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## **Elections Coordinating Committee (ECC) 2023 Run-off Election Observation**

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## **ECC OBSERVATION OF THE 2023 RUN-OFF ELECTION PRELIMINARY STATEMENT – NOVEMBER 15, 2023**

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**“THE LIBERIAN PEOPLE HAVE SPOKEN IN A WELL-ORGANIZED AND ORDERLY PROCESS AND THE ECC CALLS ON BOTH OF THE PRESIDENTIAL CANDIDATES AND LIBERIANS TO REMAIN CALM AND AWAIT FOR THE OFFICIAL PRONOUNCEMENT OF THE RESULTS BY THE NATIONAL ELECTIONS COMMISSION (NEC)”**

### **INTRODUCTION**

On November 14, 2023, Liberians exercised their Constitutional right to elect their next president and their will must be respected. In the spirit of democratic consolidation, the ECC calls on all candidates and Liberians to remain calm and await the official results to be announced by the National Elections Commission. In the management of citizens' expectation, the ECC also urges the NEC to proceed with the timely pronouncement of the election results.

These elections were nationally owned with resources largely provided by the Government, electoral security provided by the Joint Security Taskforce and the entire electoral process managed by the National Elections Commission with minimum technical and logistical support from international development partners. Nonetheless, the elections were conducted without any significant electoral law reform particularly, with the New Elections Law of Liberia.

This preliminary statement covers the ECC's observation of the electoral cycle including the runoff which took place on November 14, 2023, and is based on reports received from 1,185 out of 1200 stationary observers deployed to polling places proportionally nationwide to observe. ECC is cognizant that there remain crucial steps to complete, such as the tallying of votes and adjudication of electoral petitions. Therefore, the content of this statement is based on

observations made thus far. The ECC will continue to update the public on the remaining components of the process when it considers it appropriate and will later publish a final comprehensive report, including full analysis of the electoral cycle that will include recommendations for electoral reform.

## **VOTER REGISTRATION**

The transition from the manual to the Biometric Voter Registration by the NEC was a strategic decision that improved the quality of the Final Registration Roll (FRR) which contributed to an improved election administration on October 10, 2023 as well as on November 14, 2023.

## **REPRESENTATIVE DEMOCRACY**

The organized and systematic trucking of voters by politicians undermined the principle of representative democracy. While the election law makes the practice an electoral offense, the NEC and the joint security did not do enough to stop the trucking of voters which is now seen as a normal practice within the country's emerging democracy.

## **WOMEN'S POLITICAL REPRESENTATION**

The primaries of political parties were peacefully conducted across the country. Out of 1,026 candidates certificated by the NEC, only 159 were women, constituting 15%, who participated in the October 10 general elections. This runs contrary to the commitment made by political parties to ensure that at least their candidates list contained 30% women. Additionally, only nine women won legislative seats (8 representatives and 1 senator). In the absence of a law that would mandate political parties to increase the number of women candidates on their listing, women's political representation will continue to decrease.

## **CANDIDATE NOMINATION**

The Regulation on Nomination and Registration of candidates is weak. Liberia has a representative democracy but the regulation puts a limit on who can challenge the candidacy of a person seeking to represent a county or district. According to the regulation only a candidate, political party, alliance or coalition can challenge the eligibility of a candidate on the provisional list. It is the view of the ECC that citizens should have equal right to challenge the eligibility of any candidate who seeks to be elected.

## **POLITICAL CAMPAIGNS AND MEDIA OBSERVATION**

### **Debates:**

Debates are a core element of the democratic process as it pushes the candidates to conduct issues-based campaigning while at the same time they create the opportunity for voters to make informed choices. Debates were organized and none of the two candidates who participated in the runoff attended the debates, thereby making it difficult for post-election accountability.

## **Campaign:**

Except for a series of localized violence in certain parts of the country and the use of inflammatory language, provocative actions, and the destruction of billboards, overall, the campaign was peaceful. The loss of lives and the destruction of property as well as the injury of citizens have no place in our democracy. Although the campaign finance regulation was not enforced by the NEC, political parties and independent candidates had equal access to state facilities across the country.

