at the various voting centers during the first round. They also took active roles as voter educators, polling officials, observers, and voters, among others. Both young men and women have been visible on social media as influencers and messengers of peace. EISA-IEOM also acknowledges the election of Liberia's youngest lawmaker, a 26-year-old from Grand Cape Mount.

Despite this visible and significant role that youth play in the electoral process, their influence in decision-making remains limited. Efforts should be made to integrate the voices and priorities of young people into political platforms.

3.7 MEDIA ENVIRONMENT

The media continue to play an essential role in linking electoral candidates to citizens, as encouraging the cultivation of free speech and access to alternative opinions on the democratic dispensation is another pillar of genuinely democratic elections. EISA- EIOM noted that Liberia's national legal frameworks guarantee media freedom. Article 15 of the 1986 Constitution of Liberia promotes freedom of expression and freedom of the press. The Constitution also mandates the state-owned media to not deny any citizen access to its platform "because of any disagreement with or dislike of the ideas expressed".⁷⁰ The country also enacted the Kamara Abdullah Kamara (KAK) Act of 2019 in an effort to decriminalize speech. Specifically, the KAK Act repealed the following laws: criminal libel against the President, Sedition, and Criminal Malevolence.⁷¹ The passage of the Freedom of Information (FOI) Law in 2010 also gives the media and general citizens the right to request information from public officials and private officials that serve public interest.⁷² Liberia also recognizes the role of the media in the country through several international human rights and democracy instruments related to freedom of expression. The country rectified the African Charter on Democracy, Elections, and Governance, which promotes media freedom.⁷³

70 CONSTITUTION-OF-THE-REPUBLIC-OF-LIBERIA.pdf (judiciary.gov.lr)

71 KAK Law of Press Freedom.pdf (emansion.gov.lr)

72 FREEDOM OF INFORMATION ACT (rti-rating.org)

73 Microsoft Word - Charter on Democracy.doc (au.int)

Liberia is a signatory to the Universal Declaration of Human Rights and therefore subscribes to Article 19 of this international instrument.⁷⁴

The EISA-IEOM noted that while there is a proliferation of media institutions in the wake of the 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 presidential candidates who depended on the media to convey their plans to voters in all fifteen counties in Liberia.

The Mission commends the state broadcaster and the rest of the media institutions in the country for making efforts to equitably cover the campaigns of all candidates in the elections. Most of the election campaign coverage by the media was on newscasts. However, the Mission also observed that limited trust in state-owned media by the opposition affected their willingness to use these platforms to promote their political agendas. The legal mandate requiring state-owned media to allocate a significant portion of airtime to government programs also raised concerns about balance.

Similarly, the impact of a financially-constrained media economy, compounded by a politicized media landscape, was highlighted as a key factor shaping media in Liberia. According to the stakeholders in the media sector, the need to generate revenue often leads media houses to self-censorship and alignment with the government or personal interests of sponsors to secure business opportunities, thereby making them susceptible to manipulation. This has effects on the electoral environment because it creates an environment where journalists are often tempted to compromise their independence in favor of revenue-generating reporting.

The Mission also observed that the internet gave rise to multiple forums of discussion and alternative sources of information during the elections. Although this wider use of social media increased the public debate, it also offered a greater opportunity to disseminate misleading content and disinformation. Stakeholders raised concerns about the proliferation of hate speech and misinformation, particularly during the campaign period. This is worsened by the fact that there is no independent media regulatory

74 Universal Declaration of Human Rights | United Nations

commission or clear election coverage guideline by the Liberian media. The Liberian legal framework lacks specific provisions to address misinformation and hate speech, relying on defamation laws that may not adequately handle these issues. Instances of disinformation emerged during the official campaign period, fueled by a polarized political environment and politically-owned media outlets.⁷⁵ Efforts to combat disinformation and misinformation include standard operating procedures (SOPs), fact-checking training, gender disinformation awareness, and hate speech training, supported by USAID and organizations like Internews, ILAB Liberia, and the Centre for Humanitarian Dialogue.

Furthermore, the lack of regulatory frameworks that guide the behavior of journalists and media institutions during elections in Liberia creates a way for misinformation and disinformation noted in the runoff period. This was notable 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. EISA-IEOM LTOs also observed unbalanced coverage of social media in elections. Some candidates in capital cities had the advantage of using social media to disseminate their visions, objectives and perspectives while others in remote districts did not have access to electricity and the internet. The Mission observed in Monrovia that social media practitioners established businesses to be paid by candidates whom they interview on their platforms and boost their visibility on social media, radio stations and televisions. Social media coverage raises the concern about the control of the volume and the content of messages delivered to the public, especially in an electoral environment where candidates should have equal opportunity.

In addition, the issue of community radio stations (CRS) being owned by candidates raises concerns about potential biases in reporting and programming, as observed by the EISA-IEOM. According to the media stakeholders, a significant proportion of media houses (100 out of 165) are owned by politicians. For instance, the owner and son of Truth FM radio stations in Montserrado District number four and Nimba County

75 Fact Check: Martin Kollie Is Incorrect About Budgetary Allotments to President Weah and First lady in 2022 & 2023 - Local Voices Liberia Manipulated Content: Quote Attributed to Joseph Boakai About Mandingoes is Fake - Local Voices Liberia

District number nine ran for representative seats in these districts. This ownership dynamic influences the media's agenda-setting and information dissemination, elevating the risk of biased reporting. This led to concerns about the quality of programs and media independence, as programming can be influenced by political interests. It's important that community radio stations adhere to ethical journalistic standards, provide equal opportunities for all candidates to communicate their messages, and avoid favoring specific individuals or parties.

At county levels, the impact of media on the elections varied depending on the level of involvement of local leaders and stakeholders in control of the programs. The EISA LTOs observed that many community-based radio stations operating in the counties played a key role in raising public awareness by developing talk show programs in local dialects. Community-based radio stations served as the main channel of communication between the politicians and the population. Magisterial offices too used community radio channels to communicate and make announcements on election-related issues, sometimes free of charge. In some counties like Grand Bassa, radio and television stations were monitored by community leadership and any misconduct related to the spreading of hate or tribal messages was systematically condemned and corrected. This contributed to maintaining an atmosphere conducive for peaceful elections in Liberia.

The nature of media outlets determines the kind of political atmosphere in a locality, and journalists have a key role to play. EISA-IEOM LTOs observed that UNDP's electoral support project organized capacity-building workshops in June 2023 for media practitioners. Journalists from Grand Bassa, Rivercess and Sinoe Counties attended. Their key roles in educating, informing, raising awareness of the people with impartiality and professionalism were addressed.

Journalists in the counties complained about the conditions of accreditation set by the NEC that they considered as too centralized in Monrovia. To cover the elections, media and journalists had to apply online and later travel to Monrovia to collect their accreditation badges. Most journalists from remote areas, such in the south-east, who applied failed to follow up the status of their applications because of the long distances and cost of travel to reach the NEC

in Monrovia. Local media and journalists expected the NEC to decentralize the procedures by sending their accreditation badges to magisterial offices for distribution.

Gender dimension in media coverage

The gendered dimension of media and election coverage in Liberia is a complex issue that is characterized by historical under-representation and a negative portrayal of women.⁷⁶ EISA-IEOM observed that women have been historically underrepresented both as journalists and as subjects of media coverage. Stakeholders' engagements by EISA-IEOM LTOs in the counties revealed that factors such as gender stereotyping, imbalanced power in media ownership and management, and limited women's media strategies underline females' underrepresentation in the Liberian media. The media landscape in Liberia is influenced by traditional and cultural norms, resulting in gender stereotyping and the underrepresentation of women's viewpoints. Women in politics may face criticism that focuses on their appearance and adherence to traditional gender roles.

Women in politics received less media coverage and publicity than their male counterparts. Besides ECOWAS Radio that dedicated programs to special issues during the elections such as female candidates, most media institutions in the country do not run election-focused programs that highlight women's participation in politics. Women in politics also often experience negative media coverage, which can deter their active participation in political spaces. The Mission also observed that male ownership and management dominate media houses, including privately-owned outlets. This power imbalance extends to newsroom leadership, with fewer female journalists and less influence for women media personalities.

3.8 CAMPAIGN FINANCING

The EISA-IEOM noted that the NEC has limited capacity to monitor campaign finance spending, despite the existence of a comprehensive legal

⁷⁶ Findings from the 2022 Afrobarometer also highlighted the challenges that female political aspirants face from their family, as more than half of respondents think women aspirants will probably face problems with their families. <https://www.afrobarometer.org/wp-content/uploads/2023/06/News-release-Liberians-strongly-endorse-womens-political-leadership-Afrobarometer-ma-gw-bh-2june23.pdf>

and regulatory framework governing campaign finance. At county levels, no action was taken by the magisterial office to monitor campaign expenditure due to a lack of human and logistical resources.

As part of the framework for enforcing the campaign finance regulations, the NEC collaborated with Integrity Watch Liberia, and the United Nations Development Programme (UNDP), in a project called “Strengthening Accountability and Compliance in Campaign Finance Frameworks for the 2023 Elections”. This initiative aimed at enhancing compliance and the enforcement of campaign finance regulations. The EISA -IEOM was informed by the NEC that the support from Integrity Watch was very helpful as their watchdog role was the first of its kind, while their data served as an eye-opener for the commission.

Except for individuals on official duty, the framework prohibits the use of public funds for political campaigns. The EISA-IEOM observed non-compliance with this provision during the campaigns, for example, the use of state resources such as vehicles with government plate numbers which transported officials and party supporters. Concerns have been raised by some electoral contestants and EISA observers regarding the misuse of state resources during the campaign, particularly in relation to the ruling CDC. Instances were reported, such as the use of government vehicles for campaign purposes, bringing attention to potential misconduct. No action was taken to sanction infringing candidates/ political parties.

All the 46 parties that participated in the nomination exercise submitted their statements before they were qualified and cleared to participate in the elections, according to the NEC. In this regard the pre-election reporting was fully enforced by the NEC as the submission of financial statements was a pre-requisite for becoming a candidate, complying with Article 83(d) of the Constitution, which mandates the submission of detailed financial statements 30 days before election day.

All parties and candidates are also obligated to submit their campaign finance reports within 15 days after the announcement of election results. Many political parties and candidates did not adhere to the legal requirements, since as of February 8, 2024, approximately six candidates/parties have

complied, according to the NEC. The NEC possesses the authority to impose fines or seek the revocation of party registrations through the Supreme Court for non-compliance. Parties and candidates who violate campaign finance regulations could face fines of up to USD 5,000. However, as of the drafting date, the NEC had not taken any action.

3.9 CAMPAIGN CONDUCT

A genuinely democratic election, characterized by inclusivity and transparency, necessitates a conducive environment for campaigning where fundamental rights such as freedom of opinion and expression, freedom of association, freedom of assembly, freedom of movement, security of the person, and access to information are upheld and respected by all stakeholders involved in the election process.

The official campaign period for the first round presidential and legislative elections commenced on 5 August 2023 and ended on 8 October 2023. The NEC oversaw 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. Also, 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 on how to hold political parties and independent candidates accountable for maintaining peace.

After a total of 153 campaign activities observed by the EISA observers, the Missions field reports show that the most popular forms of campaign were public rallies (56,9%) and music caravans (47,1%). 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 on issue-based politics. While the campaign period was largely peaceful, the last leg campaigns had isolated incidents of election-related violence in the first round. The most significant of these was 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.

The misuse of state resources recurred which became a great concern to many and which was raised by the opposition candidates in the pre-election period. Allegations include the misuse of government vehicles, fuel, state officials campaigning as party agents without resigning from their government positions, unequal access to public billboard space for campaign purposes and the destruction of campaign posters, highlighting inequalities in the election playing field. Specifically, there were limited reports of CDC candidates in Grand Kru and Nimba Counties using official government vehicles for campaign purposes.

To ensure a fair electoral process both national and regional best practice emphasize that government resources including administrative capacities, vehicles, fuel, and meeting spaces, should not be used to support any specific party or candidate. Article 5(c) of the Liberian constitution also calls for the elimination of “such abuses of power as the misuse of government resources.” Ensuring that state resources are not misused for political advantage is essential for maintaining a fair and level playing field in elections. Furthermore, EISA -IEOM witnessed the use of state resources, such as government vehicles, to transport supporters to and from rallies organized by the ruling party, for instance in Salaya District of Nimba County. This included public transport buses, and allegations suggest that these services were provided without payment. The misuse of incumbency and state resources can impact the fairness of the electoral process by providing an advantage to the ruling party.

In addition, some political parties also conducted campaigns in which party activists collected voter registration information and cards from potential supporters. While the election law has not addressed this practice, it has the potential to create an atmosphere of fear and intimidation among voters. EISA-IEOM observers received reports of such voter registration information being collected during the biometric voter registration (BVR) period. The intentional collection of this information, when combined with innovations in the registration process such as the online pre-registration portal, has

fostered suspicions that this information will be used to disenfranchise voters. LTOs also directly observed the distribution of money, clothing and gifts at a rally organized by the ruling party, where money was distributed indiscriminately. Some Liberians accepted such handouts while professing support for a different party, leading to concerns about “double agents”. The use of money in politics can have a significant influence on mobilizing and recruiting voters, potentially tilting the playing field and affecting the overall integrity of the electoral process.

Political parties at the county level delayed the submission of their campaign schedules to the NEC magisterial offices, increasing the risk of clashes between parties due to simultaneous campaigning. These incidents were closely monitored as potential conflict triggers. Related to this was the observation that most political parties, particularly small parties, lacked funding, so they intentionally delayed the launch of their campaigns closer to election day to save resources and engage the electorate when it counts the most.

Overall, campaigns for both the first and second round of elections have been relatively peaceful and orderly, despite signs of conflict triggers, the influence of local officials, and the need for a level playing field in the electoral process. The campaign season emphasizes personal connections and entertainment value over substantive policy discussions.

