

# LIBERIA ELECTION OBSERVERS NETWORK (LEON)

---

## MANUAL

---

*Prepared by Dr. Baffour Agyeman-Duah  
(NDI - Liberia)  
National Democratic Institute for Int. Affairs  
1717 Massachusetts Ave., N.W, # 503  
Washington, D. C. 20036*

## *Table of Contents*

1. Introduction:
    - Why Domestic Monitoring
    - Importance of Nonpartisanship
  2. Political Context
    - Significance of Upcoming Election
  3. Summary of Special Election Laws of Liberia
    - Election Officials and their responsibilities
    - Election procedures
    - Mechanisms for Recording and Filing Complaints
  4. Code of Conduct for Monitoring
    - Guidelines for Acceptable Behavior
  5. Methodology for Monitoring
    - Training
    - Specific Monitoring Techniques
    - Reporting Complaints
    - Deployment plan
    - Media relations/reporting
  6. Monitoring in the Pre-Election Period
    - Monitoring of candidates
    - Monitoring of campaigns
    - Monitoring of the media (access & reports)
  7. Monitoring on Election Day
    - Identification and Assignment of Sites
    - How to Monitor
    - Security Policies & Procedures
    - Completing and Submitting the Checklist
  8. Immediate Post-Election Activities
    - Party/Candidates Reaction to Results
    - Post-Election Disputes
    - Swearing in of Elected Officials
    - Writing the Interim and Final Reports
-

## CHAPTER ONE

### *Introduction*

#### *Why Domestic Monitoring*

The primary purpose of an independent monitoring program is to enhance the transparency and increase the public's confidence in the election process. This objective exists whether the election occurs in a longstanding or in a new or transition democracy. In the context of transition elections observers play a significant role in reassuring the public about the importance of the electoral process and the relevance of each voter's participation. Often in these environments, the public's only experience with politics concerns human rights abuses, fraudulent elections and military or autocratic rule. In these circumstances, basic notions of civic responsibility need reinforcement, and anxieties must be overcome.

Publicity surrounding the formation of a monitoring operation, coupled with the pre-election activities of monitors and their presence at voting stations on election day, enhances public confidence and encourages citizens involvement in the process. Public statements and reports issued by monitoring groups may lead to changes in policies that promote a more equitable election process. Through the use of mediating techniques, monitors may help resolve disputes that emerge during the campaign period. The presence of observers at polling sites may deter fraud and reduce irregularities. Deployment of observers to troubled areas also discourages intimidation during a campaign and on election day. In addition, when observers monitor the vote counting process through an independent vote tabulation or other means, they provide an unbiased source for verifying official results.

Finally, a post-election report by an independent monitoring group, may also influence the positions of electoral contestants regarding the overall legitimacy of the process. A relatively positive assessment should encourage acceptance of the results by all parties. By contrast, a negative critique may lead to rejection of the results if the process is deemed illegitimate.

#### *Importance of Credibility*

Projecting an image of credibility enhances the effectiveness of a monitoring program, therefore, must play a prominent role in decision making process. The credibility of LEON will suffer if it:

- \* associates closely with partisan interests or project a partisan image;
- \* fails to explain the objectives or methodology of its efforts;
- \* pursues an unsound methodology;
- \* executes activities incompetently; or
- \* withholds reports of its activities and findings.

Therefore, LEON will take four affirmative steps to establish its credibility:

1. **MAINTAIN INDEPENDENCE FROM PARTISAN ASSOCIATIONS AND PROMOTE AN IMAGE OF IMPARTIALITY.** LEON may collaborate with other institutions before or during the course of the election. These relationships arise when it: forms a coalition or coordinate its operation with others; receives funding, material assistance or guidance from a particular source; or, in some environments, merely engage in frequent communications (e.g., with government officials or party leaders). Developing and maintaining relationships with other organizations and institutions is inherent in monitoring and does not automatically damage the organization's credibility. However, LEON will be careful to avoid excessive reliance on any person or group with partisan interests. If you decide that the monitoring effort should associate itself with partisan interests, take special precautions to assure that the resulting image is balanced and does not appear to favor any electoral contestants.

LEON will promote an image of impartiality (also sometimes referred to as being neutral, nonpartisan, apolitical, independent or objective). LEON understands that the network's credibility will be strongly affected by the composition of its executive committee and the reputation of the chairperson as well as by the actions and reputation of senior staff. Similar to the approach of creating a condition or receiving contributions, LEON will avoid forming a committee that appears, from the combined associations of its individual members, to favor one political interest.

Similarly, staff and volunteers in LEON must pledge to refrain from working for, or exhibiting any public preference for, the advancement or defeat of a particular political party or candidate. The primary concern of a nonpartisan group is to protect the integrity of the electoral process, regardless of who wins or loses. However, this directive does not, and should not, preclude observers from expressing their personal political choice in the privacy of the voting booth.

2. **LEON WILL COMMUNICATE CLEARLY AND REGULARLY.** Many monitoring groups are hesitant to publicize their activities. This tendency is prevalent in environments characterized by serious repression or polarization. Nonetheless, LEON's credibility will be enhanced by pursuing a policy of communicating openly with the political parties, the government and the media. It should clearly and openly present its objectives, goals, methodology and proposed activities in order to answer questions and clarify any misunderstandings about the nature of its efforts. These communications may take the form of press conference, press releases, advertisements, letters, telephone calls or personal interviews. LEON should convey any relevant information before it conducts its activities. Such advance notice generally helps to deter fraud or intimidation and may also facilitate the execution of its activities.
3. **LEON WILL ENSURE THE INTEGRITY OF ITS PLAN AND METHODOLOGY.** The specific approach LEON employs to execute its activities - plan and methodology - becomes

a liability if it is perceived to be unsound, unreasonable or unlikely to be achieved. This means that LEON's plan will be designed to be logistically and financially feasible and must, assuming it is properly executed, appear capable of accomplishing established goals. The underlying assumptions of the approach must be sensible and valid if it is to maintain its integrity.