The ECC further notes the endorsement of political actors by traditional leaders and religious groups, thereby compromising their role as peace brokers in mediating any potential conflict arising from the electoral process. Furthermore, the nomination of government officials on the campaign teams of the CDC was in gross violation of the Code of Conduct for public officials.

## **ELECTORAL SECURITY**

The ECC notes the professional conduct and high coverage of the police and joint security apparatus during both rounds of the election and commends the Liberian National Police and partners for protecting the process. However, there remains unsolved investigations of electoral violence and mal-practices carried out during the general elections including the campaign. The outcomes of these investigations need to be made public and the perpetrators held accountable in order to uphold the rule of law and reduce the culture of impunity.

## **ELECTIONS**

### **October 10 General Elections**

On October 10, the voting process was largely peaceful and there was a remarkable turnout of 78%. Few isolated instances of tension were observed due to the improper management of voting queues, the unsuitability of some voting precincts, which contributed significantly to the slow pace of the voting process.

On the presidential run-off election day, the ECC released its election day situational statement covering the opening and set-up of observed polling places. The data shows improved logistical arrangements and election management compared to the first round of voting. Observers noted that voting generally commenced on time, with sensitive voting materials present. Additionally, observers reported adequate coverage by the national security agencies. Party agents were seen in most of the locations observed.

## **KEY FINDINGS**

The voting on November 14, 2023 was orderly and peaceful. Only a few isolated incidents of tension were recorded at certain precincts, according to reports from ECC observers stationed at polling places across all 73 electoral districts and counties. ECC commends Liberians for turning out peacefully to vote during the presidential run-off election.

## **Voting Process**

At observed polling places, ECC observers witnessed NEC staff systematically following voting procedures including the request for voters to present voting cards before voting.

Observers reported improved queue management during the run-off election compared to the first round. In 99% of observed polling places, there was proper queue management and voters were shown to the place where they would vote.

In all observed polling places, voters were systematically asked to present their voter registration (VR) card before being allowed to vote and ECC observers noted that the finger of every voter was inked after voting.

ECC observers reported that the ballot papers were systematically stamped before being handed to the voter. The stamping of the ballot confirms its validity when marked properly.

In all observed polling places, the voting screen was placed in a way that guaranteed the secrecy of the vote.

In its midday statement, the ECC commended the NEC for ensuring the valuable participation of women as polling staff. Compared to the first round of voting, observers again noted that only 25% of polling places had a woman as presiding officer. There are still efforts to ensure more women are assigned leadership positions during polling processes.

## **Closing and Counting Process**

In 75% of observed polling places, there were still voters in the queue at 6:00pm, which on one hand demonstrates the persistent high interest of Liberians in exercising their right to vote in the 2023 electoral process. ECC observers reported that voters in the queues at these polling places were systematically permitted to vote and that 53% of observed polling places closed after 6:00pm, primarily due to the slow intake of voters during the day.

NEC officials generally followed the procedures for closing and counting. ECC observers reported that there were party agents, domestic and international observer groups and media representatives present during the counting. At observed polling places, 97% were covered by party agents during the counting ballots.

At 99% of observed polling places, both parties' agents approved and signed the result form. In 88% of the observed polling places, neither CDC nor UP agents filed a complaint.

ECC observers also reported sufficient lighting during the counting of ballots at 97% of the polling places observed and the presiding officer posted a copy of the result on the wall in all of them.

## **Critical Incidents**

Despite the peaceful turnout of Liberians during the Presidential run-off election, the process occurred in a relatively tense environment, primarily in Montserrado. During the voting, closing and counting processes, ECC observers reported minor disruptions of polling places by supporters of both parties contesting the run-off process. Incidents of observed tension at polling places, for the most part occurred during the counting. For example, at the Esther Yalartai

Academy with code 30442, it was alleged by one of the observers that the ballot box was thrown over the fence. This prompted an angry crowd to storm the compound threatening to burn it down with all the other observers including the NEC staff in the building. The tension further extended, which attracted Zogos, disrupting the entire counting process and causing people to run for their life. Nevertheless, the police intervened and the results were posted on the board.

At the St. Paul Lutheran School in Margibi with precinct code 24113, an ECC mobile observer reported that the NEC staff did not have a copy of the FRR. The NEC staff then decided to write voter names in a book prior to voting in the absence of the FRR. This resulted in tension and later a riot that lasted more than an hour. The local radio station reported that the situation continued even after the ECC mobile observer had left hours later.