3.10 SECURITY

The 2023 elections were the first presidential and legislative election following the end of the United Nations Mission in Liberia (UNMIL). This was a significant step in the stabilization and democratization process of post-war and post-UN peacekeeping in Liberia, and, as such, safeguarding peace, security, and stability is key to avoiding the risk of a relapse into violence. The Liberia National Police (LNP) now has the sole responsibility of providing security before, during and after the elections. The LNP currently consists of 4,472 personnel, comprising 3,616 males and 856 females. Despite their efforts, this represents a significant personnel gap, especially when considering the magnitude of the 2023 elections. Even when additional personnel through the Joint Security were considered, challenges persisted relating to resources and logistics including a lack of essential resources for crowd control, non-

lethal weapons, vehicles, uniforms, and other necessary equipment. These limitations pose challenges to ensuring proper and effective policing to safeguard both people and property during the electoral process.

The Mission also assessed and produced a report on Liberia's electoral violence monitoring and mitigation (EVMM) strategies, implemented as preventive measures against electoral-related violence in anticipation of the 2023 presidential and legislative elections.⁷⁷ The EISA- IEOM noted that the security situation in Liberia, as described by various stakeholders, highlighted significant challenges. The EISA-IEOM observed that the LNP invested in the implementation of preventive security nationwide which helped to ensure a peaceful 2023 election.

The EISA mission acknowledged the signing of the Farmington River Declaration by all political parties to promote peaceful elections. It also recognized the existence and the key role of electoral violence monitoring and mitigation in the electoral cycle, including the pre-electoral violence early warning mechanism, the LERN/IREPORT, joint security councils (JSCs), and the inter-party consultative committee (IPCC). These platforms facilitated the sharing of political and electoral-related violence and security issues. The JSCs and the IPCC also doubled as mitigation mechanisms for political and election-related issues. However, the Mission identified potential conflict triggers and flashpoints, including concerns about the limited capacity of the Liberia National Police (LNP).

The 2023 general elections were held with a limited/weak capacity of state security agencies (SSA). The agencies, including the Liberian National Police (LNP), appeared severely understaffed and under-resourced at the time the elections were deemed high stakes. The candidates were determined to split opposition party strongholds using high cash investments, mobilizing and training paramilitary wings of political parties or candidates that are deployed to provide private security as the electoral contest unfolds.

To minimize risks, election security disposal required a coordinated effort from various stakeholders, including government institutions, political

⁷⁷ <https://www.eisa.org/storage/2023/10/2023-eom-electoral-violence-monitoring-mitigation-liberia-eisa.pdf>

parties, civil society, and international partners. EISA-IEOM has noted the efforts of the joint security taskforce. This should be augmented with training police on their role during elections, cascaded down to the county levels. The police must also be provided with sufficient and necessary logical supplies including communication equipment, and sufficient transportation to effectively perform their responsibilities.

As a result of coordinated actions and mechanisms put in place, the EISA mission observed few incidents during the pre-electoral period except the acts of violence that occurred during campaigns in District 1, Foya town in Lofa County on September 29, 2023, involving supporters of the Coalition for Democratic Change and the Unity Party. Regrettably, the incident led to the reported loss of three lives. The EISA-IEOM has released a press statement, condemning the acts of violence and urging political leaders to exercise the utmost restraint. The Mission implored law enforcement agencies to ensure that justice is served by apprehending those who have violated national laws. The Mission noted that election stakeholders worked underground in anticipation of providing a nationwide peaceful pre-election environment to complement the gaps of security personnel. County police commanders and district police commanders in collaboration with community leaders used all communication means, including local radio stations and public meetings, to sensitize people, particularly the youth, inviting them to promote tolerance and to avoid provocation and violence. Political parties were invited to respect the campaign schedules and the public places that were allocated accordingly. The period following the end of the campaign and the election day were reportedly peaceful all over the country. The Mission commends the collaboration between the LNP and the joint security council (JSC), ensuring the safety of voters, candidates, and election officials during the first and second round elections. Security forces responded promptly to electoral fraud and voter intimidation incidents. However, stakeholders highlighted a need for feedback on the status of pending complaints. Budgetary constraints and logistical difficulties were noted by security officials managing election deployments. The EISA IEOM noted that there was a need for the state security apparatus to remain neutral in the provision of security for political candidates.

The post-election period was also reported by EISA observers as peaceful. People started returning to their usual occupations while the progressive

announcement of election results was ongoing. The rapid concession of defeat by the incumbent president significantly reduced political tension. This act by the president was applauded and considered by Liberians, regional and international partners as the culmination of the transparent, democratic, and credible 2023 electoral process in the country.

3.11 NEC STATE OF PREPAREDNESS

The NEC made progress on some major electoral activities such as voter registration, the exhibition of the temporary voter register, auditing of the voter register, conducting a de-duplication exercise to identify multiple registrations, and receiving candidates' nominations, among others. During the first round it operated on a compressed electoral timetable due to financial constraints which delayed the procurement of the biometric voter registration (BVR) equipment. The voter registration process, which was initially planned to start on December 15, 2022 and run for six weeks, was only finalized on 11 May 2023. Despite this, the NEC was largely 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.

According to the NEC, the government approved a total budget exceeding USD 53 million of the over USD 90 million initially requested. The NEC was able to acquire most of the electoral materials, particularly those imported from abroad, with the funds released. Their IT personnel fully prepared for the elections as this was the first time they had used BVR. During this preparation, ECOWAS provided support to the NEC amounting to USD 500,000, primarily directed towards technical assistance and logistical support. The Liberia Elections Support Project (LESP), implemented by] the United Nations Development Programme (UNDP) funded by a consortium of donor partners (, the European Union and EU Member States (Sweden, Ireland) also supported CVE and awareness creation. Democracy International's Elections and Democracy Activity (EDA), funded by USAID, played a significant role in supporting the institutionalization of civic education. It also enhanced the capacity of the NEC and civil society organizations in effectively managing electoral cycles. Regrettably, systematic CVE activities in the counties remained at low levels.

After completion of the biometric voter registration and the distribution of voter ID cards, the release of the final registration roll (FRR) was published only a few days before election day which did not allow enough time for public scrutiny of the registration roll. The delay in publishing the FRR was also subjected to litigation by political parties. The Mission noted the delay in the release of the regulations on the 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.

Despite efforts made by the NEC, there was a lack of effective communication which affected the electoral calendar. Due to the communication gap, public education on the phases of the electoral process was very low. Many stakeholders noted that the high number of people who conducted multiple registrations during voter registration was due to a lack of understanding of the process and its implications. Proper civic education was lacking, and many individuals were unaware that registering more than once was a crime in Liberia. Using biometric automated and manual verification processes, the NEC flagged voters who submitted multiple voter registrations. About 27,000 records of multiple registrations were detected during the provisional voter deduplication exercise and this involved 3,436 multiple registrants. This further highlights the need for civic education.

The NEC initiated an online application system for the recruitment of temporary polling staff, with a preference for previous staff where possible. The portal for the recruitment of polling officers was opened to the public on 31 July 2023 and ended on 7 August 2023. The applications were sent to a central repository that in turn sent the list of applicants to the various magistrates in their respective counties to manually verify their qualifications and verify politically affiliation to any of the political parties. Training for the temporary staff was also delayed, which brought about many irregularities during the first round of elections. In most cases, polling station officers were unable to tally well which caused mishaps. There was also delayed payment to the temporary staff and logistical challenges to transport them to their various areas of deployment.

The NEC held a regular inter-party consultative committee (IPCC) meeting, a dialogue and consensus-building between political parties and the NEC

to promote peace. However, this meeting faced many challenges related to format and timing which affected its effectiveness. Also, the NEC actively collaborated with the Liberian National Police (LNP) to educate election candidates about the campaign schedule, submission of nomination procedures and the respective roles of the Liberia National Police (LNP) and National Elections Commission (NEC) during the electioneering period.

Finally, a total of 5,911 polling places and 2,080 voting precincts have been established nationwide in 73 electoral districts for the elections. Voting time was maintained at 8:00 a.m., and ending at 6:00 a.m. on 10th October, 2023. By law, the NEC has up to 15 days to declare the presidential results, but has two to four additional days if there are challenges in tabulating the results.

4

Election Day October 10



- 4.1 Election Day Findings
- 4.2 Opening and Voting
- 4.3 Closing, Counting, and Tabulation
- 4.4 Results Analysis
- 4.5 Voter Turnout
- 4.6 Invalid Votes

4.1 ELECTION DAY FINDINGS

The EISA IEOM observed 156 polling places in 35 electoral districts in 13 Counties. With the GIS data provided by the NEC, EISA IEOM was able to deploy a statistically randomized sampling method to minimize selection bias in the polling precincts observed. The observed polling places included urban areas and rural communities.

Best Practice

- The Mission noted that the NEC was largely prepared for the 10 October election. This was witnessed by the availability of all election materials in sufficient quantities, most polling places opened on time, polling staff followed specified procedures, and were largely transparent in their conduct in line with the procedures laid down by the NEC.
- The Mission noted overcrowding at over 85% of polling precincts making it difficult for queue control. Further, the Mission also noted that some polling places were small with extremely poor lighting which may have contributed to the high number of invalid votes.
- The Mission noted the introduction of a tactile/jacket ballot aimed at enhancing the participation of persons with visual impairments in the elections, making the voting process more accessible.
- The Mission noted that the delayed display of the final registration roll on the day and distribution for public scrutiny was a blot on

the good work the NEC had done in the period leading up to the election.

- The Mission noted that the presence and provision of adequate access for party agents and observers contributed to transparency, accountability, and increased participation in the process in line with ACDEG preamble, principles and values.⁷⁸
- The EISA -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. The Mission reported that all voting precincts visited were free of campaign materials.
- The Mission noted that turnout was encouraging in the first round on 10 October, at 78.86%.

4.2 OPENING AND VOTING

The EISA-IEOM observed that polling officials largely followed opening procedures at polling precincts, as illustrated by the timely opening at above 80% of polling places observed, the full complement of staff, and ease of access for authorized persons. Local observers, political party observers, and regional and international observers were allowed to observe the set-up, opening, and voting processes in line with the National Elections Law of Liberia and in compliance with the Declaration on the Principles Governing Democratic Elections in Africa IV. Elections: Rights and obligations part 7: “Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives”.

All polling places visited by EISA-IEOM had the full complement of staff throughout the polling day; they implemented all polling procedures professionally and observers rated their performance as good to very good. EISA observers noted that a minimum of two of the five polling staff were women with the most being four out of five. The Mission noted that the use of one polling booth slowed voting in most polling places until polling staff decided to put up makeshift polling booths using wrapper cloth, and this increased the number of voters being processed thereby shortening the time voters spent at polling places. The competence and professional conduct of

78 Africa Charter on Democracy, Elections and Governance Preamble

polling staff align well with AU Principles Governing Democratic Elections in Africa Section II part 4(e). "...an all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics".

According to Article 77 (b) of the Constitution "all elections shall be by secret ballot as may be determined by the Elections Commission."⁷⁹ EISA-IOM noted Article 21.3 of the Universal Declaration of Human Rights which obliges state parties to ensure "The will of the people...shall be expressed in periodic and genuine elections which...shall be held by secret vote or by equivalent free voting procedures."⁸⁰ The secrecy of the vote was maintained through well-arranged polling booths in line with national election laws and regional and international standards guaranteeing secrecy of the vote. Polling staff, security agents, and election monitors demonstrated professionalism and knowledge of their roles, contributing to a smoothly conducted election day. EISA- IEOM noted that some of the classrooms used for voting were too small and dark hence making it difficult for voters to see clearly where to mark. In Grand Gedeh, Jaibo Polling Precinct Konobo District, Mike Wilson Tuleh Polling Place Tchien District, Nimba County at Zor Public School and First A.G Ganta School the polling staff had to light a lamp in the voting areas during the 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 voters were inked in 61.6% of the polling places before casting their ballot. In 38.4% of the observed polling places, voters were inked after casting their 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. The EISA-IOM noted that as long as every voter was inked to safeguard against double voting, it may be useful to consider inking after casting the ballot to avoid potential spoiling of the marked ballot. In Grand Gedeh, tensions arose due to the positioning of party agents close to voter identification officers (VIOs). Some agents duplicated VIO efforts,

79 Lib. Const. Art. 77 (b) (1986)

80 The Universal Declaration of Human Rights (UDHR)

directly collecting voters' cards for parallel checks. A formal complaint was filed in Grand Gedeh Electoral District #1 and Nimba County Electoral District #1 demanding that VIOs read names and numbers aloud, particularly at Nimba University Polling Place 2, Suakazue Public School Polling Place 1 and Dahnlorpa Public School as political party observers/agents requested voters to call/shout out their names so that they could also tally with their FRR. Despite this being noble in promoting transparency and accountability, it was not part of the NEC staff training nor was it part of the electoral laws, thus creating such actions may have created anxiety. The observers noted that at Suakazue Public School and Dahnlorpa Public School, some voters became so confused that they proceeded to hand over their voter cards for noting down by party observers.

Observers in Nimba, Margibi, Grand Gedeh, and River Gee reported instances of voter trucking. Transported voters would either sing or shout the candidate number of their preferred candidate (2 or 18 in the first round signaling the UP presidential candidate position and CDC presidential candidate position respectively) to demonstrate their support. Observers reported that over 95% of the polling places observed that the atmosphere/environment outside the voting precinct was peaceful and conducive for the electoral process to proceed. This was aided by the presence of professional joint security personnel deployed by the Liberia Immigration Service, Liberia Fire Service, and Liberia National Police reported in 94.4% of polling places observed on election day.

Priority assistance was extended to elderly voters and expectant and nursing mothers. People with disability (PwDs) however faced some challenges. The Mission reported that 52% of the polling stations visited were located either on poorly leveled surfaces or upstairs and therefore inaccessible to persons with a disability. It was observed on the 14th of November 2023 that the Zorgwae Public School, Sehvi Public School, Nimba University, Airfield 2 Public School had inaccessible steps at their entrances. New Sanniquellie Public School had steep steps inside and outside thus making it inaccessible for persons in wheelchairs and the visually impaired, especially if they had no assistance with them. The Mission observed that the elderly struggled with the steps to get inside the polling place. In addition, the Mission noted that at Zor Kialay Public School the classroom was very small and extremely dark, so the polling staff had to use the provided lights during the day for

normal operations. This polling place made it worse for voters with sight issues and the elderly. Some polling places also had poor crowd control, and this obstructed the entry and exit points. Observers reported crowds obstructing the entrance in 14.3% of the polling places visited by the Mission observers, though this cleared as voting proceeded.