4. **PLANS ONCE LAID OUT MUST BE EXECUTED.** The best plan and methodologies will be irrelevant if they cannot be properly executed, in which case the operation will lose credibility. Good execution requires the proper personnel and resources and, above all, good training. It is common for critics to accuse monitoring organizations of bias or incompetence, particularly when the organization is new, [It is essential that members of LEON perform impartially, objectively and professionally, all reasonable critics will eventually be silenced and the group's credibility will be assured.

## CHAPTER TWO

### □ *Significance of Upcoming Elections*

Against the backdrop of Liberia's recent political history, the upcoming elections assume special significance because its outcome could determine the country's political trajectories for the 21st century and the next millennium. The future socio-economic and political development of Liberia may also depend on the outcome of the elections. Because of the controversy surrounding the 1985 elections, the 1997 election offers the possibility for the first time in 150 years for the people to freely elect their leaders. Party candidates and their supporters seem to go about their campaigns freely with little or no hindrance.

Needless to say, the upcoming elections have major implications for the political stability of Liberia. In view of the fractious and divisive politics, the elections could ignite violent reactions from the losing side should the outcome be seen to have been manipulated. It is therefore important that the elections be conducted in a free, fair and transparent environment, and that the outcome receive universal acceptance. Such acceptance would foster the spirit of national unity so sorely needed for national reconstruction.

Finally, the upcoming elections, if successfully conducted to produce an incontrovertible outcome, may restore full sovereignty and dignity to Liberia. There has been near total lack of governmental authority since the civil war began in 1990. Law and order have been maintained by an external force - ECOMOG- and all major national decisions have been directed by ECOWAS. To regain full sovereignty, the incoming government must be seen to be legitimate and command the respect of all Liberians. And, this can come about only when the elections are perceived by Liberians to have been free, fair and transparent.

## CHAPTER THREE

### *Summary of Special Election Laws of Liberia*

#### *Election Officials and their Responsibilities*

The Independent Elections Commission (IECOM) of Liberia is an autonomous public commission composed of ten (10) members, seven (7) of whom are Liberian citizens with voting rights and three (3) international non-voting members representing the ECOWAS, UN and the OAU. The commission is headed by a Chairman, appointed by the Council of State in consultation with the Chairman of ECOWAS. The tenure of the Chairman and members of IECOM are valid only for the duration of the Special Elections of 1997 but not more than 30 days after the inauguration. For the duration of the elections, no Commissioner shall be removed from office. Any five Liberian voting members plus at least one non-voting member shall constitute a quorum for the transaction of business of IECOM, and a majority of four voting members shall be necessary to make binding decisions on any issue before it .

Among the several powers and duties of IECOM are the following:

- a) Give accreditation to, and registering all political parties which meet the minimum registration requirements laid down by the Commission.
- b) Upon objections made by any party/coalition/alliance, IECOM may reject, and if already registered, revoke the certification of accreditation of the party/coalition/alliance against which the objection was made, subject to appeal to the Supreme Court of Liberia.
- c) Revoke the registration and accreditation of an already legal party/coalition/alliance only after a hearing before the Commission, in accordance with due process of Law.
- e) Restrict participation in these Special Elections to only registered political parties who shall be obliged to nominate a single list of its candidates for all elective posts including posts of President, Vice President, Senators and Representatives.
- f) Formulate and enforce guidelines controlling the conduct of the elections.
- g) Maintain a register of all qualified voters, which shall be subject to inspection under the provision of this Law.
- h) Screen all candidates for elective public office and accredit their candidacy, and/or reject the candidacy of anyone who is not qualified under this Law

- i) Be the only body authorized to announce the official results of the elections.
- j) Be the sole judge of all elections results, and the accreditation of all successful members who have been duly elected as President, Vice President, and members of the National Legislature. Any appeal from the decision of IECOM in these elections contest shall lie before the Supreme Court, taken in accordance with the provisions of this Law in relation to this election contest.
- k) Contribute towards a "level playing field" so that all the political parties could have a fair chance of presenting their case to the Liberian Electorate. For this purpose, the IECOM has determined that equal access to radio broadcasts be made available to all. In this connection the Commission shall issue Guidelines and Code of Conduct to the media.

*Election Procedures*

**Registration of Voters:**

- \* Every citizen of Liberia of 18 years or older, unless judicially declared to be incompetent or of unsound mind
- \* Not later than one week before the date of registration, IECOM shall publicly advertise by printed notices in newspapers, posters, placards, by radio and by any other available means, the lists of the location of places for registration centers in the local communities involved.
- \* The process of registration may be observed by agents of registered political parties, organizations or other persons as the commission may approve.

**Voter Registration Roll:**

- \* Each voter after having completed the registration process, shall be given a voter registration card by the Registration Officer. The card shall contain the family name and given names of the voter and the signature of the officer. The card shall also bear the County Code, the Center Number and the Voter's Roll Number.
- \* Registration Rolls shall be kept in a form prescribed by the IECOM and shall contain the family name and given name, address, date of birth and/or age, sex, names of father and mother and roll number of the Voter.
- \* A print of the Registration List should be available for display at those locations deemed appropriate by IECOM.



