STATEMENT OF NDI'S SECOND PRE-ELECTION ASSESSMENT MISSION TO LIBERIA’S 2017 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

Monrovia, Liberia September 8, 2017

The National Democratic Institute (NDI) deployed an international delegation to Liberia from September 4 - 8, 2017. The purpose of the mission was to assess the ongoing campaign period and electoral preparations for Liberia’s October 2017 elections and to support Liberia’s efforts to conduct peaceful, credible polls. This mission is part of NDI’s comprehensive international election observation effort, in partnership with the West African Election Observation Network (WAEON). NDI also conducted a pre-election assessment mission in February 2017 and has deployed a team of four analysts and six long-term observers across the country. This group will be supplemented by an international election day observation delegation.

Led by Ambassador Johnnie Carson, Former Assistant Secretary of State for African Affairs, and Member of Board of Directors, NDI (United States), NDI’s delegation includes regional and election experts: Honorable Hanna Tetteh, Former Minister for Foreign Affairs and Member of Parliament (Ghana); Dr. Tadjoudine Ali-Diabacte, Former Deputy Director of the Electoral Assistance Division, United Nations (Togo); Dr. Christopher Fomunyoh, Regional Director, NDI (Cameroon); Samantha Smoot, Observation Mission Director, NDI (United States); and Michael McNulty, Senior Program Manager, NDI (United States). The delegation was informed by the observations and findings of NDI’s experienced team of election analysts in Monrovia and long-term observers who have visited all 15 counties over the past six weeks. The delegation conducted its activities in accordance with the laws of Liberia and the Declaration of Principles for International Election Observation, which was launched in 2005 at the United Nations.1

The delegation met with: the Chairman, Commissioners and staff of the National Elections Commission (NEC); presidential and legislative candidates and political party leaders; government officials; civil society leaders, including citizen election observers; women political leaders; media representatives; security officials; and representatives of the international community. The delegation also met with President Ellen Johnson Sirleaf. The delegation is grateful to all those with whom it met and who shared their views generously. The delegation also expresses its appreciation to the United States Agency for International Development (USAID) for funding this delegation and supporting NDI’s democracy assistance programs in Liberia.

SUMMARY

Liberia’s October 10 elections mark an historic milestone for the country, promising to be the first peaceful, democratic transfer of power from one elected president to another. The people and institutions of Liberia are taking the lead in consolidating democratic progress. Liberians

1 The Declaration is available at www.ndi.org/DoP.
are enthusiastic about the elections and have faith in their ability to determine the outcome.\textsuperscript{2} They also have high hopes for progress on their priority issues, such as infrastructure and education. This raises the stakes for candidates and parties, who have a responsibility to make specific policy proposals while refraining from making promises that cannot be met.

The success of these elections will hinge on whether voters have confidence in the process and that, ultimately, their will is reflected in the outcome. Ensuring the trust of the voters requires transparency, inclusivity, accountability, and continuous engagement and communication on the part of the NEC, parties, media, and security services.

Several fundamentals are in place that help boost the prospects for credible elections. The presidential race is competitive, with 20 registered candidates. The campaign has thus far been open and peaceful, with parties and candidates expressing their commitment to a peaceful process.\textsuperscript{3} Candidates generally did not report significant restrictions on their campaigns. Overall, the NEC has maintained trust among most stakeholders. The Liberian National Police (LNP), within the framework of the Electoral Security Task Force, and other security forces have a clear strategy and have plans to build the capacity of thousands of security personnel to deploy in the days surrounding the elections.

Some aspects of the process may still present challenges. The NEC has undertaken the enormous task of creating a new voters list since February. In this regard, the delegation heard concerns about registered voters whose names may not be on the list. Liberians also want to be assured that, despite delays in procurement, election materials will be delivered to polling centers on time. These citizen concerns need to be addressed in an efficient, transparent manner that is well-explained to the public so as not to diminish confidence in the electoral process. Specific barriers remain for women, youth, and persons with disabilities to fully participate in the electoral and political processes. The delegation also heard complaints and divergent views on some recent decisions of the NEC and Supreme Court.

Further below, the delegation offers several recommendations that can be considered in the remaining days before October 10 to enhance confidence in the electoral process and to foster peaceful, credible polls.