4.3 CLOSING, COUNTING, AND TABULATION

In line with the Mission standards, the Mission observed closing, counting, and tabulation at those polling places they observed at opening. Observers noted that closing and counting procedures were followed.⁸¹ Polling places closed between 18:00hrs and 19:00hrs depending on the opening time and if any voters were still in the queue by 18:00hrs. The Mission further noted that 22.2 % of polling places closed by 18:15hrs, 33.3% by 18:30hrs, and 22% closed by 19:00hrs.⁸² Overall, the Mission noted that every voter who was in the queue was given an opportunity to vote in +95% of the places observed at closing.

The Mission further noted that in all the polling places observed, counting took place in the same room where voting took place in line with the legal framework, and that party observers and local and international observers were given access to observe every part of the counting process. The Mission noted the presence of ECC, LEON, WANEP, and in some instances other regional and international observer groups such as ECOWAS, AU, and EU. In most polling places counting was not disrupted, and professional and orderly conduct was reported to polling officials and security while in all centres observed party observers were reported to have been vigilant during the counting process. The Mission observers reported the presence of CDC and UP in more than 100% of the polling places while other parties did not have significant deployments.⁸³

The Mission received an incident of ballot box and election material theft and destruction⁸⁴ from two polling places at Beo Lontuo in Nimba after counting

81 Read seal numbers to all present: 100.0% (16) , Party agents sign the record of seals form: 43.8%, ballot box is emptied onto the table: 93.8%, Unfolding the ballot papers and place them face down: 100.0%

82 EISA Liberia IOM Election day report

83 ALP 12.5%, ANC 6.3%, CDC 100.0%, LP 25.0%, LPP 25.0%, LTP 18.8%, LRP 18.8%, PLP 6.3%, UP 100.0%, UPP 12.5%, MOVEE 6.3% , MDR 18.8%

84 Section 10.25 C Obstruction of election materials New Elections Law

of the ballots. A police report was made and some of the election material was damaged while some residue was recovered. Criminal charges were laid against a town chief, his wife, and seven others. The NEC proclaimed a rerun election on October 20, 2023, in the Beo Lontuo community, District 4, specifically at Polling Precinct Number 33258, Polling Places 1 and 2. The Mission 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.

4.4 RESULTS ANALYSIS

The NEC adopted a progressive approach to announcing the results. Using a daily press briefing, the NEC announced the election results over one week, with results consistently updated on the NEC's website, providing a breakdown by county and polling place. The NEC's approach to the announcement and release of the election results enhanced the transparency of the process and fostered public trust in the election outcome. The process was also closely monitored and observed by stakeholders, including political parties and observer groups⁸⁵ who commended the NEC for independently conducting the election.⁸⁶

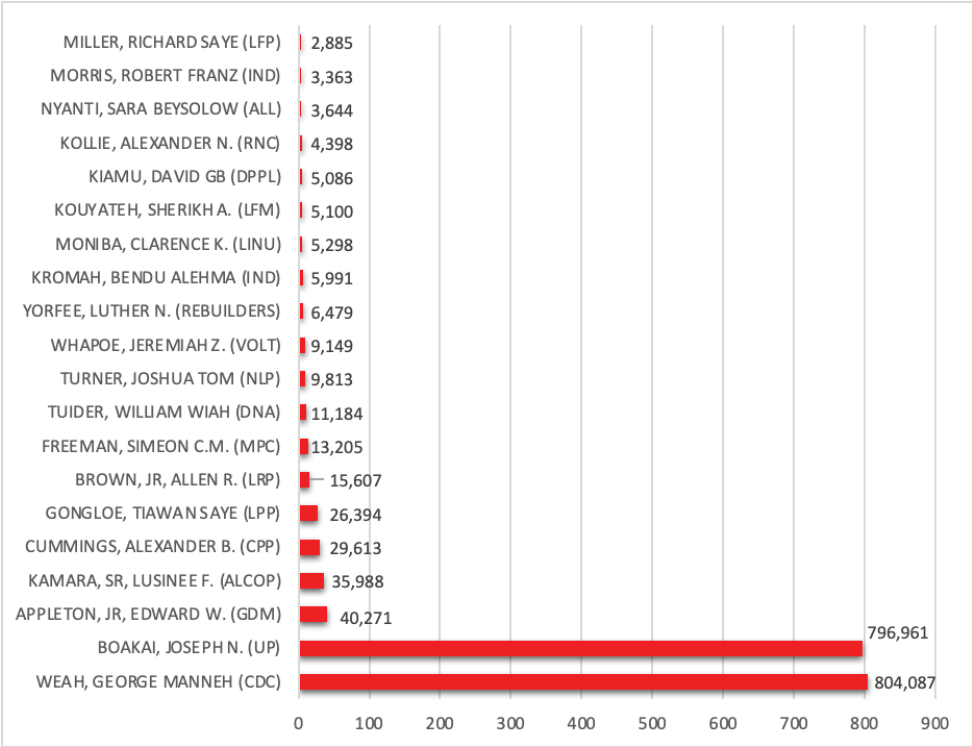
Results of the 2023 Liberian presidential election show a highly contested two-candidate race

Data from the first round of the elections projected a tight race between the CDC and the opposition coalition party led by Unity Party. Of the 2,471,617 votes cast, Weah, George M. of the CDCC received 804,087, representing 43.83% of the valid votes cast. Boakai, Joseph N. of the UP, received 796,961 valid votes, representing 43.44% (Figure 1). This implies that votes for the two leading candidates constitute 87.27% of the valid votes cast, with the aggregate vote of the remaining candidates forming only 22.73% of the valid votes cast. Official results released by the NEC were largely noted to be consistent with polling place-level data collected by some of the observer groups.⁸⁷ With none of the candidates attaining the constitutionally mandated 50% plus one, the election was drawn into a second round. See Figure 1 (below).

85 NEC certified 11,297 domestic, international observers and media for the 2023 elections.

86 *Daily Observer*, Liberia: U.S. Hails NEC for "Independently Organizing" 2023 Elections

87 LEON'S Election Observation: Results Tabulation Situational Report



Source: Data Compiled from NEC’S 2023 Presidential Elections Results

Figure 1: Votes Cast for Candidates

The first-round election results speak to a highly competitive contest with a narrow winning margin. The percentage difference between the candidate with the highest votes cast and the first runner-up is 0.36%, a margin that gives credence to the pre-election dynamics and projection of a high-stakes election. The consensus among key stakeholders during the pre-election period was that the 2023 election was a high-stakes election due to the unwavering commitment of the two major parties to winning it. The incumbent, George M. Weah, was a contestant for a second term of office while for Joseph N. Boakai, it was the second contest for the presidential seat; both candidates and their respective parties were bent on winning the election. Both candidates have confirmed on several occasions that they were committed to winning in the first round.⁸⁸

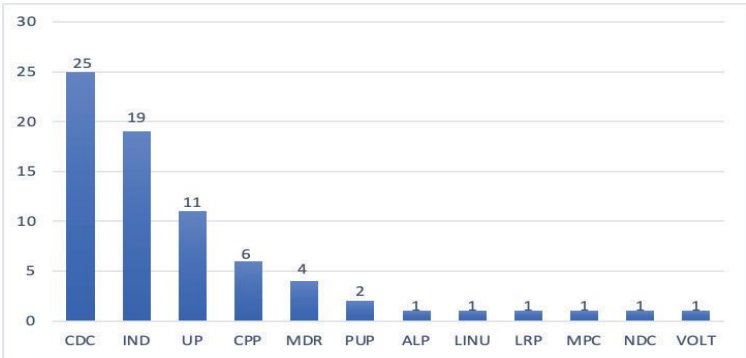
⁸⁸ New Republic Liberia, CDC’s One Round Victory was an Illusion, Accessed October 25, 2023; News Public Trust, Weah’s CDC “One Round Victory” Hope Fades Away?

The close contest shown in the national aggregated result is also depicted in some counties like Montserrado and Grand Cape Mount, where the difference between the top candidates was less than one percent. For instance, in Montserrado, while Boakai received 46.49% of the valid cost cast, George Weah had 46.08%.

In terms of the Senate race, six each won on the CDC ticket and as independent candidates. The remaining three were won as follows: UP (1), LRP (1), and MRD (1).⁸⁹ As displayed in Figure 2, in the House of Representatives race, the highest number of seats was won by the CDC (25), followed by independent candidates (19), UP (11), CPP (6), and MDR (5).

Data suggest a high turnover during the 2023 election, with less than 40% of the legislature retained. Of the 15 senators elected, only four, representing 26.67%, were retained. Similarly, less than 40% of the HoR candidates were retained from the previous HoR. Although regular turnover in the legislature is part of a functioning democracy, high turnover rates have implications for the wealth of knowledge and expertise brought to formulating laws and public policy at the start of the new tenure.

The 2023 elections registered a decline in the number of women elected into the legislature. Of the 88 lawmakers elected, only seven (one senator and six representatives) are women, which translates into about 8%. It also suggests a 3% decline from the previous legislature, which had ten women.



Source: Data Compiled from NEC’S 2023 Presidential Elections Results

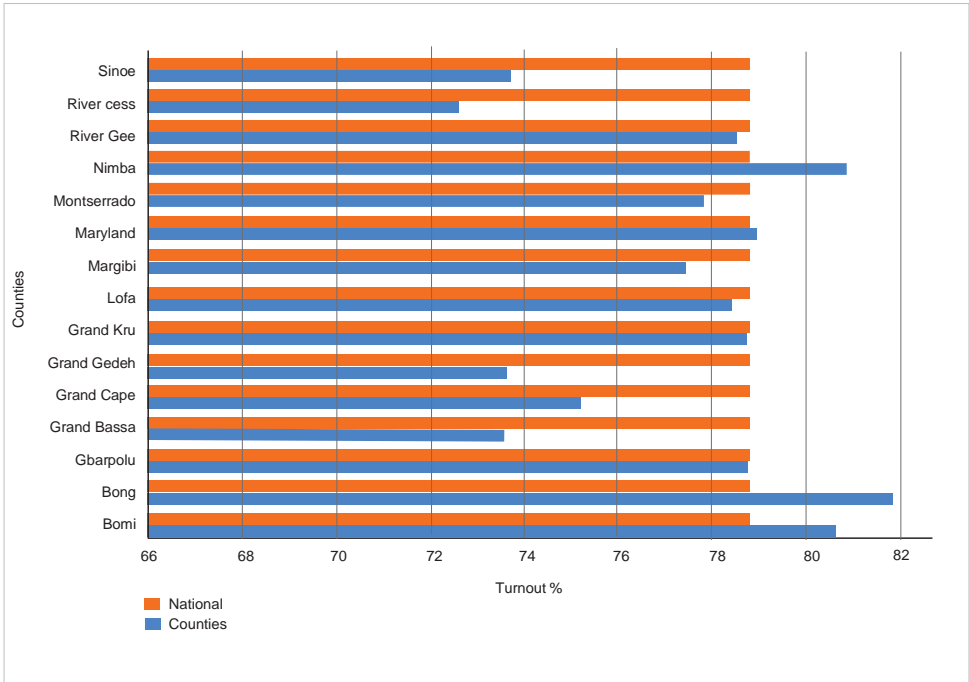
Figure 2: Overview of the Seats won in the House of Representative Election

89 NEC, 2023 SENATORIAL ELECTION RESULTS

4.5 VOTER TURNOUT

As with high-stake elections, voter turnout during the October 10, 2023 election was characterized by high voter turnout. Of the 2,471,617 registered voters, 1,949,155 people turned out, representing 78.86%. The turnout figure corresponds with the scenes of long queues observed at the various polling places across the country. EISA observers reported long queues in most polling places at the opening of the polls at 08h00, with queues reported in some precincts as polls closed. All voters who were in the queue at the time of closing were allowed to cast their votes.

The high turnout recorded at the national level spread across the various counties. As displayed in the Figure 3 below, more than 70% of the total registered voters in all the counties turned out to cast their votes. Turnout in three of the 15 counties, i.e. Bomi, Bong and Nimba were above the national level turnout. In five counties, Grand Bassa, Grand Cape, Grand Gedeh, turnout was below the national average.



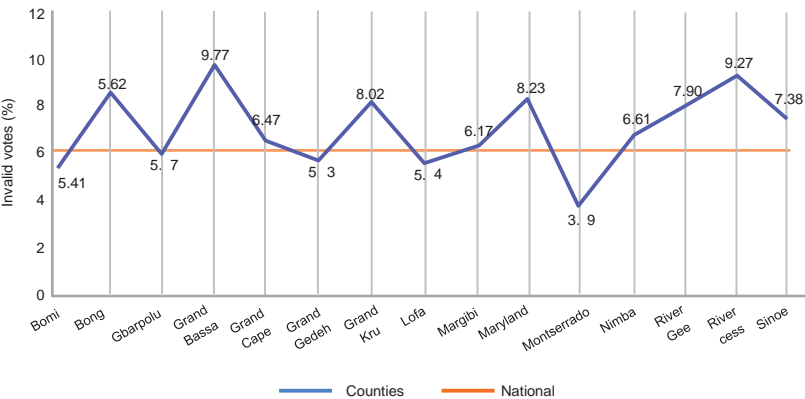
Source: Data Compiled from NEC'S 2023 Presidential Elections Results

Figure 3: Turnout Across Counties

4.6 INVALID VOTES

One of the worrying dynamics from the first round of the election was the high number of invalid votes. Of the 1,949,155 votes cast, 114,639 votes were categorized as invalid, accounting for 5.88% of the total votes. Across the 15 counties, varying levels of invalid votes were recorded, with Figure 4 displaying the extent to which counties deviated from the national average. While Montserratado recorded the lowest percentages of invalid votes, of 3.69%, Grand Bassa (9.77%) and Rivercess (9.27%), deviated the most, by recording the highest percentage of invalid votes.

