



PRELIMINARY STATEMENT

Transparent and well-handled election day with a remarkable voter turnout, despite atmosphere of mistrust towards institutions

Monrovia, 12 October 2023

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

On 10 October 2023 general elections, the Liberians voted to elect president, vice-president, half of the Senate, and House of Representatives members. These were the first post-conflict general elections solely organised by the Liberian institutions. A vibrant campaign, in which fundamental freedoms were mostly respected, was marred by the abundant use of state resources by the incumbency, distorting the level playing field. A well-handled electoral process took place in an atmosphere of mistrust. The election day showed Liberians' democratic commitment and was positively assessed by the EU EOM observers but high turnout, cumbersome procedures and their implementation slowed the conduct of polls.

Overall, the legal framework provides a reasonable basis for the conduct of democratic elections. However, it does not fully guarantee voters' right to an effective legal remedy. In addition, it lacks important details while some of the provisions related to electoral disputes and electoral offences are ambiguous and contradictory. Some 25 pre-electoral complaints had been filed until now and were largely disposed in a timely manner. Although election matters have been handled expeditiously, the Supreme Court deferred the issuance of rulings on two appeals challenging the constitutionality of a NEC regulation for after election day.

The election campaign was vibrant with a high number of campaign activities including several large rallies with the presence of presidential candidates. Campaign freedoms were mostly respected. Campaign finance regulations are overall in line with international standards, but their lack of enforcement failed to ensure transparency.

Despite a compressed timeframe and serious logistical challenges, the election administration managed well the preparations and complied with most deadlines set in the 6 January election calendar (biometric voter registration, exhibition period, candidate registration). However, some activities and decisions came late in the process and were not shared in a timely manner with the magisterial offices, adversely affecting the process. The National Elections Commission (NEC) missed the opportunity to address stakeholders' concerns early enough with a view to increase public confidence through more effective and comprehensive communication and information sharing. Enhancing the

transparency of the process, the NEC accepted requests for observer accreditation beyond the set deadline, accrediting both domestic and international observers.

Newly introduced biometric voter registration contributed to identification of multiple and suspect records in the voter registration roll; however, technical problems during registration and systemic procedural shortcomings weakened stakeholders' confidence in its accuracy. The public sharing of the final registration roll (FRR) is good international practice. However, the fact that NEC shared the final copies of the FRR with the electoral contestants so close to the election day, attributing the prolonged processing to necessary encrypting of the files, further undermined the stakeholders' trust in the registration data.

Freedoms of expression and the press are respected in Liberia. Political patronage, low salaries and a lack of diversified funding streams result in self-censorship which is the main issue in the media landscape today and has a negative impact on the quality and diversity of the messages transmitted to the public. Despite some minor incidents, most journalists feel free to cover the elections. Nearly 70 per cent of the time attributed to political contestants by state-owned broadcaster Liberia Broadcasting System, which operates radio station ELBC and television channel LNTV, was allocated to the CDC.

Facebook is the predominant platform used by political parties and candidates for online campaigning, especially aiming at young voters and educated population. Absence of the regulatory framework for data protection and cybersecurity facilitates a fertile ground for instances of cyber bullying, usage of inflammatory language and incitement messages, discrediting of electoral contestants and sapping voters' trust in the election process. On a positive note, three main fact-checking initiatives Local Voices Liberia (LVL)/iVerify, The Stage Media and Campaigners against Misinfo and Disinfo performed verification and scrutiny of political and electoral content in a timely manner, thus helping voters to make a better-informed choice.

Election day was generally calm and peaceful, with only isolated cases of incidents, mostly as a result of voters' frustration due to the high turnout combined with slow processing of polling or late opening in some polling places, observed by EU EOM. Due to logistical difficulties which hampered the distribution of election materials, several voting precincts in the south did not open and the voting was postponed to the following days. While the conduct of voting was generally evaluated as well-organised and smooth, the counting phase was assessed by EU observers less positively due to omission or incorrect implementation of several important procedural steps intended to ensure integrity of the count. These shortcomings were mainly attributed to insufficient understanding of or non-adherence to the established procedures by the polling personnel. Significant presence of party and candidate agents and election observers contributed to transparency.