### **Conduct of Elections:**

- \* IECOM shall designate Polling Places.
- \* Polling Places shall have separate compartments demarcated so as to protect each voter from observation while marking the ballot papers.
- \* Each polling place shall be provided with a ballot box or boxes, which shall be secured with either a lock and key or security seals and have a cleft for receiving the ballot papers which can also be secured in the closed position.
- \* IECOM shall make arrangements for the list of polling places to be published not less than ten days before the election and shall take all necessary steps to ensure that voters are made aware of the location of various polling places before the election.
- \* There shall be a Presiding Officer at the poll appointed to preside at the voting at each polling place who shall be assisted by other subordinate poll officials.

### **Ballot Papers:**

- \* The ballot paper shall include the party/coalition/alliance's acronym, emblem and picture of the Presidential Candidate.

### **The Polls:**

- \* Polls shall be opened from seven (7) o'clock in the morning to four (4) o'clock in the evening nationwide.
- \* At the opening of the polls, and before any vote is cast, the ballot box shall be opened and presented to the public, including representatives of political parties, for inspection. After it has been confirmed that the box is completely empty, it will be locked and sealed in open view of the public. The serial number of any ballots issued shall be recorded by the clerk on the Tally sheet. The IECOM shall allow the presence of national and international observers during the entire electoral process.

### **Election Day Procedure:**

- \* All Voters must carry their voter registration cards.
- \* Each voter shall present his/her voter registration card to the Presiding Officer who then shall guide him/her to the appropriate desk - i.e. the one that has the voter registration roll which contains his name.

- \* Upon identification, each voter shall be given by the first poll clerk a ballot paper on which he decides his/her voter.
- \* The voter then proceeds to the compartments where he/she can mark his/her ballot paper in privacy and without interference. Only physically handicapped persons shall be assisted by a person of their choice in marking their ballot papers.
- \* The voter folds the ballot paper while in the compartment.
- \* The voter then casts his/her vote into the ballot box.
- \* The voter then proceeds to the second poll clerk where he/she presents his/her voter registration card to be punched and is marked by indelible ink at the appropriate place.
- \* Party agents, international observers, domestic monitors are entitled to be present at the place where the vote is cast.
- \* The voter then exits the polling station.
- \* Polling station staff shall vote at the end of the day.
- \* During the entire voting day procedure ECOMOG shall provide security and maintain complete law and order.

**Representatives at Polling Place:**

- \* Any registered political party/coalition/alliance may appoint no more than three representatives to attend any polling center with identification issued by IECOM, provided that only one such representative can be present in the polling station at any given time. Any such appointment, to be notified to IECOM not less than two weeks before the date of election, shall be made in a form prescribed by the Commission.
- \* The representative shall not speak to or attempt to influence in any way, any voter. Nor shall the representative attempt to observe how voters mark their ballot papers and shall obey all lawful instructions from a polling official.

**Persons who may be present at Polling Centers:**

- \* Election officers
- \* Voters for the purpose of casting their vote

- \* A person assisting a physically incapacitated voter
- \* Properly appointed and identified party/coalition/alliance representatives
- \* Such other persons as IECOM may approve, including national (domestic) and international election monitors/observers and the press.
- \* IECOM shall allow the presence of National and International Observers during the entire electoral process.

**Closing Day and Counting Procedures:**

- \* At the end of the voting day, the Presiding Officer and his clerks, in the presence of party representatives and observers, shall begin the counting.
- \* At each polling station, the Presiding Officer shall take a ballot paper, announce to whom it was cast, enable party/coalition/alliance representatives and observers to determine the veracity of the pronouncement and give it to the clerk for deposition in the box of the Party/Coalition/Alliance for whom the vote was cast. This process shall continue until all the votes are counted.
- \* The total of votes is then inscribed on a tally sheet in duplicates and duly signed by the Presiding Officers and the party representatives and submits it to the Magistrate for the endorsement of the writ. Each duly accredited party representative shall be given a copy of the tally sheets.
- \* The Presiding Officer will then return the counted ballots into the ballot box and seal same in the presence of the representatives, observers, and monitors.
- \* The final tally sheet, along with the sealed ballot box, shall be transmitted forthwith to IECOM by the Magistrate, accompanied by the representatives, observers and monitors under the escort of ECOMOG and the Magistrate shall present same to the Chairman with IECOM sitting en blanc. In any case the sealed ballot boxes and the final tally sheets should be forwarded to IECOM within 24 hours of the close of poll.
- \* The results shall be announced by IECOM through its Chairman not later than 24 hours after receipt of the final tally sheet.
- \* The issue of all challenged ballots shall be determined not later than 3 days after the voting day.
- \* Certification of official results shall take 3 days after the determination of challenged ballots.

## **Mechanisms for Recording and Filing Complaints**

### **☐** *Filing of Complaint with the Commission:*

Any political party/coalition/alliance which has justifiable reason to believe that the elections were not impartially conducted and not in keeping with these procedures which resulted in the defeat of the party, or the loss of a significant number of votes for the party, shall have the right to file a complaint with IECOM; such complaint must be filed not later than 3 days after the final results of the election are announced.

### **☐** *Investigation and Decision:*

IECOM upon receipt of the complaint shall, within 7 days cite the parties, conduct an impartial investigation, and render a determination as provided for in the paragraph below. The determination shall be accompanied by a summary of the investigation and the reason for it.

The decision of IECOM shall have the following effects:

- \* If the presidential candidate returned is declared not to be duly elected, but had already assumed such office, he/she shall with immediate effect cease to hold such office;
- \* If any person not returned is declared duly elected to an office, he/she shall assume such office immediately;
- \* If any election is declared void, a new election shall be held.