As noted in preceding sections on CVE, a decline in CVE activities during the pre-election period was observed by EISA-IEOM. Also, engagement with various stakeholders, including political parties and candidates, highlighted concerns over inadequate CVE and its likely implication for invalid votes. Candidates running for the House of Representatives (HoR) and Senatorial positions expressed concerns over the inadequacy of voter education on the voting process and knowledge of the candidates on the ballot, i.e. the “know your candidate” education. They pointed out that the combination of a low literacy rate in the country, particularly among the rural population, and the high number of candidates on the ballot, particularly in the presidential race, could lead to a high number of invalid votes if CVE efforts are not strengthened.



Source: Data Compiled from NEC’S 2023 Presidential Elections Results

Figure 4: Comparison of the Rate of National and County-Level Invalid Votes

5

Run-off Election November 14



- 5.1 Context of Run-off Election
- 5.2 NEC's Preparation for the Run-off Election
- 5.3 Campaign Period
- 5.4 Voter Roll
- 5.5 Civic and Voter Education
- 5.6 Runoff Campaign

5.1 CONTEXT OF RUN-OFF ELECTION

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 faced persistent challenges in the recruitment of temporary staff. Contesting political parties leveled 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 the 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 the payment of allowances was 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 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.

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 rumors 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.

5.2 NEC'S PREPARATION FOR THE RUN-OFF ELECTION

EISA IEOM observed all the preparatory work of NEC in the following counties: Bong, Bomi, Grand Cape Mount, Grand Bassa, Grand Gedeh, Nimba, Lofa, Montserrado, River Gee, Maryland, and Margibi. This coverage was important in that it allowed EISA to have a national sense of how prepared the NEC was from the lowest level of election administration. The NEC successfully conducted the 2023 elections bringing that to two elections that the Republic of Liberia had funded from the government of Liberia budget. Before 2017, the international community provided support directly in the form of funding, logistics, and technical support. As a build-up from the 10 October 2023 presidential and legislative elections, the NEC received disbursements from the government in preparation for the runoff. EISA-IEOM noted smooth operations by the NEC.

EISA-IEOM noted that despite the short timeframe between the Writs of Election for 14 November 2023, the NEC continued to engage periodically with stakeholders by updating them on the various processes that were in motion i.e. ballot paper design, printing, distribution, general materials procurement, staff training and deployment, and political party engagements, among other key processes. EISA-IEOM noted that the practice of engaging with key stakeholders largely made the work of the NEC successful as it would have been anticipated that due to the time limit, materials would have been in short supply or failed to reach polling places on time. Observers also noted that in all the counties of deployment, all materials arrived days ahead of voting, and were kept in the magisterial complex warehouse with security provided for by the joint security.

The runoff elections were conducted using the same format, rules, and procedures as the preceding election on 10 October 2023. This included

retraining polling staff, efforts to cure weaknesses, and challenges reported in the first round of the election. In some instances, the NEC swapped staff for data center staff. For the administration of the election, NEC used the same 5,930 polling places from the 2,080 polling precincts. All polling places had a maximum of 500 registered voters while some precincts had more than 5 polling places, resulting in the crowds being too large for meaningful public management.

5.3 CAMPAIGN PERIOD

The pre-runoff election period was a 20-day campaign period characterized by re-launched campaigns in the capital city of Monrovia and bilateral meetings between CDC or UP standard bearers to seek endorsement from unsuccessful first-round presidential and legislative contenders. There was an observed split of political party leadership in the parties that endorsed CDC or UP in the runoff. The Mission observed that in the counties the parties adopted a face-to-face approach with town hall meetings, door-to-door campaigns, or checkmating each other to prevent electoral malpractices like buying voters' cards.

During this period, the standard bearers of the CDC and UP strategically relaunched their campaigns in Monrovia and reinvigorated campaign efforts at county levels. Notably, the campaigns maintained a largely peaceful atmosphere at the county and district levels, with a distinct emphasis on low-key strategies. This included door-to-door canvassing, town hall meetings, and efforts to raise awareness about candidates' positions on the ballot, aiming to reduce the high number of invalid votes observed in the first round. As observed by the EISA-IEOM in the runoff, the candidates in the campaign did not sustain issue-based campaigns or debates beyond the re-launch speeches in Monrovia by the standard bearers. The media enjoyed freedom of the press and expression, with a notable commitment to respecting these democratic principles. The Mission also noted that most county-based and some national media houses were politically inclined towards either the UP or CDC, a bias noted in the political coverage. The state-owned media persistently allocated a disproportionate amount of coverage to the incumbent. The social media was awash with derogatory language, inflammatory rhetoric, and misleading content dissemination as the runoff approached.

The Mission noted that the requirement to submit campaign schedules was not implemented in some counties. Although the incidents reported may not directly relate to the absence of campaign schedules, it could have helped mitigate any potential risk that could spoil the largely peaceful environment that had been observed.

Despite the overall peaceful campaign environment, there were reported incidents of election violence in specific regions, including Lofa (Districts 1 and 2 on November 13th and 17th, 2023, respectively), Bong, Grand Gedeh, and Nimba.

The political landscape allowed ample space for political parties to conduct their campaign activities. As election day approached, large rallies were organized in Monrovia and various towns. The use of vehicles equipped with public address (PA) systems blaring party songs or campaign messages was notable, indicating a certain degree of political tolerance and the enjoyment of rights such as freedom of expression, peaceful assembly and association, as well as movement.

To inform supporters about candidates' positions in the runoff, sample ballot papers were distributed and there was a more restrained distribution of campaign materials, particularly in comparison to the first round when the ruling party distributed campaign regalia generously.

However, instances of the use of state resources, such as government vehicles, and the involvement of government officials (county superintendents, mayors, and district commissioners) in the CDC campaigns were observed. This raised concerns about the CDC having an undue advantage over the UP.

Moreover, there was a growing suspicion of ballot tampering and buying of voters' cards, particularly in Lofa. There was suspicion and accusation in Foya District 1, where an aircraft was seized by EFFL supporters at the airport. Follow-up observation by EISA LTOs in Lofa revealed police reports indicating that the airfield management had not been informed of any incoming aircraft at that specific time.

5.4 VOTER ROLL

A credible voter roll underpins the whole election; in its absence, the poll outcome will be rendered contested and may result in legitimate issues being raised about the winners of such a poll. A voter roll must satisfy three key principles: currency, completeness, and accuracy. In all respects, the voter roll prepared by NEC meets the currency requirement as it had been recently compiled for the 10 October 2023 elections. Completeness of all the information is measured through an external audit to check if all the parameters of data were met i.e. all the information about the voter that is important in identifying who they are and where they vote is captured completely as per the field data collection expectation set out by the commission. The inclusion of minors and duplicate entries in the recently compiled voters register raised questions about the accuracy of the voter roll. The NEC printed the final registration roll (FRR) in time for the runoff. This was a welcome improvement as political parties were able to educate their members on how to mark the ballot and refine their respective campaign and poll-watching strategies.

5.5 CIVIC AND VOTER EDUCATION

The Mission 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, there was less voter education in this runoff than in the first round. EISAIEOM noted that apart from the use of CVE, cells and radio, chatrooms and messaging platforms were used to reach citizens with election information. However, due to funding and timing constraints, more extensive outreach efforts are needed, specifically those aimed at keeping voters engaged in the electoral process. For the runoff, the UP and CDC produced educational posters and banners through the “Know Your Candidate” program.

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 by the NEC.

5.6 RUNOFF CAMPAIGN

The EISA-IEOM noted a shift in the campaign strategies, as the runoff campaign commenced on October 24, 2023; spanning just 18 days it 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. In particular, various political presidential candidates and leaders engaged in both endorsements and counter-endorsements. The campaign was largely peaceful with no incidences of concern observed by the Mission.

The Mission noted that during the runoff campaign period, certain traditional leaders became involved in the elections, with instances where they received 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-IEOM noted acts of violence that emerged in Nimba, Lofa, Montserrado and Grand Gedeh counties involving supporters of the UP and CDC.

6

Election Day 14 November



- 6.1 Key Observations
- 6.2 Voting
- 6.3 Closing and Counting
- 6.4 Tabulation of Results
- 6.5 Results Announcement and Acceptance
- 6.6 Voter Turnout

6.1 KEY OBSERVATIONS

- Significant improvements in the arrangements made for the management of the polling process were observed. The FRR was displayed at all precincts that the team visited.
- Voter turnout was visibly lower with less crowding at the beginning of voting, and more of a steady flow of voters during voting day until the end of voting. Polling staff were more confident and rigorous in the application of voting procedures throughout the centers observed.
- The Mission noted that NEC was largely prepared for 14 November as evidenced by the availability of election materials in sufficient quantities, most polling places opened on time, polling staff followed procedures as laid down, and were largely transparent in their conduct.
- The introduction of a tactile/jacket ballot aimed at enhancing the participation of persons with visual impairments in the elections, made the voting process more accessible.
- The Mission noted that the final registration roll was provided to the political parties who in turn provided the same to their polling observers/agents.
- The presence of party agents and observers contributed to transparency, accountability, and increased participation in the process in line with ACDEG preamble, principles and values.⁹⁰

- Turn out dropped by 12.74% from 78% reported on 10 October to 66.12% in the second round on 14 November 2023.
- Ballot secrecy was guaranteed.

On the 14th of November 2023, most voting precincts (94.7%) provided a conducive environment both inside and outside polling places, indicating a generally smooth and orderly electoral process. The reported incidents of tussling and pushing in 5% of precincts during the early hours, which normalized by mid-morning, highlighted challenges that were effectively addressed, contributing to the overall stability of the voting environment. The effectiveness as observed for example in Upper Lofa, was due to the good practice of quick response by the NEC magistrate and district elections supervisors to address cases at the polling places as they emerged.

The Mission observed the effort of the NEC in creating a manageable and efficient voting process at the precincts. The data from EISA observers deployed to observe the e-day, reported a structured and regulated approach to polling places, with a specified range of one to six polling places in a voting precinct. This arrangement indicates an effort to maintain a manageable scale for efficient and organized voting processes. This was facilitated by the staffing, training, and deployment of temporary staff, with each polling place being manned by a maximum of six polling staff. The Mission observed that in most of the polling places, there was an average of two women out of six temporary NEC staff, which is an indication of the NEC's commitment to gender diversity in election operations. However, there is room for improvement in ensuring an equal representation of women in all polling places.

In a significant proportion of polling precincts (89.5%) there were no visible campaign materials, suggesting compliance with regulations to maintain a neutral polling environment. However, the presence of branded vehicles or motorbikes with campaign materials/messages in 11% of precincts signals potential instances of non-compliance or oversight in enforcing restrictions on campaign materials near polling places.

Regarding the accessibility of polling places, the Mission observed notable accessibility challenges in polling stations, reporting that 42.1% of observed

polling places were not accessible. This inaccessibility is attributed to uneven or unlevelled grounds at the polling station locations. This highlights a significant concern as it may hinder the ability of certain voters, especially those with mobility issues, to exercise their right to vote. In a substantial number of polling places observed about 75% needed leveling and about 25% were located upstairs. In conformity with Article 29 of the international human rights treaty, the UN Convention on the Rights of Persons with Disabilities ('CRPD'),⁹¹ the NEC therefore in the spirit of inclusivity should identify level grounds that are universally accessible in mapping out polling places. Alternative venues to polling places located upstairs should be considered to enable all voters to participate in the electoral process without facing physical barriers.

In efforts to enhance the credibility of the runoff elections, the presence of domestic election observers, such as ECC, LEON, and WSR, was noted by the mission. The data obtained from the mission indicated that on the e-day, ECC observers were observed in 53% of the instances, while LEON was present in 43% of places. This underscores a significant level of involvement from domestic observers, contributing to increased scrutiny and transparency in the electoral process.

Additionally, and most importantly, the Mission took note of the role of political parties as major stakeholders in monitoring the processes on the e-day. In all observed polling places (100%), political parties had stationed their observers (agents). In addition to placing party observers (agents) in every polling place, the Mission observed that the political parties had roving supervisors managing several precincts equipped with means of transport (car or motorbike) and smartphones to aid them in reporting in real time, especially on results after counting. This highlights the active participation of political parties in monitoring and the use of technology (smartphones) by

91 It requires States to ensure voting procedures, facilities and materials are appropriate, accessible and easy to understand and use, and to guarantee the free expression of the will of persons with disabilities as electors, including by allowing, where necessary, at their request, assistance in voting by a person of their own choice. See also United Nation's Committee on the Elimination of Discrimination against Women (CEDAW)-General Recommendation 18 on women living with disability; the National Commission on Disabilities (NCD) Act of 2005 and the National Action Plan for the Inclusion of Person with Disability in Liberia, 2018-2022 at <https://www.changemakersforchildren.community/system/files/2021-05/National%20Action%20Plan%20on%20the%20Inclusion%20of%20Persons%20with%20Disabilities.pdf>

political parties to report in real time on the electoral process, emphasizing their commitment to ensuring fair and transparent elections.

The collaborative presence of domestic observers and the active engagement of political parties' observers serve as key elements in fostering the credibility of the electoral process. This multi-stakeholder approach not only provides a checks-and-balances system but also contributes to public confidence in the fairness and transparency of the elections. The data suggests a shared commitment among various stakeholders to uphold the integrity of the democratic process during the runoff elections.

6.2 VOTING

The Mission noted that voting took place in an environment of calm and peace both outside and inside the polling places. Security presence was reported in at least 93% of polling places compared to 94.2% observed at the arrival and opening of polling places.