\textbf{DELEGATION FINDINGS}

\textbf{Election Administration}

\textit{Electoral Preparations}

The NEC has maintained the confidence of most electoral stakeholders. NDI’s July 2017 focus group research found that voters generally view the NEC as a trusted institution. Thus far, the NEC has met the main benchmarks on the election calendar. Current challenges--including issues around the voter roll--if not addressed in a transparent, effective manner, could diminish confidence in the NEC’s ability to conduct credible elections and may lead to losing candidates and parties contesting the outcome.

\textsuperscript{2} This was also found in NDI’s July 2017 focus group research.
\textsuperscript{3} As indicated by signing the Farmington River Declaration.
The NEC’s logistical preparations will soon be put to the test. The production of election day materials, including ballots and election kits, is underway. These are being produced internationally, so it is difficult for the NEC to fully control when they arrive in Monrovia. In light of this, some stakeholders expressed concern about whether the election materials can be delivered to polling centers on time, particularly given the country’s infrastructure challenges and unpredictable weather. Logistics will again be tested after ballots are counted on election night, when the NEC will be tasked with collecting and tabulating election results in a timely manner to help reduce uncertainty and mitigate the potential for tensions to rise.

The NEC has begun recruitment of more than 27,000 poll workers, who will be trained in the days leading up to the polls. The delegation is encouraged by the NEC’s assurances that it has increased standards and quality controls for recruitment and that it aims to reach a 50 percent gender balance in the temporary staff hired for the elections. Moreover, the Commission has laid plans to train election supervisors and presiding officers. At the magisterial level, NDI’s long-term observers have reported that most NEC magistrates are experienced and that, generally, rightly enjoy public confidence in their capacity. However, magistrates are dependent on NEC headquarters for information and materials.

Voters List

The preparation of the voters list is nearing completion. Over the last six-plus months, the NEC carried out voter registration, exhibited the provisional voter roll, cleaned up the provisional list, and replaced lost and damaged voter cards. As of its July 25 report, the NEC announced that 2,183,683 people were registered to vote, with 51 percent men and 49 percent women.

Many interlocutors with whom the delegation met expressed concerns that some voters who registered may not be on the voters list. During the exhibition period, the NEC stated that over 13,000 registered voters who visited their center to check their name filed complaints that they were missing from the provisional registration roll. The actual number of missing names may have been much higher.

The NEC has taken several measures to correct errors and omissions in the roll, including carrying out a manual audit of all optical mark recognition (OMR) registration forms and reconciling daily recorded entries of registered voters against the forms submitted. The NEC’s data center also enhanced shading on the forms, where necessary, to improve their scanning and has spot-checked additional OMR forms after the full manual audit. These measures are commendable and should reduce the risk of registered voters not appearing on the voters list on election day.

According to the NEC polling staff manual, if a voter has a valid voter ID card but is not found on the list, the polling staff should check whether the voter is registered through the voters list SMS service, which is linked to the voter registry database. Using the SMS service may be a challenge in polling places without mobile phone service.

Several political parties and citizen observers expressed that the NEC has not been consistent regarding the date on which it will publish the Final Registration Roll (FRR). The NEC plans to release the FRR by September 10, in line with the legal framework. When the FRR is released, the NEC states that voters will be able to verify their voter registration status and
polling location in three ways: (1) in person at the 19 magisterial offices; (2) on the NEC website; and (3) through a planned SMS-based short code system. According to the NEC, the SMS system will go live the week of September 10.

The NEC has also announced that the final, complete voters list will be shared in an easily analyzable format with political parties and key stakeholders. If provided to election observers, this would allow for an independent assessment of the voter roll’s integrity and would enhance public confidence in the roll. It would also adhere to Article 22.4 of the NEC Regulation on Voter Registration, which states that “the NEC shall make electronic copies of the certified registration Roll available at the Headquarters to electoral stakeholders upon request.” International electoral norms support efforts to enhance voters list transparency. An Economic Community of West African States (ECOWAS) protocol on good governance specifically stipulates that voters lists should be prepared in a reliable manner and that electoral stakeholders should have access to the lists “whenever the need arises.”