*Harmless errors not to vitiate election.* No election shall be declared void on account of any delay in nominations, the polling, the return of the writ, or on account of the absence or error of any official which shall be deemed not to have had any effect on the result of the election.

*Bribery; Undue Influence:* If at the trial of a contested election result, it is found that a party or candidate from that party's list, has committed or attempted to commit bribery or exert undue influence, that party or candidate, if such candidate acted on his/her own, the party is elected, then the election of the party's candidate shall be declared void.

*Right of Appeal:* Any contestant /parties affected by the decision of IECOM, shall have the right to appeal to the Supreme Court of Liberia not later than 3 days after the decision is rendered.

## CHAPTER FOUR

### *IECOM Code of Conduct for National Electoral Observers*

Observers of LEON are required to abide by the Code of Conduct issued by the Independent Elections Commission (IECOM). The Code has four main components: 1) Respect for Sovereignty, 2) Neutrality, 3) Comprehensiveness, and 4) Accuracy and Transparency.

#### *Respect for Sovereignty*

All National Electoral Observers should:

1. show respect for all the Peace Accords of ECOWAS;
2. respect the domestic laws of the country;
3. respect the people and their culture;
4. refrain from interfering in the internal jurisdiction or affairs of the country;
5. refrain from interfering in or impeding the normal course of the electoral process;
6. generally maintain close liaison with IECOM;
7. refrain from insulting public statements reflecting upon IECOM;
8. respect the role, status and authority of election officials, and exhibit a respectful and courteous attitude to election officials and voters;
9. obtain proper accreditation, and supply information as required for that purpose;
10. abstain from adjudicating disputes, certifying results, or providing written statements as evidence to be used in relation to dispute resolution;
11. refrain from attempting without permission to provide guidance or information to persons involved in the electoral process, and from providing interpretations of the applicable law;
12. refrain from announcing election results without the authority of IECOM;
13. report to the relevant authorities all criminal activities relevant to the election and violation of the electoral laws;

#### *Neutrality*

All National Electoral Observers should:

1. act in a strictly neutral and unbiased manner in relation to national authorities (including IECOM) parties, candidates, the voters and the press and media;
2. disclose any relationship with any relevant actor which may lead to a conflict or interest during observation and assessment;

3. refrain from accepting any gifts from parties or persons involved in the election process.
4. refrain from any action or from taking part in functions or activities which indicate, or are capable of being seen as indicating partisan support for any candidate, political party, political actor or tendency;
5. refrain from expressing views on subjects which are likely to be issue at elections, and in particular refrain from communicating with voters on matters of partisan significance;
6. exercise the highest level of personal discretion, at all times;
7. refrain from wearing party symbols or colors.

*Comprehensiveness*

All National Electoral Observers should:

1. attempt to obtain a valid view of all aspects of the electoral process relevant to its legitimacy;
2. attempt to obtain a valid view of the way the electoral process has progressed in all parts of the country;
3. consult widely with relevant political actors and other concerned organizations;
4. undertake an analysis of the legal framework within which the election is being conducted, with the view to assessing whether it is adequate in the circumstances;
5. endeavor to determine whether the actions of IECOM is impartial and consistent with free and fair elections;
6. endeavor to determine whether there is respect for freedom of expression, organization, movement and assembly;
7. endeavor to observe political meetings and rallies;
8. endeavor to determine whether voters have sufficient knowledge of the process to participate in the elections;
9. endeavor to check the Voters Register to ensure that only qualified voters have their names listed;

10. endeavor to determine whether effective mechanisms are implemented to prevent multiple voting, and to secure the secrecy and the security of the ballot;
11. endeavor to deploy observers to polling places and the centralized counting center;
12. endeavor to examine and assess the validity of complaints made to them, or the election management body, regarding the electoral process; and
13. in general, endeavor to determine whether there is compliance with the laws and regulations governing the electoral process.

*Accuracy and Transparency*

All National Electoral Observers should:

1. take all necessary steps to assure that all information gathered by them and conveyed to others as part of the observation process has a sound factual basis;
2. endeavor to ensure that all information is collected in a way that is systematic, clear and unambiguous;
3. in respect of any allegations which reflect adversely on IECOM or on a participant in the electoral process, obtain the response of the impugned party before treating such allegation as valid;
4. when reporting, identify any assumption which have been made as such.

## CHAPTER FIVE

### *Methodology for Monitoring*

#### ☐ *Training*

One must begin by answering several questions:

- How many people, both skilled and unskilled, are necessary to accomplish the goals of LEON? What types of professional expertise are needed?
- How many people, and with what qualifications, are already available to the monitoring operation and how can new recruits complement or improve these pre-existing assets?
- Where do you look for people to join the effort? How will you recruit people? What will you tell them about the monitoring program and planned activities in order to convince them to join the efforts?
- What procedures will you implement to ensure that recruits will respect and enhance LEON's reputation for conducting quality, nonpartisan work?
- LEON can help guarantee the quality and impartiality of its program by training personnel in the skills and general information relevant to election monitoring. Most observers understand their role only after they have completed a training program. Careful consideration, therefore, should be given to the design of the training program which forms an integral part of the overall election monitoring program. In addition to providing instruction to prospective observers, a training program demonstrates to the public that the group is well organized and is approaching its mission in a methodical manner.
- Training programs for prospective observers vary in scope, intensity and duration. The following are key questions to examine when organizing a training program:
  - a. Who is available to conduct the training sessions?
  - b. Who will be the audience for the training sessions? (e.g., future trainers, pre-election or election-day observers)
  - c. What training materials and documents should be prepared?
    - description of the organization - including its goals, important dates, names, etc.
    - instruction manuals
    - checklists or other forms
    - a Code of Conduct