On a greater scale of 99.4% EISA-IEOM noted that laid down procedures were followed as reported from the following thematic observations of procedure; voter's fingers were checked for ink marks in 83.3% of cases; voter's cards presented and verified by polling officials reported by 98.9%; voter identification officer ticks box of FRR to show voter has been processed reported by 98.9%; official mark stamped on the back of the ballot, 98.9%; voter issued a ballot paper in the event of a mistake reported by 98.9%; voter marks ballot paper in secret reports from 97.7%; voter's finger inked stood at 99.4%; voter guided to cast vote in inappropriate ballot box 56.3% if they were not sure of procedure; the lowest incident was of voter being issued a fresh ballot if ballot spoiled, reported by 2.3%.

The presence of local observers and international election observers was reported with CDC having a presence in 99.3% while UP had 100% from reporting polling places. The Mission notes that giving unfettered access to political parties enhances citizens and stakeholder confidence in the process and outcome of the election.

Observers noted that some voting precincts were too small for the number of polling places and registered voters; in addition, some classes lacked natural

light hence making it difficult for voters; and polling places with the major challenge during voting had difficult access to the polling rooms due to the raised steps, among others.

6.3 CLOSING AND COUNTING

The Mission noted the following key procedures being followed; allowing those in the queue by 18:00hrs the opportunity to vote; door closure to the polling point 80.0%; sealing the slots of the ballot boxes 100.0%; unfolding the ballot papers and placing them face down 86.7%; recording the number of seals on the seal form and agents signing the form 86.7%; counting spoiled ballots, unused ballots and discarded ballots 86.7%; packing used polling materials 73.3%; rearranging the polling place for counting 100.0%.

CDC and UP had 100% representation during counting, the Mission noted that the conduct of party agents/observers was unobtrusive, although they seemed in some instances to lack sufficient training to undertake their duties effectively. ECC and LEON were represented in 45.5% of polling stations, WANEP, Angie Brooks International Centre, Independent Human Rights Commission, CEDEM and Women's Situation Room had a combined presence of 27.3%.

The Mission observed ballot counting and noted the following key processes which are important in ensuring that the processes are secured from manipulation and fraud and that every vote is counted and assigned to appropriate candidate in the election. The Mission noted as follows; the reading of seal numbers to all present observers and political party agents in 100.0% of polling places observed by the Mission; party agents signed the record of seals form at 76.9%; and ballot box was emptied onto the table at 100.0% of polling places. EISA-IEOM further observed the unfolding of the ballot papers and placing them face down at 92.3% of polling places. The validity of ballot papers was determined at 92.3% of polling places. EISA-IEOM noted the professional conduct of polling staff during the entire process while party observers/agents also showed high levels of preparedness, were supportive of the counting process and in circumstances where potential errors were noted, party observers/agents were vigilant and alert. Consequently, party agents signed the results form at more than 92.3% of polling places observed without challenges.

In line with the procedures in the elections law which compels presiding officers to paste/stick a copy of the polling place results form outside polling places, EISA-IOM noted a general compliance. In addition, available party/agents and observers were given copies of the results form in line with the law. EISA-IEOM commends NEC polling officials for complying with the requirements and procedures as set out. It can be noted that the practice increases trust, confidence in the NEC, places a high degree of legitimacy on the winning candidates and exhibits the genuineness and openness of the election. These noted acts enable aggrieved parties/candidates to file their complaints based on the evidential documents from the polling places.

EISA-IEOM observed a rerun election on 18 November 2023 in electoral district #9 of Upper Nimba, following an alleged inflation and altering⁹² of ballots at Varmey Public School polling place #4. The irregularity came to light during the tallying of results where there were 50 more ballots than registered voters, prompting the magistrate to report to the NEC HQ which ordered a retake of the election. The commission issued a press statement on 17 November 2023 advising that there would be a re-run in one polling place in Electoral District 9, Nimba County at the Vamie Elementary and Junior High school, precinct code 33090, polling place 4, due to the number of valid votes (379) exceeding the number of registered voters (329), a difference of 50 votes. This situation was discovered during the vote tally in Lower Nimba.⁹³ The presiding officer ran away and at the time of reporting had not yet been apprehended. The re-election had a low turnout as it was conducted after the national results had already shown the UP to have won the election by a comfortable margin.

6.4 TABULATION OF RESULTS

After the close of polls, the EISA IEOM observed that copies of result forms were placed in tamper evident envelopes (TEE) and sent to the magistrate's offices where tallying took place. The election magistrate in each county was responsible for tallying all the votes cast at each polling place in his or her area of responsibility.⁹⁴ The magistrate should then forward the writ of the results to the elections commission as soon as possible. Following the

92 The New Elections Law Section 10.25 (c) (2014)

93 Chair's Briefing Notes – Daily Press Briefing 17 November 2023

94 The New Elections Law Section 14.4 (2014)

counting of votes and announcement of results at the various polling places, the results sheets were transmitted physically to magisterial tallying centers which were established in each county at the magistrate's offices. EISA teams observed the tallying of results at the county tallying centers from 15 November 2023. At the tallying centers, results sheets were entered into a database which calculated the results and transmitted these electronically to the national tallying center established by the NEC in Monrovia where they were tabulated electronically. The Mission noted that the process was largely open and transparent in line with the expectation of the ACDEG and other international principles.

The process enabled complaints to be filed by party agents in the tally centers, the Mission observed, and noted disruptions in Upper and Lower Nimba. In certain instances, however, party agents who were unfamiliar with the tallying process disrupted the process by arguing or asking uninformed questions.

6.5 RESULTS ANNOUNCEMENT AND ACCEPTANCE

The NEC adopted the same approach to the release and announcement of the runoff result, which unlike the first-round election lasted for less than a week. Results showed a closely contested election. Of the 1,634,183 valid votes cast, Baokai received 81,4481, representing 50.54%, while Weah received 793,914 votes representing 49.36%.⁹⁵ The result indicates that while the votes that accrued to Boaki in the runoff showed an increase of 10,394, from the first-round votes (796,961) those of Weah show a decline of 3,047 votes from the first-round votes (804,087). The winning margin of 1.18% was recorded between the two candidates. Although this reflects an increase of 0.82%, the margin is still very narrow.

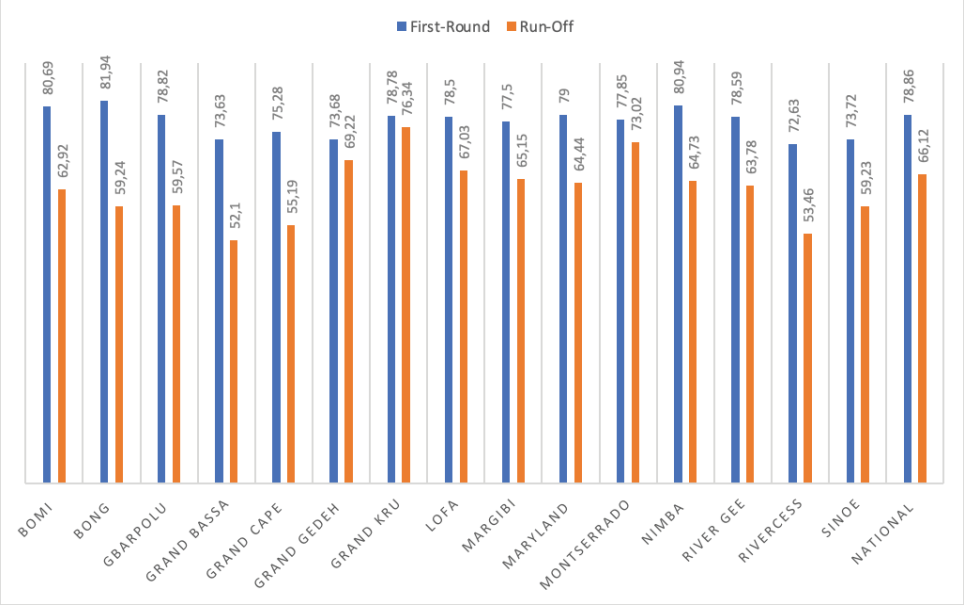
The duration of time between the declaration and acceptance of the provisional result is noteworthy. Following the declaration of 99.58% of the election results by the NEC, the incumbent President George Weah congratulated Amb. Joseph N. Baokai for winning the elections, an act that

95 NEC, 2023 Run-off Presidential Election Results

has been commended by both Liberians⁹⁶ and the international community,⁹⁷ as this fosters a peaceful post-election future.

6.6 VOTER TURNOUT

The runoff election registered a decline in voter turnout. Of 2,471,617 registered voters, 1,634,183 people turned out, representing 66.12%. Compared to the turnout during the first-round elections (78.86), turnout declined by 12.74%. Counties such as Grand Kru (76.34%), Montserrado (73.02%), and Grand Gedeh (69.22%) recorded the highest turnout rates, with a marginal difference from the turnout of the first round election (Figure 5). The county with the lowest turnout was Grand Bassa (52.1%), with a 21.53% difference in turnout between first and second round election.



Source: Data Compiled from NEC’S 2023 Presidential Elections Results

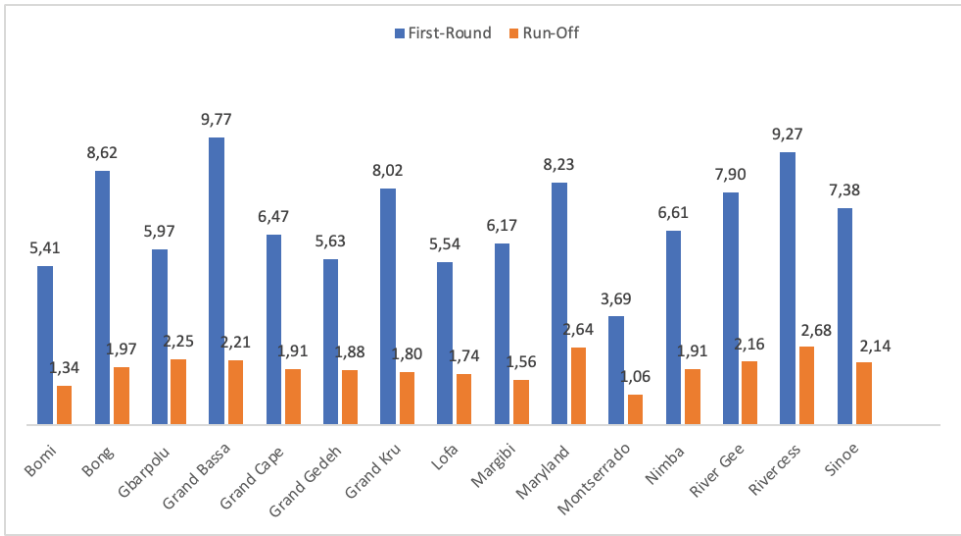
Figure 5: Comparison of Turnout during First and Second Round of Elections

96 *Daily Observer*, Liberia: Pres. Weah Concedes Defeat to President-elect Boakai in Historic Election, accessed on 21 December 2023

97 Al Jazeera, Liberia’s George Weah concedes to Joseph Boakai in presidential polls, accessed on 21 December 2023

6.7 INVALID BALLOTS

There was a decline in the number of invalid votes cast during the runoff as on average these accounted for less than 2% of the votes cast. The number of invalid votes cast during the runoff declined to 25,788 (1.5% of the total votes cast during the runoff election) compared to 114,639 (constituting 5.88% the total votes cast during the first round) in first round elections (Figure 6). Like the first round of the elections, Montserrado recorded the lowest number of invalid votes (1.06%), Maryland (2.65%) and Rivercess (2.68%). The significant decline in the number of invalid votes during the runoff can be explained by various factors including the decrease in the number of candidates on the ballot paper and the ballot paper the voter had to cast. The NEC also updated the tallying and collation manual and retrained temporary staff for election day.



Source: Data Compiled from NEC’S 2023 Presidential Elections Results

Figure 6: Comparison of Invalid Votes during First and Second Round Elections

The Mission noted with concern the case of Lawrence K. Williams, aged 31, who was accused of ramming a vehicle into a jubilant crowd of Unity Party supporters in Monrovia on the night of November 20, 2023. He was subsequently charged with murder, aggravated assault, and recklessly

endangering another person. The incident resulted in the death of three people and multiple injuries. The Liberian National Police stated that the man's actions violated several sections of the revised penal law of Liberia, especially Chapter 14, Section 14.1, 14.20, and 14.23. Williams appeared in court on Monday November 27, and was subsequently remanded to the Monrovia Central Prison by Magistrate Ben Barco.

7

Post-Election Appeals and Complaints



- 7.1 Post 10 October 2023 Appeals and Complaints
- 7.2 Reruns
- 7.3 Recounts

7.1 POST 10 OCTOBER 2023 APPEALS AND COMPLAINTS

EISA-IEOM noted that after the October 10 elections, the NEC's county magistrates and hearing officers received more than 50 complaints of which all but one was related to legislative elections. More than 20 of these cases were dismissed on legal technicalities such as a lack of legal standing. For example, in the case of Ruth Sawmadal of the CDC versus the NEC and Steve Tequiah, an independent candidate, the hearing officer dismissed the case on procedural grounds without considering its merit. An exception was announced, and the matter was taken to the NEC Board of Commissioners, where the hearing officer's decision was upheld, leading to an appeal before the Supreme Court. Eventually, the Supreme Court overturned the NEC Board of Commissioners' ruling and ordered a recount in eleven centers, including the two centers where the Representative Record of Counts had been withheld.

An example of this is the Vision for Liberia Transformation Party (VOLT) v. NEC case, where the Board of Commissioners upheld a ruling made by the hearing officer of the NEC. VOLT's case was dismissed due to a 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.

While it is undisputed that legal matters may be adjudicated on 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 was concerning. These technicalities added a complexity to the dispute resolution process and potentially reduced the opportunity for the complaints to be heard on merit, limiting the chances for improving election-dispute resolution process in the country. The Mission further observed the inconsistent legal frameworks used to resolve election disputes.