Some political party agents and supporters at the Diana E. Davis School precinct in Montserrado district 17 (code 30446) alerted the poll workers of the NEC's press release denouncing the act of party agents possessing the FRR and validating voters. The voting process was halted for approximately forty minutes due to this information. Subsequently, the police and foreign observers stepped in to defuse the tension.

In Nimba electoral district 04 at the Dullay public school with code 30052 in Polling place 03, the ECC observer reported that the Voter Identification Officer was allegedly seen voting multiple times. The UP agent called the security to report the matter. The security then tried to arrest the VIO but the presiding officer intervened and told the security to leave the man because he will resolve the issue. As a result, the UP party agent refused to sign the Record of the Count Form. In future voting processes, the NEC is encouraged to define clearly the roles of polling officials and that of the security and treat all voters the same.

### **Tally of Results**

The ECC has deployed its 19 county coordinators and additional 146 district observers at the National Tallying Center and other Magisterial Offices of NEC to observe the tallying of results. ECC will continue to follow the process and provide relevant updates at its conclusion.

### **Review of Party Results**

The registration of political parties and independent candidates is guaranteed by the 1986 Constitution of Liberia. At the same time, the operations and continued existence of political parties are guided by the NEL (Section 5A.1) related to a review of their results after an election. The NEC is under obligation to review the results of the parties and enforce all related provisions in the NEL.

## **RECOMMENDATIONS**

Based on its observations and findings, the ECC makes the following preliminary recommendations:

### **To the National Election Commission:**

- Considering that there are only two candidates, ECC urges the National Elections Commission (NEC) to increase the frequency (at least twice a day) of reporting of election results to dispel doubts and the spread of mis-information.
- Treat all electoral disputes equally and adjudicate them in a timely and transparent manner.
- To foster transparency and increase trust, the NEC should publish the election results by polling place in an analyzable format and in a timely manner to allow election stakeholders to conduct in-depth analysis of the voting results.

### **To political parties, independent candidates, and their supporters:**

- Political parties should respect the authority of the NEC to announce official election results and refrain from claiming early victory or interfering with the tally process.
- If any political party has grievances on the outcome of the electoral results, it should follow the laws and procedures outlined in the Constitution and provisions of the NEL related to the adjudication of electoral petitions.

### **To the Supreme Court:**

- Adjudicate all electoral petitions in an expeditious manner.

### **To the Liberian National Police and other security agencies:**

- Demonstrate neutrality and professionalism in dealing with any post-election rally or demonstration that has the potential to lead to violence.
- Provide an update to the public on the status of all electoral violence under police investigation.

### **To the media:**

Refrain from disseminating misinformation and disinformation related to the outcomes of the election results.

### **To the voters:**

Remain calm and peaceful and resist being mobilized by any political actor to get involved in any form of violence or intimidation.

## **OBSERVATION METHODOLOGY**

The ECC has deployed 1738 trained observers —1500 short-term observers, 73 electoral district supervisors, and 19 county coordinators to observe the presidential run-off election. The ECC trained and deployed an additional 146 district observers to support supervision and the observation of the tally process at the NEC's magisterial offices. Of the 1500 STOs, 1200 are deployed as stationary observers stationed at polling places throughout election day, and the remaining 300 short-term observers are mobile. The 146 district observers, county coordinators, and supervisors are also mobile observers, reporting on the general electoral environment.

## **ABOUT ECC**

The Elections Coordinating Committee (ECC) is Liberia's largest domestic election observation network with diverse competencies, experiences, and expertise in democracy, elections, and governance established since 2010. ECC's members include the Center for Democratic Governance (CDG); Center for Media Studies and Peace Building (CEMESP); Center for Conflict Prevention and Peacebuilding (CECPAP); Institute for Research and Democratic Development (IREDD); Naymote Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), and the Women NGO Secretariat of Liberia (WONGOSOL). The ECC election observation effort is made possible by the generous support of the American people through the United States Agency for International Development (USAID) and Irish-Aid. "The contents of this update are the responsibility of the ECC and does not necessarily reflect the views of USAID, the United States Government or the Government of Ireland."