Public Communication

Many Liberians noted that, in the past few months, the NEC has improved its communication with political parties and the public compared to the beginning of the voter registration period. The delegation noted that, starting in August, the NEC has held weekly press conferences. However, some parties and CSO representatives expressed that the Commission has at times not clearly explained issues when they arise, which has at times caused uncertainty. To have full confidence in the NEC and the electoral process, Liberians expect even more consistent and clear communication.

Results Tabulation and Announcement

Liberia’s legal framework gives the NEC sole authority for announcing official election results. Parties and the media plan to collect polling place-level tally sheets and add up results. The delegation was encouraged to learn that the NEC plans on providing carbon copies of tally sheets to the top five-placing candidates’ agents in each polling place. This will allow political parties to independently collate the results of the election and, if necessary, gather the information they would need in the event of a challenge. The delegation was reassured by the NEC’s commitment to release results in a timely, secure, and transparent manner. The Commission’s plan to release preliminary polling place-level results on its website would, if carried out in a timely manner, be an important step toward providing parties and observers with the ability to verify results and, as a result, promote confidence in the results tabulation process.

Campaign Finance

The 2017 elections provide opportunities for the NEC, parties and candidates to take steps toward enhancing transparency and accountability of money in politics. This includes adhering to and enforcing financial disclosure requirements stipulated in Liberia’s

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Constitution. As of September 7, only nine out of 26 parties had complied with Article 83 (d) of the Constitution requiring them to submit detailed financial statements 30 days prior to election day (September 10).

**Political Parties and Candidates**

*Campaign Environment*

The presidential election is an open process with 20 registered candidates. Thus far the campaign period has been peaceful, with more activity in Monrovia than in areas outside the capital. Most parties and candidates are stressing the importance of peaceful elections, although some candidates expressed concerns that this peace is fragile. Some parties have already organized major events, while others have been conducting small community meetings and door to door outreach, as well as distributing T-shirts, flyers, posters and flags. Observers have also reported parties distributing goods, such as bags of rice, and cash in some locations, as well as paying for improvements to community facilities.5

For the most part, parties and candidates did not report any major restrictions on their campaign activities. However, the delegation heard complaints of abuse of administrative resources by the governing party. This includes the use of state vehicles and buildings, as well as higher fees for opposition candidates’ usage of public facilities. Security services told the delegation that the police policy allows confiscation of government vehicles should they be used for campaign activities. The delegation also heard reports of campaign material being defaced or destroyed.

Appeals to supporters have thus far been based on personality, general messages of “change,” or tribal considerations, rather than concrete policy proposals. Some interlocutors and NDI long-term observers reported that campaign rhetoric has at times involved personal attacks and disinformation, but has not -- to this point -- included a significant amount of hate speech or incitement to violence. Two presidential candidate debates were held in August. The media and civil society is organizing a nationwide series of town hall-style political debates in all 73 constituencies. Debates have helped encourage candidates to put forward practical policies and manifestos and have helped temper inflammatory language.

*Party and Candidate Agents*

The delegation was encouraged to hear that the major political parties and candidates plan to train and deploy party agents on a large scale for election day. Deploying well-trained party agents across the country would be a confidence building measure and would help mitigate tension.

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5 The distribution of goods, rice and cash is not explicitly prohibited by law. Section 5.2 of the NEC Regulations and Guidelines for Political Parties and Independent Candidates permits “publishing or distributing campaign literature, posters, flyers, buttons, T-shirts, caps or other promotional items designed to support the election of any aspirant/candidate for elective public office.”
IPCC and Peace Declarations

The Inter-party Consultative Committee (IPCC) is a mechanism for promoting dialogue between the NEC and political parties on a variety of issues. However, it has not as yet been used to its full potential. Meetings are not held on a regular basis, often are scheduled on short notice, and as a result, senior party leaders have usually not attended.

The delegation is encouraged that 20 of the 26 registered political parties, including 11 presidential candidates, have signed and committed to the June 2017 Farmington River Declaration, as well as the September 2016 Ganta Declaration. These documents outline specific commitments to peaceful elections, including, among other things, resolving disputes through mediation and/or judicial means; preventing electoral violence; conducting a peaceful campaign; and working with law enforcement to mitigate the potential for violence. These commitments will only matter if party leaders and candidates educate their supporters about them and enforce discipline on those members who violate the declarations.