About the foregoing observation, EISA-IEOM observed that the hearing mechanism instituted by the NEC aligns with an EDR within the framework of the Liberian constitutional and legal framework, regional and international obligations, standards, and good practice.⁹⁸ This mechanism actively promotes democratic principles, the independence of the judiciary, and the protection of fair trial rights. However, the following observations were made and identified as areas of concern:

- Insufficient training of appointed hearing officers: The EISA-IEOM noted that the NEC appointed hearing officers by Section 7 of the NEC Regulation on Complaints and Appeals from 2016. Most of the appointed hearing officers, as observed, were individuals with a background in general law practice, including practicing lawyers and senior students from the Louis Arthur Grimes School of Law. Although these officers were initially invited for training, the training faced disruptions as on the first day, it was cancelled and subsequently rescheduled. However, the rescheduled training only took place in half a day, deviating from the initial plan, which was intended to have a comprehensive two-day training session. Although the appointed hearing officers were practicing lawyers or senior law students, it was evident that there was a need for training to bolster their proficiency in addressing complaints stemming from electoral matters.
- A significant number of cases were dismissed on technical grounds, according to EISA observers. Observations revealed that

⁹⁸ See Articles 10 and 11 (1) of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights (ICCPR) on the right to fair trial.

dismissals occurred based on technicalities, suggesting potential gaps in awareness among political party lawyers and the public regarding the proper procedures for filing election petitions. The EISA -IEOM noted the number of complaints that were thrown out because of misunderstood procedures. In Nimba County for instance, several cases were dismissed as they were made by individuals who did not have the requisite standing to file complaints. Arguably, the observed situation may have arisen due to hearing officers who were inadequately trained in electoral law, and a lack of clear differentiation between electoral matters and common criminal procedural law.

- It was also observed that the submission of campaign schedules by political parties and candidates served as a preventative mechanism for electoral disputes during the campaign. NEC magisterial officers expressed frustration regarding the acquisition of full campaign schedules from parties and candidates, who in some instances provided only the start date and launch date of their campaign.
- Conversely, some of the candidates and parties expressed reservations about submitting their campaign schedules for fear of being “bullied” out of their planned activities. Cases of candidates and parties being made to halt activities considering major government activity, served as a deterrent for submission.
- Although there were a significant number of complaints after 10 October, there were fewer cases after the November 14 elections.
- Though in practice NEC hearing officers and commissioners worked to provide a fair and equitable dispute resolution process for all complaints around the presidential legislative polls, the NEC’s role as both defendant and judge created a potential conflict of interest. In some cases, the NEC Board of Commissioners sent the cases back to the magisterial office and ordered the magistrate to re-hear the case to guarantee a fair process to the complainant.

Table A: Complaints submitted after 10 October 2023 elections

Details of complaint raised	Date of hearing/ ruling	Resolution taken by NEC/Court.
Hon. S. Washington Menlee Vs. Samuel Kogar PUP and NEC Intimidation or threatening voters/ other violations of law or regulation	12.10.23	The complaint was brought by a poll watcher who failed to show his capacity to file the complaint on behalf of the candidate. The case was dismissed.
Darlington Nagbe Sonya Supervisor Vs. Samuel Kogar PUP and NEC Intimidating or threatening voters/ other violation of law or regulation	12.10.23	The complaint was brought by a supervisor who failed to show his capacity to file a complaint as required by law. The case was dismissed.
Coalition for Democratic Change (CDC) through Nimba Chairperson Reginald Mehn Vs. Unity Party, Senator Prince Y. Johnson MDR, Hon Samuel N. Brown Sr. Independent Candidate and NEC Ballot fraud, false ballots in box, other violation of law or regulation	13.10.23	The CDC withdrew the matter contending that even though the allegations contained in the complaint were grave electoral offenses it cannot overturn or change the election results most especially since the two main contenders were raised for a runoff election. Hence prayed to withdraw the consolidated complaint in order to save time to concentrate on the pending runoff elections. The runoff would need undivided attention for which the CDC accepted the pain for the decision to withdraw the two separate but consolidated complaints. The hearing officer then proceeded to dismiss the case.

<p>Hon. Gunpue Kargon of CDC Vs. Ernest M. Menseah Sr. of MRD, Orlando Kwanue of NDC and the NEC</p> <p>Destruction /Theft of ballot or ballot box other violation of law or regulation</p>	<p>18.10.23</p>	<p>The NEC was ordered to conduct within the next two days a re-run election in electoral district 4, upper Nimba Precinct 33258 polling place 1 and 2.</p> <p>The second issue was where the plaintiff requested the hearing to bar the other candidates from contesting in the re-run since they were perpetrators of the destruction of materials. It was ruled that the matter was referred to the police who would investigate the matter.</p> <p>The principle of innocent until proven guilty would be applied and all candidates would be allowed to contest.</p>
<p>Gunpue L. Kargon Vs. NEC</p> <p>Request for automatic recount in the entire electoral Nimba County district 4 election.</p> <p>Suppression of votes in 25 precincts</p>	<p>21.10.23</p>	<p>Matter set for hearing on 25.10.23; thus, prayer for a rerun granted the partitioner and same was conducted.</p>

<p>Juah S. Dennis of the Unity Party Vs. NEC & Thomas Goswell II, CPP and incumbent law maker electoral district #5, Grand Bassa County.</p> <p>Juah S. Dennis of the Unity Party alleged that polls did not open on time and prayed for a re-run in Precinct 09013, Zondo Town Public School, alterations and inconsistencies in the representative records of the counts in two polling places in District #5 and prayed for a recount of the votes cast in district #5 Grand Bassa County due to the narrow vote margin of 49 obtained by the first two highest candidates.</p>	17.01.24	<p>The NEC hearing officer heard and ruled against the complainant, but the complainant accepted and took an appeal to the Board of Commission of the NEC. The Board of Commissioners upheld the ruling of its hearing officer; hence the matter was appealed before the Supreme Court of Liberia.</p> <p>Haven listened to case, the Supreme Court denied two of the prayers of the appellant and granted one</p> <p>Relying on Section 4.8(2) of the New Elections Law (1986), which provides that “poll shall be opened from eight o’clock in the morning until six o’clock in the evening”. The Court held that “the appellant witnesses’ testimonies could not show the country”, therefore, the request for a rerun in Precinct 09013, Zondo Town Public School was denied.</p> <p>As to the allegations of alterations and inconsistencies, the court held that “mere allegations do not constitute proof”, unless same is supported by evidence. Given that the appellate failed to substantiate the allegation, the prayer was also denied.</p> <p>However, on the last count for recount, the Court reversed the ruling of the Board of Commissioner of the NEC and granted the appellant prayer for a recount. Thus, mandating the NEC to conduct a recount in District #5 Grand Bassa County within 7 days of the ruling.</p>
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<p>Madam Ruth Sawmadal of the CDC Vs. NEC & Mr. Steve Tequiah Independent Candidate.</p> <p>Madam Ruth Sawmadal of the CDC alleged that some of her votes were declared invalid and that the representative records of the counts were withheld in two centers, coupled with the alarming number of invalid votes declared in many polling places in District 2 Rivercess County.</p>	17.01.24	<p>The NEC Board of Commissioner upheld the ruling of the NEC Hearing Officer, thus necessitated an appeal by the appellant (Ruth Sawmadal of the CDC) before the Supreme Court of Liberia. In its ruling, the Supreme Court held “that the overruling objective elections law is to secure transparent and accurate determination of the results of an election that reflect the will of the electorates”. The Court further opined that the appellant substantially established, together with corroborated testimonies that some of the appellant valid votes were declared invalid and the representative record of the counts were withheld in two centers. Therefore, the Court reversed the ruling of the NEC Board of Commissioner and thereby mandated a recount in the eleven centers, including the two centers where the representative record of counts were withheld.</p>
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<p>Mary M. Karwor, CDC incumbent Vs. NEV & Clarence Tenpenneh, Independent Candidate District #2, Grand Bassa County</p> <p>Mary M. Karwor of the CDC alleged election irregularities, fraud, and tampering with election materials, thereby requested for a recount, and rerun in respective polling places.</p>	17.01.24	<p>The Supreme Court, having examined the records, heard arguments of both sides, opined that “mere allegations do not constitute proof, except if the said is supported by evidence”’. The Court established that the appellant failed to provide sufficient evidence to support her respective allegations of irregularities, fraud, and tampering with elections materials. Therefore, the appellant’s prayers for recount and rerun were denied. The Court further opined that ‘for an election to be declared void on account of elections offense, the offense must be committed by the candidate or by a third party who has the consent and knowledge of the candidate to commit such an offense’. The failure of the appellant to established supra is a ground of denial of the said prayer. Therefore, the Court mandated the NEC to proceed with the certification of the appellee.</p>

<p>Bhofal Chambers of CDC of District #2, Maryland County Vs. NEC & Anthony Williams CPP candidate District #2, Maryland County.</p> <p>Bhofal Chambers of CDC accused the NEC of errors, mistakes, and irregularities or fraud.</p>	<p>12.01.24</p>	<p>The Supreme Court heard the argument of both parties and reviewed the evidence adduced thereto. The Court adjudged that allegations must be substantiated by evidence. The lack of evidence in this instant was a reason to deny the appellant prayer. Therefore, the Court denied the allegations of NEC errors, mistakes, and irregularities or fraud for lack of cogent evidence.</p> <p>However, having established sufficient evidence for the occurrence of violence on the voting day in polling places 1 & 2 in Old Sodoken Two, Precinct Code #27020, District #2, Maryland County, the Court reversed the NEC Board of Commissioners ruling and ordered a rerun in the above-mentioned location. The Court further ruled that a rerun shall be under strict security presence to ensure that all citizens eligible to vote shall exercise their constitutional rights and franchise.</p>
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7.2 RERUNS

EISA observed rerun elections in two polling precincts in Nimba and Maryland counties (Nimba, District 4 and Maryland District 2).

The rerun held on 25 January 2024 at Precinct Code #27020 in Old Sodoken, District #2, Maryland County was ordered by the Supreme Court of Liberia following allegations of voter intimidation and violence, including the involvement of traditional figures in two polling places in Precinct Code #27020. The initial winner, Anthony Williams, faced a legal challenge from the incumbent and former Speaker Bhofal Chambers, leading to the rerun. The polling day environment was marked by chaos and heightened tension due to poor crowd control, the presence of individuals without voting rights around the polling precinct, and tensions between supporters of different political parties. Allegations of voter suppression and intimidation were levelled by traditional leaders against the CDC party and there was fear

that violence could break out any moment as the day progressed. The Joint Security Force was visibly present, behaved professionally and were at all times able to manage the tension and unruly behavior. The NEC displayed voter rolls outside polling stations for voters to check their names. The two polling stations opened on time, and both major political parties, CPP and CDC, deployed party agents. The EISA team reported that both CPP and CDC comprehensively deployed political party agents at both polling stations. EISA commends the other seven contesting political parties for deploying political party agents as this permits them to track polling processes, which in turn empowers them to follow through the e-day procedures. The rerun saw a high voter turnout, with a notable presence of females and elderly voters. At Polling Station 2,375 out of 550 registered voters turned out, and at Polling Station 1,436 out of 510 registered voters participated. Furthermore, most of the voters who turned up to vote were females and the elderly. The CPP candidate Mr. Anthony Williams secured victory in the election at both polling stations, thereby earning the House of Representatives (HOR) seat for District 2, Pleebo. The incumbent, Mr. Chambers, had held the HOR seat for 18 years since 2006. While the CPP emerged victorious at the two polling stations, it's crucial to highlight that the margin of victory was narrow. Hon. Chambers received 8,049 votes, representing 44.88%, while Mr. Williams obtained 8,133 votes, accounting for 45.35% (with a margin of 84 votes).

7.3 RECOUNTS

Recounts were ordered in Nimba, River Cess and Grand Bassa counties.

The EISA team was able to observe the recount in Nimba, District#4 held between 19 and 21 January 2024. Supreme Court of Liberia ordered a recount in District#4 of Upper Nimba in response to a complaint by Hon. Gunpue Kargon of the CDC, citing vote suppression and irregularities in 70 out of 84 polling places. In the October 10, 2023, election, 17 parties contested, and MDR's Hon. Ernest Manseah won. NEC officials followed recount procedures, addressing concerns, and party agents had no major complaints except that CDC agents boycotted on the second day, citing concerns, but the process was transparent and professional. The recount results for 70 polling stations were confirmed, with the NEC yet to declare official results after consolidating the remaining 14 uncontested polling stations.

8

Recommendations



Based on the deployment of the EISA- IEOM since January 2023, and the deployment of field observation since April 2023, the Mission makes the following recommendations for the improvement and consolidation of democratic elections in Liberia:

To the NEC

1. Enhance the civic voter education campaign by broadening its strategies and strengthening collaborations with other stakeholders.
2. Improve on its communication strategy when engaging with election stakeholders, emphasizing key processes and clarifying election regulations.
3. Produce and promptly disseminate a manual on the collation and tabulation of results to allow election stakeholders sufficient time to familiarize themselves with the process and procedures.
4. Improve its engagement with political parties on important issues to mitigate perceptions of impartiality and enhance trust in the electoral process.
5. Decentralize the voter registration process by expanding the number of voter registration centers to ensure that voters have convenient and accessible opportunities to participate in the electoral process..

6. Undertake comprehensive training for the appointed hearing officers, magistrates, and the board of commissioners on the electoral legal framework, encompassing filing and hearing procedures for electoral-related cases.
7. Enhance the capacity of political party lawyers in electoral law and the legal framework. This should involve updating and producing training modules on electoral law while intensifying efforts in awareness creation.
8. Establish an “all-in-one centre” where all institutions involved in providing documents to election aspirants would be represented.
9. The deadline for production and publication of the final registration roll should be defined clearly in the elections law.
10. Strengthen implementation of the 30% MoU on gender quota by making it a requirement on all political parties during the nomination exercise.

To Political Parties

11. Build the capacity of party representatives and agents to effectively follow through all the procedural processes at registration and polling stations.
12. Ensure that women actively participate in political party structures as leaders and party agents.
13. Leverage insights and knowledge gained from the 2023 election cycle to engage in consultations and implement suggestions for electoral reform.
14. Commit to the principles of safety, security, participation, peace, and democracy beyond the Farmington River Declaration and take a leading role as advocates for peace at all societal levels.
15. Explore proportional seats for women and youth to increase the representation of these groups and their participation alongside the 30% quota.