- Election laws
  - other teaching devices such as sample election materials, video, tapes, etc.
- d. What logistical arrangements and what costs are involved in conducting the training?
- meeting rooms
  - transportation
  - per diem
  - lodging and food
- e. What information, instructions or skills do you intend to convey during the training?
- f. How sophisticated are the members of your audience and how familiar are they with the objectives of LEON? The legal and administrative procedures for the elections? And the constraints involved in working with a nonpartisan organization?
- g. What format should be used to communicate different types of information?
- lectures
  - workshops
  - question and answer session

**System of Training.** Monitoring organizations typically adopt some combination of the following three main systems of training:

- a) Training the Trainers - the pyramid system,
- b) mobile workshops, and
- c) national training days.

*The pyramid system* is so named because if you draw a picture to describe the flow of information from the original trainer to the most localized trainee, it looks like a pyramid. The concept behind this approach is that if you concentrate on providing information, instructions and techniques for conducting the training to a small group of individuals, they will learn the material well enough that they can repeat the training to others. In effect, every group that receives training is empowered to repeat the training: for example, if you train 10 people adequately, they then become trainers. If each member of this group trains 10 more people, they will have contacted 100 individuals, who can repeat the process to reach one thousand.

*The mobile workshop system* is where a group of trainers disperses to visit local audiences who then repeat the training for family and friends in the same locale. This system typically employs mobile teams of two or three trainers each. One potential challenge is finding enough qualified trainers who are available to travel throughout the country for an extended period. A variation is used by the mobile teams as a substitute for the system of training the trainers. Under this scheme, special teams are assigned to conduct a circuit, departing from a central location to conduct local training programs along a route of planned stops, eventually returning to the central headquarters.

The third option is to sponsor *national training day*, during which training sessions are conducted simultaneously throughout the country. While this approach allows the organization to create a high profile national event, it initially requires an intensified period of activity when many trainers must be trained and a massive quantity of materials must be created, produced and distributed.

**Trainers.** It is important that you identify and prepare the trainers who will, in turn, train all the individual personnel in the monitoring (observing) program. People who have experience with speaking to large groups and conveying instructions are often ideal candidates. Many monitoring organizations have relied upon school teachers, professors, and church and civic organization leaders to serve as trainers.

**Audience.** One may consider inviting other groups to your training sessions in addition to LEON's recruits and prospective recruits. Specifically, by inviting (or at least notifying) government officials, political party representatives, journalists or international observers to some of LEON's training programs, the reputation of the organization could be enhanced, it could demonstrate the nonpartisan nature of its work, and foster relations with these important institutions. In many cases, participation by these organizations or individuals will add to the quality of the program. However, there are some occasions when participation by people outside LEON can inhibit or interfere with the training. In these cases, the better practice is to limit participation to members or supporters only.

**Agenda.** An agenda for the training program must be prepared that provides an opportunity to discuss the following topics:

- \* introduction of trainers and participants;
- \* introduction of LEON and the purpose of the training (e.g., description of the monitoring group, its mandate and objectives and its activities to date, explanation of the goals and agenda for the training session);
- \* distribution of training manual and other materials;
- \* review of election procedures;
- \* discussion of monitoring techniques;
- \* simulation and role-playing exercises;
- \* elaboration of situations and specific challenges that monitors may encounter in the course of their work;
- \* timetable for implementing plan of action; and
- \* question and answers.

## Specific Monitoring Techniques

The scope of observing the Special Elections by LEON has been prescribed by the Independent Elections Commission. According to the Guidelines and Code of Conduct for National Observers issued by IECOM, the scope of observation consists of the following:

1. To observe and evaluate the extent to which IECOM adheres to the Electoral Package;
2. To observe and evaluate the entire voters' registration process;
3. To observe the political campaigns;
4. To observe the voting and counting processes;
5. To observe the access to and use of the Media;
6. To observe the Political Parties and their agents in the conduct of their activities; and
7. To observe the International Observers in the conduct of their observation of elections.

To meet the goals of detecting and deterring campaign problems, LEON should develop a monitoring strategy that should consider pursuing some or all of the following activities:

- \* deploying monitors to sites where problems are likely to occur (e.g., campaign rallies);
- \* preparing and distributing written materials and organizing workshops or similar programs for voters, party workers and candidates so they know their rights and obligations as well as how to seek remedies if their rights are violated;
- \* offering LEON as a focal point to which citizens and political contestants may report electoral abuses;
- \* submitting complaints concerning campaign abuses and/or assisting citizens in filing complaints, where appropriate;
- \* monitoring the response of law enforcement or other authorities in preventing violence, intimidation and coercion, investigating and prosecuting such abuses and providing effective remedies to those affected by such abuses; and
- \* preparing and publishing reports describing the different types of campaign problems.

## Reporting Complaints

To make the evaluation process of complaints more objective and to expedite compilation of information, LEON must develop a standardized **complaint form** which all monitors should complete. Emphasis must be placed on compiling accurate and verifiable information. The form should record the following:

- \* Name, address and telephone of complaining person;
- \* Name and/or position of the person responsible for the alleged abuse;

- \* A brief description setting forth the nature of the complaint (e.g., intimidating candidates, misusing government resources, disrupting campaign meetings, etc.) and a summary of the circumstances surrounding the complaint (e.g., the date, time and location of relevant events);
- \* The names of any witnesses and information about how they can be contacted; and
- \* The status of the complaint or appeal, including the official response of responsible government authorities.