Application of the Legal Framework and Electoral Dispute Resolution

Some decisions of the NEC and Supreme Court have generated divergent interpretations among stakeholders. For example, citing the need for inclusion, the NEC chose not to enforce provision Section 4.5.1a of the Election Law, which requires parties to field candidates in at least half (37) of the constituencies. Eleven political parties presented candidates in less than 37 constituencies. While some parties have raised complaints, none filed legal objections in time to take the matter to the Supreme Court. The NEC also extended the candidate nomination period in order to encourage parties to field more female candidates.

During the candidate registration period, the NEC rejected three high-profile candidates for failing to meet the eligibility requirements of the 2014 National Code of Conduct. All three candidates appealed the ruling to the Supreme Court, which reversed the NEC’s decision in two cases, allowing them to run after paying a fine. A number of people with whom the delegation met noted that the Supreme Court’s decision resulted in several candidates resigning from their government posts, filing their candidacy just before the deadline, and paying the fine. While these rulings may help to mitigate tensions in the short-term, they have raised doubts among several parties about whether they would receive fair and equal treatment under the law if they were to file complaints and disputes following election day.

The delegation also heard concerns about the NEC and Supreme Court’s ability to adjudicate complaints and resolve disputes in a timely manner. The NEC is providing legal training to magistrates and plans to hire one hearing officer and one clerk for each magistrate office to support complaints adjudication. The NEC has struggled to process petitions in a timely manner, due in part to an understaffed hearing office.

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6 The six parties that have not signed are: Democratic Justice Party (DJP); Liberians for Prosperity (LFP); Liberia Restoration Party (LRD), although the party’s presidential candidate Macdella Cooper signed on behalf of her previous party; MOVEE; Movement for Progressive Change (MPC); and Redemption Democratic Congress (RDC). All major presidential candidates have signed.
Electoral Security

Liberians view these elections as a way to consolidate democratic gains. While the risk of wide-scale violence is low, some people expressed concern about the potential for violence if the elections are not seen as credible. Should the integrity of the election be compromised, it would reduce confidence in the results and bolster complaints by losing candidates and parties.

Under its 2017 Election Security Plan, the Liberian National Police (LNP) will work closely with other uniformed services, including the Bureau of Immigration and Naturalization, the Drug Enforcement Agency and the Liberia National Fire Service, to deploy over 7,300 security officers countrywide, with at least two personnel per polling center. Security details have been assigned to each presidential candidate. In the eight counties identified by the LNP as hot spots, a Police Special Unit and an Election Response Unit will be deployed. Special escort guards have also been trained by the LNP to secure all election materials.

The LNP has made significant efforts to bolster the training and capacity of its personnel, but has been somewhat hampered by a lack of resources. It has also been viewed positively by several parties and other stakeholders for its proactive communication, trust-building approach, and emphasis on community policing. Citizen observer groups have positively assessed the LNP for its professionalism during the first month of campaigning. At the same time, stakeholders with whom the delegation met expressed mixed views about the police's ability to provide effective security without UNMIL support. There are coordination mechanisms between domestic and international security stakeholders that have positively contributed to planning and will help to mitigate potential violence on election day and in the post-election period.

The delegation was encouraged by the active, robust peace campaigns underway. The media and civil society networks are playing a key role in the promotion of a peaceful electoral process, including violence prevention, early warning activities, and electoral violence monitoring. Women's organizations in particular are leading efforts to promote peace. Several of these organizations are working in hotspots, engaging parties and candidates to safeguarding the treatment of women in the electoral process, as well preventing the use of youth groups to disrupt the campaign of rival candidates. The LNP, NEC, and the youth organization, National Youth Movement for Transparent Elections-Partners for Democratic Development (NAYMOTE), are also conducting a large, youth-focused 'say yes to peace, say no to violence' campaign.

Voter Education

The NEC launched its civic and voter education campaign on August 18. Four-hundred sixty-three civic educators and 219 gender mobilizers have been recruited to raise awareness and generate interest in the upcoming elections. NDI observers attended several launch events and noted that, other than banners, outreach materials were not ready for distribution. In addition, approximately 90 CSOs are engaged in civic and voter education (CVE). These groups note that delays in the release of materials by the NEC have hampered their efforts to educate voters about the electoral process. This delay has hindered the ability of the NEC and outreach workers to educate citizens, particularly to help reduce the number of invalid ballots. The delegation was concerned by the rate of invalid ballots in previous polls,
attributed, in large part, to the lack of sufficient voter education, particularly in rural areas. Similar delays were experienced before and during the voter registration process.

