

THE
CARTER CENTER



PRELIMINARY STATEMENT
2017 Liberia Presidential and Legislative Election
Oct. 12, 2017

As The Carter Center makes this preliminary report, it is important to note that the election process is ongoing, and there are still important steps to be completed before the Center can provide an overall assessment. This statement is one of five that The Carter Center has made about the process, and it only covers observations to date. Further reports addressing the tabulation process, the resolution of election disputes, and the post-election environment will follow.

The Center's mission is led by former President of the Central African Republic H.E. Catherine Samba-Panza; Chairman of The Carter Center Board of Trustees Jason Carter; and Vice President of Peace Programs for The Carter Center Jordan Ryan. The Carter Center deployed international observers for Liberia's October 2017 national election at the invitation of Liberian authorities and political stakeholders. The Carter Center's election observation work began with pre-election assessment teams that visited Liberia beginning in 2016, including one that observed the voter registration process in February and March of 2017. A core team of electoral experts and six long-term observers from five countries assessed election preparations throughout the country in the two months leading up to election day. On Oct. 10, 50 observers from 17 countries visited approximately 145 polling stations in all 15 counties to observe voting and counting. On Oct. 11, they began observation of the tabulation process across the 15 counties. The Carter Center's long-term observers continue to monitor the ongoing tabulation process and finalization of official results, and the Center will remain in Liberia to observe the resolution of any post-election disputes.

The Carter Center assesses elections against international standards for democratic elections contained in the host country's international obligations and commitments and its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005 to provide professional guidelines for observation.

Preliminary Conclusions

On Tuesday, Liberians cast their votes for the country's next president and members of the House of Representatives. The Carter Center was honored to observe the entire pre-election process and commends the Liberian people for their clear enthusiasm and determination to peacefully express their will at the ballot box. The pre-election period was characterized by a peaceful campaign period, transparent preparations, and logistical challenges.

Overall, election day was peaceful. Carter Center observers did report that at some precincts there was confusion that resulted in extremely long lines and delayed the ability of some Liberians to cast their ballots. In certain precincts, these issues were resolved quickly. The National Election Commission (NEC) also reminded people that all voters in line at the close of the polls would be allowed to vote. As in the rest of the electoral process, when confronted with challenges, Liberians again exhibited their overwhelming dedication to peace, and to putting Liberia's future first.

No matter the outcome of this election, it will result in a transfer of power from one democratically elected government to another for the first time in the lives of many Liberians.¹ This moment is an important turning point for the nation's democracy, and the Liberian people have shown a clear desire for a peaceful and smooth transfer of power. Given the unprecedented nature of this election, it has been accompanied by heightened anxieties about the potential for conflict. The days ahead will offer a crucial test of candidates' commitment to preserving the peace. The Center encourages all Liberians to continue to participate peacefully in the democratic process as the NEC carries out its important work to deliver final results. The Liberian people expect – and have the right to – leadership that will not sacrifice the peace that Liberians have worked so hard to sustain.

In this preliminary statement, The Carter Center offers a summary of key observations from the electoral process thus far, including election-day voting, the legal framework for elections, election administration, the campaign period, the political participation of women and marginalized populations, and the voter registration period and its relationship to voting. This statement is preliminary because the tabulation process and announcement of results are ongoing, and an assessment of the electoral process cannot be provided at this stage.

Legal Framework. The legal framework for Liberian elections requires substantial reform in order to fully meet international standards. Limitations on the right to stand for public office based on residency and property value, along with constitutional provisions for citizenship that are tied to race, are unduly restrictive and inconsistent with international standards.² The framework does not provide for the participation of independent candidates on an equal basis with party candidates.³ Although requirements placed on appointed public officials to step down

¹ Article 1(b) ECOWAS Protocol on Democracy and Good Governance.

² To be eligible to stand for office, persons wishing to be elected president must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been resident of the country for at least 10 years before the election. Article 52 of the 1986 Constitution.