*Deployment Plan*

Ideally, LEON should deploy observers at all the 2,000 polling stations that have been designated by IECOM. Such a complete deployment will assure a more confident assessment of the program by capturing any electoral infractions on election day. However, the reality is that LEON has financial and logistical constraints that will not allow it to achieve the ideal. The question to address, therefore, is: How best can the 1,000 trained observers be deployed to achieve maximum effect? In answering this question in order to develop a deployment plan,, the following issues must be considered:

- \* How many observers can LEON train before the elections?
- \* How many observers can be realistically deployed on the ground on election day?
- \* What are the financial cost of deployment and is LEON able to bear this cost?
- \* What are the logistics involved in the deployment and is LEON able to provide them?
- \* What transportation arrangements must be made for observers?
- \* What communication system must be in place to expedite information transmission?
- \* What precautionary security measures must be taken to protect observers?

Answers to these questions will help in designing a deployment plan that will meet the stated objectives of the monitoring operation.

## CHAPTER SIX

### *Monitoring in the Pre-Election Period*

#### *Civic and Voter Education*

One measure of an election's legitimacy is the degree to which the electorate is adequately informed about:

1. Voter rights and obligations;
2. Dates and procedures of the election;
3. The range of options (e.g., policies, parties or candidates, etc.) from which voters can make a choice; and
4. The significance of these choices.

Voters receive information about their democratic rights and about elections through civic and voter education. The cumulative effect of all voter education in an election should be evaluated by the degree to which pertinent information is reasonably available to all eligible voters in a form they can comprehend, and in a timely fashion. A domestic or local observer group could supplement the effort of the Electoral Commission in voter and civic education by conducting its own education program.

If LEON considers to conduct its own educational program, it should consider how the program relates to the monitoring objectives.

#### *Registration of Voters, Political Parties and Candidates*

**Voter Registration:** The universal right "to take part in" government is directly affected by the eligibility and voter registration process. Since establishing a potential voter's eligibility is often a pre-requisite to voting, LEON will evaluate the process by which eligibility is determined, paying special attention to whether significant segments of the population are being disenfranchised (prevented from voting) by:

- \* unreasonable criteria restricting eligibility, such as the use of distinctions based on race, color, gender, religion, ethnic origin, social group, past political affiliations, literacy, property ownership, and ability to pay. Reasonable restrictions have included distinctions based on age, citizenship, residency and mental competence;
- \* inadequate voter education about how potential voters may establish their eligibility;
- \* failure to respect other guarantees of procedural due process, especially where there are no provisions for monitoring the process, verifying the registry's accuracy or challenging rulings;

- \* intimidation that prevents or inhibits eligible citizens from learning about or engaging in the process.

**Political Parties and Candidates:** Restrictions on who can form a party and who can compete in elections are considered reasonable if they do not unjustly discriminate. Historically, only certain types of limits have met this test, for example, concerns about security are one commonly cited justification for denying participation to specific political parties or candidates. When monitoring party and candidate registration, you should try to identify any arbitrary or discriminatory application of the law. Improper administration of the law includes instances where candidates are not given adequate notice of the deadlines or the procedures required to apply for candidacy or cases where the requirements are unreasonably arduous or discriminatory. Also, when the applications for candidacy are rejected, you should examine the appeals process to determine whether these are adequate provisions for a hearing and independent review.

### **Monitoring of Election Campaign**

Often, in order to conduct a comprehensive evaluation of an election process, you must assess whether the process has provided a "level playing field" and an opportunity for a *genuine* and/or *meaningful* expression of the will of the electorate. The level playing field metaphor is used to describe a process that protects equal treatment and fair opportunity. It is evaluated by considering, among other issues:

- \* the degree to which competitors are allocated equitable access to resources (e.g., finances and material resources, media access and news coverage); and
- \* the effective compliance with, enforcement of and review of the election law (especially in terms of non-discrimination and good-faith application).

The terms "genuine" and "meaningful" are standards used to evaluate other essential components in the campaign period, including:

- \* the freedom and capacity candidates have to convey their programs to the voters;
- \* the adequacy of the voters' understanding about the process (e.g., how to register, where to vote, how to mark a ballot, etc.) And the substantive issues subject to the vote; and
- \* the freedom voters perceive they have to choose and express, independent of anyone else's wishes and in full secrecy, their preference at the ballot box.

## □ Intimidation and Coercion

The effects of intimidation and coercion are not easy to measure. If you systematically investigate, measure and record allegations, however, it is possible to ascertain who has perpetrated such acts and whether they have deterred or prevented:

- \* candidates from campaigning ;
- \* voters from registering;
- \* voters from casting their ballots;
- \* voters from casting their ballots according to their personal preference; or
- \* election officials from enforcing the electoral law.

There are several manifestations of intimidation and coercion that are relevant for your monitoring, including:

- \* *physical violence*, which includes murder, kidnaping, torture, drive-by shootings, bombings, beatings, assaults and damage to property;
- \* *threats of physical violence*, including the mere presence of security or paramilitary forces in sensitive environments (e.g., political rallies, registration tables, voting stations, counting centers) that unreasonably intimidate sectors of the population;
- \* *cultural and social pressures* that the election system addresses inadequately (such as those felt by women or minority groups in certain societies);
- \* *threats of financial hardship*, including loss of employment, loss of land or housing subsidies or other financial benefits for failing to vote in accordance with the wishes of their employer or a government functionary;
- \* *other abuses of authority*, such as acts designed to demonstrate a candidate's inability to protect the well-being of his or her supporters or secure basic infra structural amenities (e.g., cutting telephone or electricity lines); and
- \* *deliberate failure to protect* political contestants, campaigners and/or prospective voters against any of the foregoing.