**Media**

The Liberian media are active, relatively free, and on the whole committed to the country’s democratic process. Radio is by far the most popular means by which Liberians receive information, and it is generally respected by most people. The country has more than 100 radio stations. The national radio and TV station, Liberia Broadcast System (LBS), is under the control of the Ministry of Information. While it does offer space for a spectrum of political views, several people noted that it is perceived as pro-government. Television, newspapers, and online media sources have a more limited reach, primarily in urban areas.

Some civil society and party leaders emphasized that the media will have the responsibility to mitigate tensions by reporting verified information, particularly about voting and counting. Many media outlets are owned by or affiliated with political parties, and many people reported to the delegation that it is difficult to determine the difference between verified journalistic reports and editorial or even paid-for content. The Press Union of Liberia and the NEC recently adopted a media code of conduct to foster responsible and accurate reporting.

**Inclusivity in Elections**

**Women’s Participation**

The delegation learned that the percentage of women on the voter roll has dropped since the 2005. Liberian women face greater challenges than their male counterparts as voters, candidates, and election workers. Lower literacy rates, as well as cultural and financial barriers, inhibit their ability to access information about the election process and their avenues for political participation. Despite electing the first woman African head of state, only 10 percent of its elected representatives are women.

The election law was amended in 2014 to include a provision that stipulates that political parties “should endeavor” to reach at least 30 percent women on their candidate lists. However, female candidates represent less than 16 percent of the total number of registered candidates for the 2017 elections. Only one out of 26 parties, the Liberia Restoration Party (LRP), reached the 30 percent benchmark. The LRP is also the only party to nominate a female presidential candidate. Three political parties – Alternative National Congress (ANC), All Liberia Party (ALP), and Unity Party (UP) – have between 14 and 20 percent representation of women candidates.

The delegation was informed that violence against women in elections (VAW-E) is a significant deterrent to women’s political participation in Liberia. Liberian citizen observer groups informed the delegation about smear campaigns and insults against women candidates.

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7 On September 5, a bill was tabled in the House of Representatives that, if passed as currently drafted, would transform LBS into a public service institution.
on social media and in public places, as well as report of physical intimidation and threats against female candidates.

**Youth Participation**

Thus far, most candidates have still to place emphasis on issues important to youth. More than 70 percent of Liberians are under the age of 35, many of whom will be voting for the first time in October. Voters ages 18 - 22 represent a significant portion of all registered voters (21 percent). NDI’s July 2016 focus group research found that youth, particular youth activists, are aware that they gain little from participating in violence orchestrated by politicians. Instead, they want to enhance youth voices in the political process. However, concerns remain that perceptions of corruption and ineffectiveness of government could dampen youth participation. Youth-focused CSOs have been actively involved in civic and voter education targeting youth.

**Access for Persons with Disabilities**

The delegation heard concerns about the disenfranchisement of physically challenged persons, including long walks to polling centers and facilities that are not accessible to voters. Civic and voter education messages are also not produced to reach visually- or hearing-impaired persons. The NEC is producing tactile ballot papers for the visually-impaired; however, the affected voters have not been trained to use them, which could result in a number of invalid ballots.

**Nonpartisan Citizen Election Observation**

The delegation observed that Liberian civil society organizations have played a key role in providing the Liberian public with an independent, impartial, and timely assessment of the electoral process to date. The Elections Coordinating Committee (ECC), a platform of 30 prominent civil society organizations and networks, is the largest nonpartisan domestic observer group. The ECC has deployed long-term observers in the pre-election period and has published several reports based on monitoring the voter registration, voter roll exhibition, party primaries and the campaign period. The ECC will deploy approximately 2000 observers on election day. The Liberia Election Observers Network (LEON) is also observing the pre-election period and thus far has issued reports on the voters list exhibition and voter card replacement processes. LEON will deploy approximately 1000 observers to monitor the polls on election day.