³ "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties." ICCPR, General Comment 25, para 17.

from office two to three years prior to participating in an election may be intended as a protection against abuse of state resources in campaigns, these limitations unnecessarily restrict the right to stand for elections and run contrary to commitments made in the International Covenant for Civil and Political Rights.⁴ The legislation and existing regulations are unclear and contain several gaps – for example, they do not explain what constitutes residence for the purpose of candidate registration, or the legal grounds for the de-registration of political parties that fail to comply with party and campaign finance regulations.

Voter Registration. Following an ambitious process to create a new voter register, 2,183,629 people registered to vote. As discussed in the Carter Center’s prior statements, the NEC faced difficulties during the registration process, particularly with the voter registration materials and the quality of the paper used to capture voter registration information. As a result, during the exhibition of the preliminary voter list in June, a number of issues involving the misallocation of voters and missing, duplicate, or inaccurate entries were discovered. Throughout the voter registration process, the NEC was responsive to issues that arose. While the NEC took commendable steps to address deficiencies, stakeholders continued to express concerns over the accuracy and quality of the voter list. These concerns impacted voter and stakeholder confidence in the register.

With wide deviations in the number of voters per district, the current constituency boundaries do not respect the principle of equal suffrage. For the 2017 election, the electoral district with the largest number of registered voters (Montserrado 4, with 63,786) had six times more voters than the district with the lowest number of registered voters (River Gee 3, with 10,604). This is at odds with international best practice.⁵

Election Administration. Liberians themselves led the 2017 electoral process much more than in the past, putting unprecedented pressure on the NEC’s 300 staff members. While substantial international support was provided for this election, it was mainly technical and significantly less than in previous elections.

The NEC functioned transparently throughout the process and made concerted efforts to keep election stakeholders and the general public informed of the status of election preparations. While NEC sessions were not open to observation and its decisions were not consistently published, the commission held weekly press conferences and regular meetings with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the national level.

Although political parties expressed measured confidence in the impartiality of the commission, they regularly raised concerns about the NEC’s capacity to manage the logistical arrangements for the election and to sufficiently train staff. At various stages, the NEC struggled to adhere to the election timeline. There were delays in the procurement and delivery of materials, including

⁴ To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and non-discriminatory. UNHRC, General Comment 25, paras. 15–17.

⁵ Para 15. Code of Good Practice in Electoral Matters, Council of Europe. (2002)

ballots. In addition, procedures were developed late in the process, and training schedules were frequently delayed. Still, on election day, materials and over 29,000 polling staff were in place.

Candidate Nomination. The NEC oversaw an inclusive candidate registration process and registered a total of 1,024 candidates that included 96 independents as well as members of 23 political parties.⁶ The NEC heard 40 appeals of candidate registration decisions, of which six were further appealed to the Supreme Court. In hearings observed by The Carter Center, the adjudicating bodies provided all sides with ample opportunities to present their case and questioned the arguments of both sides with equal tenacity, in line with Liberia's regional commitments.⁷ Where ambiguities in the law existed, the NEC and the Supreme Court decided in favor of an inclusive and participatory process. However, the NEC did not enforce deadlines for submitting appeals. This, along with delays in consideration of the appeals, compromised the efficiency of the process and resulted in a number of cases continuing well into the campaign period.

Following controversies over the application of the code of conduct in the registration of candidates, there was widespread agreement that the Supreme Court's rulings resulted in a more inclusive process, which contributed to a peaceful election. However, the politicization of the code of conduct law led to the failure to apply non-registration related provisions of the code – for example, those aimed at preventing the misuse of administrative resources and abuse of public office in general and in the context of an election.

Campaign. The Carter Center observed that in the campaign, parties and candidates were able to freely exercise their fundamental rights of freedom of expression, association, and assembly. Campaign activities were centered around the presidential candidates and included large rallies in Monrovia and smaller campaign events throughout the rest of the country. As reported in previous Carter Center statements, campaign messages often emphasized the heritage and ethnicity of the candidates. While these messages did not involve negative stereotypes or generalizations, they seemed designed to mobilize communities along ethnic lines and sometimes raised concerns about post-election reconciliation. The tensions present during past campaigns were noticeably reduced, and for the most part, partisans conducted themselves peacefully and respectfully. While the campaign was largely peaceful, there were a small number of isolated incidents of election-related violence, the most serious disturbance being the violent clash in Nimba between partisans of two leading parties. In providing security for campaign activities, the Liberian National Police acted with prudence and restraint.