## **Monitoring of the Media**

Media monitoring must begin with an analysis of government actions to ensure the media's right to gather and impart information. The analysis should focus upon the media's ability to criticize activities or inaction of the government and governing party, to investigate corruption and to operate independently of political pressure. A number of factors that can inhibit the media from performing these functions can be identified and documented by media monitors. Among such factors are the following:

☐ *Director government censorship and intervention, including:*

- \* enforcing prior restraints, usually pursuant to law, on publication of material concerning certain subjects (often on the grounds of national security);
- \* banning media access for certain political parties and/or candidates;
- \* refusing, by government-controlled media, to run stories about or advertisements by certain political contestants;
- \* confiscating publications for political reasons;
- \* closing media outlets for political reasons;
- \* prosecuting journalists and/or publishers for sedition or other charges (such as libel) for carrying out legitimate professional activities;
- \* imposing martial law or states of siege to curtail media activity in order to gain electoral advantage; and
- \* using threats of any of these actions to gain electoral advantage.

*Indirect forms censorship including:*

- \* government action or inaction that places journalists and/or publishers in fear for their safety or for the security of their property.

*Intimidation and attacks on the news media aimed at preventing the media from fulfilling their legitimate role in the electoral process, including:*

- \* government attacks on journalists, such as security forces physically beating them or firing on them, their vehicles or premises; and
- \* arbitrary detention of journalists and publishers in order to interfere with their reporting on events pertinent to the election.

**Direct Access Messages (Political Advertisement)**

Monitoring "direct access programs" or messages (sometimes called "political advertisements") for political contestants should include the following:

- \* the types of access time provided;
- \* whether the amounts of access to printed space or broadcast time are allocated equitably;



- \* whether there are impartial criteria for qualifying political contenders for direct access print space or broadcast time and for the allocation of that space or time, including provisions for new parties and independent candidates;
- \* whether an impartial system is used to ensure that no political contestant is favored by receiving premium access space or times, while others are consistently aired at less desirable times or given less prominent printed space;
- \* whether financing of direct access messages is equitable.

## CHAPTER SEVEN

### *Monitoring on Election Day*

In the course of developing the general plan, and especially during the pre-election period, LEON will identify potential issues that need to be monitored during the voting. The monitoring will concentrate on the following four general components of the voting:

#### *Environment inside of the Voting Station:*

**Location and Arrangement:** Upon arriving at any voting station (variously called the voting site or polling place) an observer should initially verify that the station is properly identified and located. Next, the observer should assess the environment inside of the voting station. The first step in the process is to observe how the station is arranged. The physical structure and design of the voting station should guarantee secrecy of the ballot. The voting station's design, and the system by which voters proceed through the steps of voting, should be adequate to maintain a process that is orderly and efficient.

**Staffing:** Observers must take note of who is present inside of the voting station. Only authorized individuals and people in the act of voting should be present inside the voting station. First, determine if any election official is absent or have been replaced, and the consequence of this development on the voting. Second, determine which political parties and other domestic or international observers are present. Third, note whether there are unauthorized persons inside the voting station and the effect of their presence.

**Materials:** The observer should examine the availability and positioning of election material. The materials - including registration lists, ballots, envelopes, indelible ink, ballot boxes, seals, tally sheets, voting booths, tables, etc. - should be present in adequate quantities to enable the voting to proceed quickly.

#### *Conduct of the Officials*

Election officials are responsible for administering the voting process in accordance with prescribed laws and regulations. As an observer of the voting process, you should observe and record the conduct of election officials in order to deter fraud, to help correct inadvertent mistakes, as well as to detect and record actual irregularities. Overall, the observer should carefully evaluate whether officials:

- \* understand the prescribed procedures;
- \* effectively apply and enforce the procedures;
- \* maintain strict impartiality and, when providing assistance, demonstrate appropriate discretion and respect for the secrecy of the vote;

- \* establish an orderly environment in which all eligible voters have a reasonable opportunity to vote and feel free from undue influence; and
- \* respect the rights of observers and political party representatives.

#### *Conduct of the Voters*

The observer must also observe the conduct of voters. A genuine and meaningful election presumes that voters understand both the voting procedures and the policies of the candidates or the substance of the issues being voted upon. Since a voter's level of comprehension about these two issues affects the amount of time he/she requires to complete the voting process, a low level of understanding may cause serious delay in the voting process. Therefore, the observer should try to determine whether voters understand the process for voting and the options from which they may choose. Voters conduct may also be the cause of intimidation during the voting process. Such intimidation typically occurs in the line in which prospective voters wait before entering the station to vote. Observers must attempt to identify these incidents of intimidation and to determine their effect on other voters.

#### *Environment Outside of the Voting Station*

The conduct of the voters can be evaluated, in part, outside the voting station. The observer should look for incidents of undue influence or intimidation outside of the voting station. In so doing, try to identify the target, the source, the form and the impact of the intimidation. These problems, which at a minimum violate the principle of secrecy of the vote, may be directed at the voters in the queue or at election officials inside. Potential sources of intimidation include election officials, political partisans who behave in an overzealous manner or members of the security forces. You should attempt to document relevant events and measure the magnitude of any incident. Important questions to address in your election-day reports include the following:

- \* did voters disregard the attempt intimidation; were they influenced by it, or were they ultimately prevented from voting?
- \* how many voters were affected?
- \* what were the identities (or descriptions) and associations of people involved in the incident;
- \* how as the situation resolved?