**RECOMMENDATIONS**

In the spirit of international support for Liberian democracy, the delegation offers the following recommendations on steps that can be taken in the remaining pre-election period to enhance confidence in the overall electoral process and foster peaceful, credible polls. NDI’s international election observation mission will monitor these recommendations and will issue additional statements.

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National Elections Commission

- Provide the complete Final Registration Roll in machine-readable format to political parties and accredited international and citizen election observers, as a further means of ensuring the integrity of the voters list.
- Make the Final Registration Roll available by September 10 to provide sufficient opportunity for voters to verify their status and check their details.
- Intensify voter education and place urgency on distributing voter education materials to CSOs, so that they have sufficient time to reach the most remote and vulnerable populations. Prioritize efforts to minimize invalid ballots by working with CSO to familiarize voters with the voting process including through distributing sample ballot papers.
- Recruit more female poll workers to ensure gender balance in each polling place, and prioritize the recruitment of young adults and members of marginalized groups.
- Ensure pollworkers are well-trained in all aspects of election day procedures, including in counting procedures, filling out tally sheets accurately, and posting tally sheets publicly at every polling place.
- Encourage candidates and political parties to adhere to the Farmington River Declaration and the Ganta Declaration to further discourage hate speech and inflammatory rhetoric. Act upon violations of these declarations in a legal and timely manner.
- Obtain and publish political party and candidate financial reports on contributions and expenses. Hold accountable parties and candidates that do not comply with the constitutional mandate to submit these reports.
- Ensure that election results are transmitted securely from magisterial offices to NEC headquarters and are announced in a timely, transparent manner. Following election day, provide polling-place level results on NEC’s website in a timely manner, as planned.
- Hold more frequent and regularly scheduled IPCC meetings. Leverage the IPCC as a platform for discussing and reaching consensus on the rules of the game going forward, as well as a mechanism for dialogue during the tabulation and results announcement period.
- Ensure that complaints addressed to the NEC are adjudicated in a timely manner and in accordance with the legal framework.

Security Services

- Expand the implementation of the LNP’s community policing approach as a means of building trust between citizens and security services, and maintaining law and order before, during, and after the elections. Maintain professionalism in ensuring peaceful conduct of campaigns while also ensuring the right to freedom of assembly.

Political Parties and Candidates

- Engage citizens through active participation debates, discussions, and community forums.
- Adhere to the Farmington River Declaration and the Ganta Declaration and promote and ensure peaceful conduct among candidates and supporters.
- Raise awareness of and express zero tolerance for violence against women in the electoral process, including towards female candidates.
• Political parties and candidates that have not yet submitted detailed financial reports should submit them by the deadline of September 10. All parties should also adhere to campaign expenditure limits.

• In the process of collecting information from party agents in the polling stations, parties should take caution not to usurp the NEC’s responsibility for announcing official election results.

Supreme Court
• Resolve election related disputes expeditiously in a manner that engenders public confidence in the Supreme Court and the judicial process.

Civil Society
• Provide credible, evidence-based, and timely information that provides an accurate assessment of electoral processes, raises early warnings of potential electoral violence, and, if warranted, verifies or dispels rumors. Monitor and report on violence against women in elections, as well as access of marginalized groups to the voting process.

• Intensify civic and voter education, particularly among women and rural communities, and in local languages. Prioritize educating voters on how to fill out ballots properly in order to help reduce the invalid ballot rates.

Media
• Cover candidates fairly and ensure respectful and gender-sensitive treatment of women and men candidates to bolster the ability of voters to make an informed choice.

• Promote and self-regulate adherence to the media code of conduct. Report only verified information. Discourage inciteful language and dispel rumors. Clearly distinguish between articles written by journalists, editorials, and materials that are produced by outside sources and published for a fee.

• Provide voters with practical information about how, when and where to vote, and where voters can obtain more information

NDI is a nonprofit, nonpartisan organization dedicated to supporting and strengthening democratic institution worldwide through citizen participation, openness and accountability in government. NDI first worked in Liberia in 1997. The Institute has maintained a permanent in-country office in Liberia since 2003. Current NDI programs in Liberia, which include technical assistance for voter education, citizen election monitoring, women’s participation, and pollwatching for all political parties, are funded by USAID.