Many parties accused the ruling party of misusing state resources – particularly public space, government vehicles, and fuel – during the campaign. While Carter Center observers did confirm several instances of this practice, they also noted multiple cases in which incumbent legislators from opposition parties also took advantage of their official position in campaigns. In a prior statement, the Center noted that several parties were collecting voter identification information in a manner that raised concerns about the potential for voter intimidation.

⁶ Para IV.2 AU Declaration on the Principles Governing Democratic Elections in Africa (2002)

⁷ Article 7. ECOWAS Protocol on Democracy and Good Governance (2001)

Media. While the Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remains largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties or that media offer equal terms to all parties for political advertising. The Center’s mission did not conduct systematic media monitoring. However, the mission heard a number of concerns from presidential candidates about the lack of a level playing field caused by unequal access to the media, which may be at odds with media access provisions included in regional treaties signed by Liberia.⁸

Election day. Carter Center observers reported a calm and peaceful voting atmosphere, and that the opening, polling, closing, and counting process were generally conducted according to procedures. Overall, Center observers assessed the process inside the polling places as “very good” or “reasonable” in 135 of 145 polling places they visited. In virtually all precincts visited, all materials were delivered and polls opened on time.

The Carter Center notes that the vast majority of polling places visited by TCC observers had a large number of party agents present, and they were given adequate access to observe. These political party and independent candidate agents were accompanied by thousands of nonpartisan civil society observers, who are discussed further below. This observation demonstrates a substantial level of transparency.

Carter Center observers made generally positive assessments of the implementation of voting procedures by NEC staff inside of polling places. However, observers across most counties reported difficulty in locating voters on the Final Registration Roll (FRR) in some polling places. In what appeared to be a related problem, observers reported that ineffective queue management, mainly in large precincts, affected the orderly flow of the polling, creating confusion among voters and long lines throughout the day. In some precincts, it was difficult for voters to find the correct queue based on their voter ID number, and poll workers were inconsistently adding voters’ names to the supplemental list. In some cases, poll workers were not prepared to inform voters of their polling place. A few polling places visited by the Center’s observers were chaotic and tense, and observers saw voters aggravated by the long waits.

Observers reported that the SMS system for verifying voter registration data was not being widely used when voters were not found on the list. Further, although the NEC established a hotline for presiding officers to check voter data, this fact was not sufficiently disseminated, and observers did not see it being used.

While the supplemental list was intended to ensure that errors in voter registration or voter identification did not prevent someone from casting a ballot, the Center notes that in polling places it observed, nine percent of the total voters had been added to the supplemental voter list.

Closing and Counting. The Carter Center observed the closing and counting process in all 15 counties and reported that overall, the process was peaceful, calm, and orderly. The counting

⁸ Article 17.3 African Charter on Democracy, Elections and Governance (2007)

process was observed as “very good” or “reasonable” at 86 percent of polling places visited. Carter Center observers noted that the counting process was conducted with transparency in the presence of political party agents and national observers and that in no instance did anyone refuse to sign the Record of the Count form. Observers also reported that the process to determine the validity of votes was conducted according to procedure.

Participation of Women and Marginalized Groups

The election process demonstrated severe marginalization of already underrepresented groups – women, religious and ethnic minorities, persons with disabilities, and the LGBT community.

Women. As discussed in prior Carter Center reports, recent amendments to the election law introduced a requirement that parties must “endeavor to ensure” that they nominate no less than 30 percent of each gender. Regrettably, all but two parties fell short of the provision. Given that only 156 women were candidates for the House of Representatives, and that women faced significant challenges in the campaign, Liberia is likely to see a drastic reduction in the number of women in elected office. This falls short of regional commitments.⁹

The Carter Center regrets that women were not in more prominent leadership positions in all levels of the election administration. Women made up only 39 percent of polling station staff and only 23 percent of presiding officers. Political party agents were also predominantly men; observers only noted 29 percent women.

However, on election day, the Center was pleased to see women exercising their democratic rights and expressing their will through the ballot box in great numbers. At polling stations visited by Carter Center observers, women made up 53 percent of voters, despite registering to vote at slightly lower rates than men.