#### *Counting*

In assessing the counting process, the observer's evaluation should be based upon the degree to which:

- \* ballots are counted accurately, reflecting the choices expressed by the voters;
- \* ballots that are ruled invalid or irregular are properly identified and, ideally, preserved for review;
- \* the results of the count (also called the returns) are transmitted to the appropriate authorities, who tabulate the results accurately and are reported to the political contestants, the election observers and the public as provided by law and in a timely manner;
- \* the processes of counting ballots and transmitting and tabulating the results are conducted in a transparent environment such that they are accepted by all competitors and the electorate.

When observing the count, observers should be vigilant for the following possible irregularities:

- \* violation of the integrity of the ballot box (e.g., broken locks or seals, prematurely opened boxes, etc.);
- \* improper counting procedures (e.g., tearing or marking ballots to invalidate them; failing to record valid ballots according to the clearly expressed intention of the voters; adding pre-marked or invalid ballots to the contents of the ballot box; substituting, stealing or destroying ballots or entire ballot boxes, etc.);
- \* intimidation of counting officials or observers;
- \* errors or omissions in computing or completing official tally sheets;
- \* improper refusal to allow observers or others to observe the process or record complaints on the official tally sheet, and
- \* failure to report results according to prescribed procedures or time periods.

### **Security Policies & Procedures:**

The security, well-being and safety of LEON observers is of prime importance. All necessary measures must therefore be taken to ensure that no observer's life is jeopardized in any way. It is important for observers to understand that their role on election day is NOT that of a policeman or security personnel. Observers only observe; they do not give instructions or directions to either the election officials or voters. You should, therefore, avoid any temptation to interfere with the electoral process in any way. Also, you should avoid jumping into discussions or apparent argument between or among officials and voters at the polling station. You may intervene only when you are fully confident that your intervention will bring about an immediate understanding and the restoration of peace.

Recalling the previous discussion on the importance of neutrality in observing elections, you must avoid any identification with any political party. You DO NOT wear any party colors, symbols, badges or anything that will identify you with any partisan group. Be sure to display your observer's identification prominently on your chest for everybody to see your role.

*What to do when problems arise:*

- \* draw the attention of the Presiding Officer to the problem.
- \* draw the attention of the ECOMOG personnel at the polling station to the problem.
- \* do not get involved directly in any altercation.
- \* withdraw from the scene immediately you sense that your life could be threatened and move to a secure place.
- \* do not return to the polling station until absolute peace has returned
- \* write a comprehensive report of the incident.

**Completing and Submitting the Checklist**

The *Checklist* should be completed as soon as the polls close at 4:00 P.M. and submitted to the Country Coordinator who, in turn, will submit it to LEON's Secretariat in Monrovia.

## CHAPTER EIGHT

### *Immediate Post-Election Activities*

#### *Party/Candidates Reaction to Results*

The reaction of the political parties and candidates to the election outcome or results is one strong indication of the extent to which the electoral process has won approval or not. LEON will, therefore, monitor the immediate post-election period to assess the political climate. The following issues will be noted:

- \* has any candidate or party rejected any of the results?
- \* what specific reasons are given for the rejection?
- \* has the complaint by the aggrieved party been lodged with IECOM?
- \* has the complainant followed the laid-down procedure for lodging the complaint?
- \* what has been the reaction of IECOM to the complaint?
- \* what is the response of other political actors to the complaint?
- \* what measures are being taken by civil society to address this concern?
- \* was the problem or dispute noted by LEON's observers?

#### *Monitoring Election-Related Disputes*

All disputes arising out of the elections should be monitored by LEON.

- \* what is the nature of the dispute - over results, conduct, etc.
- \* who are the main contestants in the disputes?
- \* have contestants followed IECOM's regulation for lodging a complaint?
- \* what has been IECOM's response and what measures, if any, has been taken?

#### *Swearing-in of Newly-Elected Officials*

The assumption of office by the newly-elected officials crowns the whole electoral process. The outlook for this occasion may depend on whether and the extent to which there is controversy over the electoral outcome. LEON will monitor this occasion by considering the following issues:

- \* the general environment of the inauguration - peaceful, contentious, etc?
- \* are all the party candidates - both winners and losers - present?
- \* are the speeches/addresses conciliatory?
- \* general impressions.

## WRITING THE INTERIM AND FINAL REPORTS

Guided by the regulations of IECOM, LEON will make a public pronouncement on the election on the basis of observers' reports submitted. A day or two following the elections, LEON will issue an "interim report" giving its general impression of the electoral outcome. A full report will contain in the "final report."

A press conference should be held to issue the Interim Report.

### *The Interim Report:*

- \* make statements as to the freeness, fairness and transparency of the elections as determined by LEON's observers;
- \* a general statement of approval or disapproval of the electoral process.
- \* urge both winners and losers to exercise restraint in their reactions to outcome.
- \* urge parties and candidates to restrain their supporters in their celebrations.
- \* indicate that a more comprehensive report will be forthcoming.

### *The Final Report*

This will be LEON's final pronouncement on the elections. It must therefore reflect a comprehensive analysis of the whole election process and the monitoring operation. This report will come out within 20 to 30 days following the elections. It may be necessary to use a quantitative approach in analyzing the Checklists and comments made by the observers. Detailed account will be given of the various malpractice and irregularities noted by observers. The report will conclude with a set of RECOMMENDATIONS to strengthen the electoral process. This final report will be distributed to:

- \* officials of IECOM
- \* ECOMOG Force Commander
- \* UN Observer Group
- \* all candidates - Presidential and Legislative - in the election
- \* all political parties
- \* the Media
- \* all civic and religious organizations