To Liberia National Police

16. Review strategies for election security, especially in the absence of the UN Mission in Liberia.
17. Increase the capacity of the LNP and other security apparatus.

involved in elections so that they can prevent and respond to cases and incidences.

18. Condemn violent incidents during the campaign and maintain the integrity of the elections.
19. Introduce security reforms by providing human, logistical and financial resources.

To the Media

20. Prioritize professional training, especially in conflict-sensitive and election reporting, to reduce tensions and violence.
21. Passage of the Independent Media Commission Bill and creation of a monitoring body that regulates media conduct and to combat misinformation and disinformation.
22. State broadcasters to guarantee equal coverage of political parties/ candidates.
23. Disseminating standard operating procedures (SOPs) for the media to adequately prepare for managing sensitive communications during and after the elections.

To Government

24. Guarantee enough and timely funding for the NEC to ensure effective delivery of its constitutional mandate.
25. Review the electoral constituency/district boundaries, ensuring alignment with national laws, international norms, and best practices to safeguard the principle of equal voting rights and ensure fair and proportional representation for all citizens.
26. Ringfence thorough measures and policies to protect against the use and abuse of state resources.
27. Review the constitutional requirements of the appointment of the Board of Commissioners to enhance the inclusivity and integrity of the electoral processes.
28. Prioritization by the legislature of the passage of a law that will genuinely ensure equal political participation and removal of structural barriers to women's political participation.
29. Harmonize the provisions in the Constitution and the election law regarding voter trucking to protect the integrity of voter registration against malpractices such as observed voter trucking.
30. Establish a functional civil registry to facilitate voters' registration.

To Civil Society Organizations

31. Strengthen their technical capacity and presence at local levels in the counties.
32. Collaborate closely and prioritize electoral reform recommendations and actively advocate for their implementation, leveraging collective influence to enhance transparency and fairness in elections.

To the youth

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



CONCLUSION

EISA's assessment of Liberia's electoral process highlights both the progress made in sustaining democracy over the past two decades and the complexities faced in the lead-up to the 2023 presidential and legislative elections. Liberia's constitutional and legal framework lays a solid foundation for credible elections, but the non-implementation of critical constitutional reforms raises concerns, especially regarding term lengths, gender quotas, and electoral magistrates' rotation. The 2023 elections also took place without revisions to the delimitation and boundaries of constituencies based on updated census information.

The 2023 election context was marked by challenges, including the scaling back of international support, economic difficulties, and trust issues related to the administration of the elections by the NEC and state institutions. The EISA-IEOM underscores critical areas of concern, such as voter trucking and campaign finance regulations, emphasizing the need for clarity and enforcement. Election dispute resolution mechanisms are in place, but their effectiveness hinges on implementation.

EISA was pleased to note the unshakeable commitment of the Liberian electorate and citizenry to peaceful alternation of power through the ballot box, the commitment of the Liberian government to upholding the peace and security of the election processes, and the commitment of the NEC to the

principles of transparency and accountability in the execution of its duties. EISA also commends the defeated incumbent, President George Weah, for accepting defeat and his support for the transitional team of the incoming President Joseph Boakai.

ANNEXURES

ANNEXURE 1

PRE-ELECTION ASSESSMENT REPORTS

1. Liberia general pre-election media assessment report
<https://www.eisa.org/storage/2023/09/lib2023mediapam.pdf>
2. EISA-IEOM Electoral Violence Monitoring and Mitigation Pre-election Assessment Report <https://www.eisa.org/storage/2023/10/2023-eom-electoral-violence-monitoring-mitigation-liberia-eisa.pdf>
3. Pre-election Media Assessment Report.
<https://www.eisa.org/storage/2023/09/lib2023mediapam.pdf>
4. Biometric Voter Registration Reports: Phases 1 and 2:
<https://www.eisa.org/storage/2023/05/election-report-2023-phase-one-biometric-voter-registration-librarian-2023-elections-eisa.pdf>

<https://www.eisa.org/storage/2023/06/2-EISA-IEOM-Report-No-2-Phase-2-Biometric-Voter-Registration-Process-16-May-2023.pdf>

ANNEXURE 2

EISA-IEOM PRESS STATEMENTS

Press Statement: The EISA International Election Observation Mission concerned about pre-election political rhetoric and Intimidation

For Immediate Release

Monrovia (June. 12, 2023): The Electoral Institute for Sustainable Democracy in Africa (EISA) International Electoral Observation Mission (IEOM) has noted with concern the use of insulting, demeaning and antagonistic language in ongoing public statements and pronouncements by high-level state and political party leaders and the hostile political rhetoric which has entered the public discourse in recent weeks.

EISA-IEOM, which is currently observing the pre-election period through its long-term observers in the counties, has noted the increasing use of inflammatory verbal exchanges in public forums. EISA-IEOM is mindful that the official campaigning period has not yet officially launched, and already the political discourse has seen intemperate utterances and exchanges between contesting persons. While open and unencumbered speech are a critical function of democratic elections, EISA-IEOM was encouraged to witness the recent commitment made by all competing political parties to restraint through the Farmington River Declaration signed by 27 out of 31 political parties on 4 April 2023. In the context of an open and peaceful election, it is regrettable when the right to freedom of speech is used to incite fear, anger or mistrust, which is against the spirit of the Declaration and what the parties have committed to.

EISA-IEOM reminds all parties and public office bearers that their words resonate widely within Liberian society. EISA-IEOM is aware of reports about mobilization of party supporters in response to public statements and encourages all political actors to recognize the unintended consequences that may accrue from their actions. The mobilization of supporters in protest during the biometric voter registration process, notably in Montserrado County, and to disrupt public gatherings are examples of these. The right to protest is a fundamental democratic freedom, but EISA-IEOM is concerned

about the conduct reported during several recent incidents, which were described as intimidating and threatening. At all times, protests and demonstrations should occur within the law and in a peaceful and non-threatening manner.

EISA-IEOM call on the leadership of all political parties and their supporters, media, civil society organizations, traditional elders, and all other stakeholders to continue to promote a climate of tolerance, and national unity throughout the electoral process, and encourage their supporters to refrain from political violence, threats and intimidation. To achieve this, the IEOM calls on the political leaders to take clear positions to denounce all acts of intimidation, threats, and violations of the code of good conduct, as per their commitments under the Farmington River Declaration.

The Mission, therefore, encourages all political parties to commit themselves to democratic principles by calling on their supporters to firmly reject all forms of violence and to refrain from any act or language that could incite their supporters to violent or illegal behavior to ensure a conducive pre election environment. Election processes that are marred by intimidation and violence will have diminished integrity.

As the NEC commences exhibition exercises of the Provisional Registration Roll (PRR) on June 12, 2023, EISA has been encouraged to witness the ongoing and constructive engagement of Liberian citizens in the process of registering to cast their votes, and the openness and transparency of the National Electoral Commission in providing detailed, disaggregated figures regarding the preliminary Voter's Roll.

EISA-IEOM will continue to observe the 2023 electoral process adhering to internationally accepted principles for election observation. The Mission is diligently tracking all phases of the Election. Long-Term Observers have been on the ground since the end of April 2023, assessing the process against regional and international norms as well as national legislation. EISA has a longstanding commitment to democracy in Liberia and is honored to conduct its International Election Observation Mission in support of the electoral process.

1. **Media-Release-12-June-2023-EISA-IEOM-Pre-election-rhetoric-and-conduct-2.pdf**
<https://www.eisa.org/wp-content/uploads/2023/06/Media-Release-12-June-2023-EISA-IEOM-Pre-election-rhetoric-and-conduct-2.pdf>

Electoral Institute for Sustainable Democracy in Africa- International Election Observation Mission to Liberia 2023 (EISA-IEOM) condemns Electoral Violence in Foya district, Lofa County.

Release Date: October 1, 2023 – Monrovia

The EISA-IEOM acknowledges and strongly condemns the acts of violence that emerged in District Number 1, Foya town in Lofa County on September 29, 2023, involving supporters of the Coalition for Democratic Change and the Unity Party. Regrettably, this incident led to the reported loss of three lives. It is deeply saddening that an election, intended to celebrate diversity and democratic choice, has resulted in a tragic loss of life. One death is one too many, and elections should be a platform for peaceful and fair competition, where the sanctity of life is held in the highest regard.

EISA-IEOM extends heartfelt condolences to the families of the victims and wishes for a swift recovery to those injured in this regrettable act of violence.

Violence, regardless of its scale or intended targets, undermines the entire electoral process. The EISA-IEOM urges political leaders to exercise the utmost restraint and implores law enforcement agencies to ensure that justice is served by apprehending those who have violated national laws. We reiterate our call to the Liberian National Police and the Joint Security Taskforce Committee to implement enhanced security measures for the protection of the public, voters, candidates, and all stakeholders during the remaining election period and the post-election phase. State security institutions are further urged to practice restraint in controlling crowds. The use of live bullets should be deployed as a last resort in restoring order and calm. This tragic incident occurs at a time when political campaigns across the country have, for the most part, been peaceful. As such, EISA-IEOM calls upon all stakeholders to abstain from any actions that could escalate tensions.

We urge all stakeholders in Liberia to unite against all forms of violence, not only during electoral processes but also beyond the current elections. We call on political parties and independent candidates to educate their supporters on the importance of adhering to the Farmington River Declaration principles.

EISA-IEOM remains committed to supporting Liberia's democratic journey, hoping for a peaceful electoral period marked by respect for the rule of

law and the preservation of life and dignity. EISA-IEOM is engaging with domestic and international groups to support a peaceful and transparent election on 10 October 2023, and calls on all stakeholders to support these goals for a prosperous Liberia.

The EISA IEOM has been in Liberia since January 2023, following key electoral activities through the deployment of Long-Term Observers. All queries/engagements emanating from this statement should be directed to: EISA-IEOM Media Analyst, George Yonbior Sharpe at Yonbior@eisa.org



16 March 2023

[FOR IMMEDIATE RELEASE]

**Launch of the Electoral Institute for Sustainable Democracy (EISA)-
International Election Observation Mission (EOM) Project for
Liberia 2023 elections**

The Electoral Institute for Sustainable Democracy in Africa (EISA) is pleased to announce the launch of its International Election Observation Mission project for the Liberia 2023 Presidential and Legislative elections. The EISA International Election Observation Mission (EISA-IEOM), funded by USAID-Liberia to deploy short and long-term international observers, will assess the integrity of the electoral process by applying a comprehensive rights-based observation methodology to all phases of the electoral cycle.

The EISA-EOM aims to achieve the following main objectives:

1. Conduct impartial and ongoing monitoring, assessment, and reporting on all aspects of the electoral process.
2. Demonstrate international support for a democratic electoral process in Liberia by sharing timely, constructive recommendations to improve current and future electoral processes in Liberia.

EISA is committed to promoting credible elections, democratic governance, and sustainable peace in Africa. Through the EISA-IEOM, we hope to contribute to the consolidation of democracy in Liberia and demonstrate our support for the people of Liberia.

For further information on this project, please contact:

EISA Liberia Office:

Antonetta Hamandishe. Email: antonetta@eisa.org.

Please visit our website at www.eisa.org.

ANNEXURE 3

ARRIVAL STATEMENT

10 October 2023 Presidential and Legislative Elections



Arrival Statement

EISA INTERNATIONAL ELECTION OBSERVER MISSION TO THE 10 OCTOBER 2023 PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN LIBERIA

The Electoral Institute for Sustainable Democracy in Africa International Election Observation Mission (EISA-IEOM) announces the arrival of 20 Short-term Observers (STOs). The mission is headed by His Excellency Dr. Nevers Mumba, former Vice President of the Republic of Zambia and deputized by EISA Executive Director, Mr Baidessou Soukougue and supported by a technical team.

The EISA-IEOM has been in Liberia since January 2023, observing various aspects of the elections, including the Biometric Voter Registration (BVR) exercise, provisional voters' roll exhibition, candidate nomination process and the ongoing political campaigns in eleven of Liberia's fifteen counties. These counties include Bomi, Bong, Grand Bassa, Grand Cape Mount, Grand Gedeh, Montserrado, Margibi, Lofa, Nimba, Maryland, and River Gee.

The 20 STOs bring a total of 32 observers (from 20 African countries) deployed to the 2023 elections in Liberia. EISA initially deployed a total of 12 Long and Medium-term Observers (LTO/MTOs) in April and July 2023 respectively to observe the early stages of the elections.

EISA observers will observe the final days of political campaigning, the final deployment of sensitive and non-sensitive election materials, voting day procedures, and the result tallying process.

EISA's assessment of the elections in Liberia is consistent with the legal framework in the country and international standards for elections and democracy. These frameworks include the Constitution of Liberia, the Elections Law of Liberia, the African Charter on Democracy, Elections, and Governance, and the Declaration on the Principles Governing Democratic Elections in Africa.

EISA International Election Observation Mission will issue a preliminary statement on its findings at a press conference on October 12, 2023.

The short-term mission will remain in Monrovia until 15 October 2023. Its secretariat is located at the Cape Hotel, Monrovia.

For the mission
His Excellency Dr. Nevers Mumba
Former Vice President of the Republic of Zambia

ANNEXURE 4

ARRIVAL STATEMENT



ARRIVAL STATEMENT

EISA INTERNATIONAL ELECTION OBSERVER MISSION TO THE 14 NOVEMBER 2023 PRESIDENTIAL RUNOFF ELECTION IN LIBERIA

MONROVIA, 11 NOVEMBER 2023

Members of the media
Fellow observers
Citizens of Liberia

It is an honour to be here once again in Monrovia.

The Electoral Institute for Sustainable Democracy in Africa International Election Observation Mission (EISA-IEOM) announces the arrival of its 18 Short-term Observers (STOs) to observe the 14 November 2023 Presidential runoff election in Liberia. The Mission is headed by His Excellency Dr. Nevers Mumba, former Vice President of the Republic of Zambia and deputised by EISA Executive Director, Mr Baidessou Soukoulgue and supported by a technical team of nine experts.