Religious and Ethnic Minorities. The protection of religious and ethnic minorities is critical to a democratic society. The freedom from discrimination and the right to equality before the law are important and should be protected during the electoral process.¹⁰ The Mandingo and Muslim communities have repeatedly raised concerns about the lack of integration of their communities in the election administration and political party structures. This marginalization was cited as the cause of the obstacles and misunderstandings the community faced in the voter registration process and candidate selection, and limited the communities’ access to voter education. In its statement on voter registration, The Carter Center noted receiving reports that Mandingo and Muslim Liberians faced discrimination and struggled with unequal access to the process.

Persons with Disabilities. Commendably, the National Election Commission acknowledged the importance of including persons with disabilities and introduced measures to accommodate their participation. Following consultations with civil society, the NEC re-introduced the tactile ballot to ensure that visually impaired voters could cast their ballots in secret, and considered recommendations that polling stations be on the ground floor.

⁹ Article 9. Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (ACHPR-PW) (2007)

¹⁰ (OSCE Office for Democratic Institutions and Human Rights, 2001, p. 63)

In polling places observed by The Carter Center, procedures for assisted voters, including the use of tactile ballots guides by voters who requested it, were adequately implemented. Liberian observers from the Liberia Elections Observation Network (LEON) included people with disability among their ranks, and LEON observers found that although in some locations only one (not two) tactile ballot was provided, the tactile ballot was utilized successfully and seen as a positive step forward.

In precincts observed by The Carter Center, eight percent had obstacles or barriers on the way to the precinct that could have inhibited general access, while 83 percent were noted as accessible for voters with disabilities.

LGBTI. As noted in a previous Carter Center statement, Liberia's legal framework criminalizes homosexuality, and the participation of LGBTI groups in the election is minimal. According to several LGBTI organizations, the level of anti-gay language increased noticeably during the campaign period, with candidates being pushed to take public stances against LGBTI rights. The Carter Center condemns the existence of anti-gay legislation and regrets that homophobic speech prevents members of the LGBTI community from a meaningful and open participation in the political life of the country.

Citizen Observation. For this election, the NEC has accredited more than 5,000 citizen observers. Issues with accreditation of Liberia Elections Observation Network (LEON) and Elections Coordination Committee (ECC) hindered their ability to fully implement planned observation activities. Despite these hindrances, on election day they were able to deploy approximately 1,200 and 2,000 observers, respectively. Both organizations issued a number of reports in the days around election day that contributed to the transparency of the process. These national organizations have a crucial role to play in strengthening electoral integrity and building public confidence.

The Carter Center notes that the election process enhanced the growing role of youth, providing them with opportunities to observe and engage in civil society organizations involved in the election process. This has made a positive impact on conflict prevention. Liberian law provides for citizen and international observation, in line with best international and regional practice.¹¹

Recommendations

In the spirit of respect and support, The Carter Center offers the National Election Commission the following short-term recommendations that could lead to significant improvements:

- *The NEC has acknowledged difficulties with long lines and queue management at polling precincts on election day. Given this, if there is a runoff, we recommend that the NEC offer polling precinct staff enhanced instructions on these issues before the second round. It is crucial that voters be able to easily identify their polling station. We suggest giving this information at the entrance to the polling precinct in a manner that is clear to all voters before the voter begins to stand in line for a particular polling place.*

¹¹ African Union Declaration on the Principles Governing Democratic Elections in Africa (2002)

- *The Carter Center notes that NEC officials were proactive in visiting polling stations to resolve problems on election day, and we encourage the NEC to continue to react promptly as issues arise throughout the tabulation process.*
- *Transparency is crucial to the election process, and we urge the NEC to continue efforts to ensure that the tabulation process is transparent at all levels and that the public is provided the information it needs to fully understand the process.*
- *The prompt release of results is an effective means of building confidence among the electorate and preventing confusion and tension. To this end, the Center urges the NEC to release provisional results, including at the polling place level. Provisional results should be released as soon as they are ready and include a clear indication of the counties and percentage of precincts reporting.*
- *Political parties should uphold their responsibility to ensure that their supporters maintain the peace throughout the electoral process and through the transition that will follow.*