These STOs together with 12 Long-term Observers (LTOs) deployed since April and July 2023 observed the first round of voting in eleven of Liberia's fifteen counties in October 2023. These counties include Bomi, Bong, Grand Bassa, Grand Cape Mount, Grand Gedeh, Montserrado, Margibi, Lofa, Nimba, Maryland, and River Gee.

The 30 EISA observers will observe the campaigns, final deployment of voting materials, the voting day procedures, including the opening and closing of polls, the counting processes at polling stations and result management processes in the respective counties.

EISA's assessment of the elections in Liberia is consistent with the legal framework in the country, and regional and international standards for elections and democracy. These frameworks include the Constitution of Liberia, the Elections Law of Liberia, the African Charter on Democracy, Elections, and Governance, and the Declaration on the Principles Governing Democratic Elections in Africa.

In conducting our duties, we will be guided by the principles of neutrality, impartiality, objectivity and independence. As we are here in our capacity as an organisation, our assessment will be our own and not that of any group or political party.

ANNEXURE 5

PRELIMINARY STATEMENT

EISA INTERNATIONAL ELECTION OBSERVATION MISSION TO THE LIBERIA 2023 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

12 October 2023, Monrovia, Liberia

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 pollical 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.

ANNEXURE 6

PRELIMINARY STATEMENT

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

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.

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.

ELECTION DAY OBSERVATIONS

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.

Voting

The voting process, while facing challenges in accessibility for Persons with Disabilities [PwDs], demonstrated overall efficiency and adherence to required procedures.

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 5.88% 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:

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

Traditional leaders:

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

To the National Elections Commission (NEC):

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

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

To the Media:

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

CONCLUSION

EISA congratulate the 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.

ANNEXURE 7

POST-ELECTION STATEMENT

POST-ELECTION STATEMENT TO LIBERIA'S 2023 PRESIDENTIAL RUN-OFF ELECTION 23 NOVEMBER 2023, MONROVIA, LIBERIA

The Electoral Institute for Sustainable Democracy in Africa (EISA)-International Election Observer Mission [EISA-IEOM] commends the National Elections Commission (NEC) and its Chairperson, Davidetta Browne-Lansanah, for completing its mandate to conduct the 2023 Liberian Presidential and Legislative elections in Liberia. EISA extends its congratulations to President-elect Joseph Nyumah Boakai as he prepares to assume the highest office in the land and applauds former President George Manneh Weah for his statesmanship by graciously conceding defeat and calling on Liberians to foster unity and peace.

Liberian citizens reaffirmed their commitment to democracy during the period between the Presidential run-off and the final announcement of results by maintaining law and order. EISA commends the NEC for conducting the 2023 elections in a challenging context with independence, impartiality, and transparency, paving the way for a continuation of participatory democracy in Liberia. The NEC demonstrated a high level of transparency throughout each stage of the process, from the Biometric Voter Registration (BVR) to a meticulous vote tabulation and collation process and publication of the official results.

The NEC's prudent decision to quarantine results from polling stations in Grand Kru County and conduct a rerun in Nimba County is commendable, as it ensured that every vote cast was transparently accounted for. While this decision led to a delay in finalizing the official results, Liberians remained calm and orderly while awaiting the results.

EISA urges all political parties to work together to facilitate a smooth transition of power. The Liberian people have demonstrated remarkable patience throughout this protracted electoral process and deserve a

government that represents all Liberians and works collaboratively to move the country forward. To the newly elected representatives, EISA reminds them of the great faith placed in them by the Liberian voters and calls on each elected official to uphold the highest standards in the fulfilment of their constitutional mandate.

The 2023 election was a pivotal moment for Liberia's democracy, marked by a series of firsts and challenges. The outcome of the two rounds of voting highlights the deep divisions that persist in Liberian society and the ways in which the current political and electoral systems reinforce these divisions. EISA emphasizes the urgent need for key leaders in Liberia to bridge these divides and prioritize comprehensive electoral reforms in advance of the next election. Liberia's political leaders have consistently expressed support for these ideals, and EISA calls upon the newly elected government to work together to realize them. An inclusive electoral reform process, with meaningful participation from civil society leaders and strong support from the international community, will be essential. EISA urges the new government to swiftly initiate this reform process and stands ready to provide technical assistance in these efforts and help Liberia achieve its vast potential.

Looking ahead, EISA calls upon all Liberians to prioritize efforts to strengthen Liberia's democratic institutions and advance constitutional reforms. In this regard, EISA draws attention to the various domestic and international observation reports that have highlighted areas where improvements may be required to deepen Liberia's democratic governance. EISA stands ready to support Liberia on this path towards a more inclusive, just, and prosperous future.

The EISA team will continue working until the conclusion of the electoral process, and will provide a longer and more detailed report on all aspects of the 2023 Liberian Presidential and Legislative elections. The final report will include recommendations for future election processes.

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

ANNEXURE 8

EISA-IEOM WEEKLY ELECTION PERSPECTIVE SERIES

LINKS

Underscoring Edutainment Strategies for CVE

<https://www.eisa.org/underscoring-edutainment-strategies-for-cve/>

Blowing the Whistle on the Destruction of Campaign Posters

<https://www.eisa.org/blowing-the-whistle-on-the-destruction-of-campaign-posters/>

Implications of Underage Registration: The Collective Responsibility to Protect Minors

<https://www.eisa.org/implications-of-underage-registration-the-collective-responsibility-to-protect-minors/>

Managing Political Competition, Voter Expectations and Potential Risks

<https://www.eisa.org/managing-political-competition-voter-expectations-and-potential-risks/>

Jumping hurdles to contest in Liberia's 2023 elections

<https://www.eisa.org/jumping-hurdles-to-contest-in-liberias-2023-elections/>

Liberia's Political Parties Fall Short of Gender Quota Commitment

<https://www.eisa.org/liberias-political-parties-fall-short-of-gender-quota-commitment/>

Liberia's political parties and candidates are gearing up for the official campaign period: But what matters?

<https://www.eisa.org/liberias-political-parties-and-candidates-are-gearing-up-for-theofficial-campaign-period-but-what-matters/>

The Balancing act between Campaign Finance, Money in Politics, and Public Resources in Elections

<https://www.eisa.org/the-balancing-act-between-campaign-finance-money-in-politics-and-public-resources-in-elections/>

The Risk of Militancy in support of Political Parties and candidates to Liberia's National Security

<https://www.eisa.org/the-risk-of-militancy-in-support-of-political-parties-and-candidates-to-liberias-national-security/>

From Campaign Trails to Ballot Boxes: Unscrambling the Turnout Puzzle in Elections

<https://www.eisa.org/from-campaign-trails-to-ballot-boxes-unscrambling-the-turnout-puzzle-in-elections/>

Electoral Promises Without Manifestos: A Crucial Missing Piece

<https://www.eisa.org/electoral-promises-without-manifestos-a-crucial-missing-piece/>

The Liberian Media and Political Campaigning: Is Everybody Covered?

<https://www.eisa.org/the-liberian-media-and-political-campaigning-is-everybody-covered/>

EISA-IEOM's Pledge to Liberia's Democratic Journey. Women's Political Participation: Is Liberia Making Progress?

<https://www.eisa.org/womens-political-participation-is-liberia-making-progress/>

Finishing Strong? The final stages of Liberia's 2023 Elections

<https://www.eisa.org/finishing-strong-the-final-stages-of-liberias-2023-elections/><https://www.eisa.org/importance-of-invalid-votes-on-the-2023-liberian-elections-insights-and-remedial-measures/>

Importance of Invalid Votes on the 2023 Liberian Elections: Insights and Remedial Measures

<https://www.eisa.org/importance-of-invalid-votes-on-the-2023-liberian-elections-insights-and-remedial-measures/>

Biometric Voter Registration: 2020 and 2023 Comparison

<https://www.eisa.org/biometric-voter-registration-2020-and-2023-comparison/>

Covering the Basics? Reflecting on Civic and Voter Education in Grand Gedeh

<https://www.eisa.org/covering-the-basics-reflecting-on-civic-and-voter-education-in-grand-gedeh/>

Leaving No One Behind: Prioritizing Inclusion in Civic and Voter Education for Persons with Disabilities

<https://www.eisa.org/leaving-no-one-behind-prioritizing-inclusion-in-civic-and-voter-education-for-persons-with-disabilities/>

Voter Apathy and Inclusivity: The Story of Rivercess and Sinoe counties

<https://www.eisa.org/voter-apathy-and-inclusivity-the-story-of-rivercess-and-sinoe/>

Political parties take a promising step towards securing women's inclusion in Liberia's 2023 elections.

<https://www.eisa.org/political-parties-take-a-promising-step-towards-securing-womens-inclusion-in-liberias-2023-elections/>

The Dynamics of voter registration in border communities: Perspectives from Lofa County

<https://www.eisa.org/the-dynamics-of-voter-registration-in-border-communities-perspectives-from-lofa-county/>

Political parties take a promising step towards securing women's inclusion in Liberia's 2023 elections

<https://www.eisa.org/political-parties-take-a-promising-step-towards-securing-womens-inclusion-in-liberias-2023-elections/>

Women's Political Participation: Is Liberia Making Progress?

<https://www.eisa.org/womens-political-participation-is-liberia-making-progress/>

Citizen Trust is a crucial Currency in Liberia's Electoral Process

<https://www.eisa.org/citizen-trust-is-a-crucial-currency-in-liberias-electoral-processes/>

The Farmington Declaration is more than a piece of paper

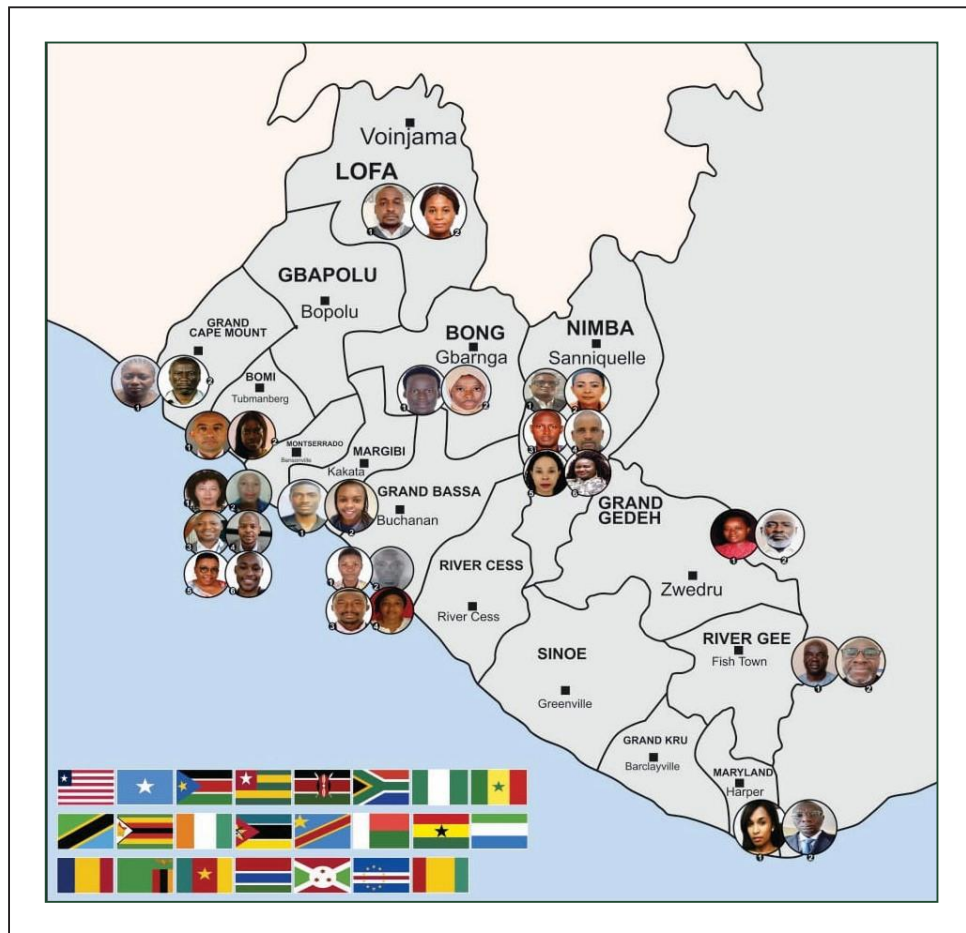
<https://www.eisa.org/the-farmington-declaration-is-more-than-a-piece-of-paper/>

Domestic Observers as 'unsung heroes' of electoral democracy

<https://www.eisa.org/domestic-observers-as-unsung-heroes-of-electoral-democracy/>

ANNEXURE 9

EISA INTERNATIONAL ELECTION OBSERVATION MISSION IN LIBERIA DEPLOYMENT MAP



ABOUT EISA

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy-related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. Having supported and/or observed over 120 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives.

It has built an internationally recognized center for policy, research and information and provides this service to electoral management bodies, political parties and civil society organizations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law-making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralization.

EISA assists inter-governmental institutions like the African Union and Regional Economic Communities to reinforce their capacity in the elections and democracy field, having signed an MoU with many of these institutions. Within the framework of these signed memoranda, the Institute assists these intergovernmental institutions.

With offices in Johannesburg (South Africa) and Abidjan (Côte d'Ivoire), EISA has had field offices across the African continent and currently has offices in the Central African Republic, Democratic Republic of Congo, Madagascar, Niger, Liberia, Chad and Sudan, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

About USAID Support to EISA IEOM to Liberia:

The USAID-funded EISA International Election Observation Mission (EISA IEOM) Activity sought to enhance the integrity of the 2023 Liberia presidential and legislative elections through the deployment of an independent international election observer mission (IEOM) to monitor, assess and report on all phases of the electoral process in accordance with international and regional benchmarks. The IEOM was implemented in close coordination with and with the financial support of USAID/Liberia and complemented the efforts of other electoral stakeholders.