The European Union Election Observation Mission (EU EOM) has been present in Liberia since 27 August following an invitation from the Liberian authorities. The Mission is led by Chief Observer, Andreas Schieder, Member of the European Parliament (Austria). In total, the EU EOM deployed 103 observers from all 27 EU Member States, Canada and Norway across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Liberia. A delegation of the European Parliament, headed by Leopoldo López Gil, MEP, also joined the mission and fully endorses this Statement. On election day, observers visited 417 polling stations in 63 of the 73 electoral districts and in 14 out of all 15 counties of Liberia to observe voting and counting.

This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals. The EU EOM remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

The EU EOM is independent in its findings and conclusions and endorses the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Preliminary Findings

Background

In August, Liberia celebrated 20 years of peace following a long and brutal civil conflict. The 2023 general elections were its fourth post-conflict and the first solely organised by the Liberian institutions since the departure of UNMIL. Significantly, prior to the official campaign period, key stakeholders signed the revised Farmington River Declaration inspired by a need to promote a peaceful election.

On 10 October, Liberians voted for president and vice-president, half of the Senate members, and all House of Representatives members. The president is elected in a national constituency through a majoritarian electoral system for a six-year term and a maximum of two terms. The winning candidate must receive 50 per cent plus one vote of the valid votes cast.

The 2023 presidential elections were contested by 20 presidential candidates including the same two main contenders of the 2017 elections. Incumbent president George Weah, leader of the Coalition for Democratic Change (CDC) was endorsed by the coalition as their presidential candidate in February this year. The main opposition Unity Party (UP) nominated former vice-president and the leader of the UP, Joseph Boakai, as its candidate. A coalition of two significant opposition movements, Collaborating Political Parties (CPP) endorsed Alexander Cummings, who received a considerable support in 2017 elections as its presidential candidate.

Legal Framework

Uncompleted electoral reform leads to a legal framework that still suffers from ambiguities, inadequate transparency and insufficient protection of the right to an effective remedy

Overall, the legal framework for the October 2023 general elections provides a relatively adequate basis for the conduct of democratic elections. The 1986 Constitution of Liberia guarantees suffrage rights and fundamental freedoms and the 1986 New Elections Law (NEL), as last amended in 2014, provides the basic outline of the electoral process. However, the Code of Conduct Act, as last amended in 2022, aiming to prevent abuse of public resources by public officials appointed by the president wishing to run for office, by requiring them to resign at least one year prior to election day, cannot be enforced as the office of the Ombudsman mandated to receive and investigate complaints as well to impose sanctions, is yet to be instituted.

Despite concrete efforts undertaken since 2019 by civil society organisations, the NEC and the legislature to amend the NEL, which led to an electoral amendment bill adopted by both Houses,

the electoral reform process was not completed. The lack of political will by all stakeholders with a constitutional role in the legislative process represents a missed opportunity for a broad electoral reform that would introduce significant improvements to the legal framework in relation to the electoral dispute resolution, the participation of women and diaspora, the independence of the election administration and the transparency of the process.

The electoral legal framework lacks important procedural details. For instance, the NEL is silent in regard to the nomination of candidates, which is regulated by the National Elections Commission (NEC) *Nomination and Registration Procedures*. These procedures substantially restrict the right of voters to challenge the provisional list of candidates. Similarly, the NEC *Regulations and Procedures Relating to Political parties, Coalitions, Alliances and Independent Candidates*, impose the same financial requirements for registration to contest the elections to political parties and independent candidates alike, thus could significantly limit the latter's right to stand. Furthermore, some of the legal provisions related to electoral disputes and electoral offences are characterized by ambiguities and contradictions; moreover, the NEL is not fully in line with international standards in regard to the right to an effective remedy, as voters cannot challenge decisions and actions of the electoral administration or violations of the law, for other parts of the process except for voter registration and election day procedures.

Electoral Administration

Election administration managed well the preparations while facing general public mistrust

The general elections were administered by two-tiered permanent structures comprised of the NEC and its 19 magisterial offices (MOs), as well as some 39,000 temporary personnel committed at county, district and polling place levels throughout the whole electoral period. The NEC is an independent body managed by a seven-member Board of Commissioners appointed for a renewable seven-year term by the president with a consent by the Senate. Since the 2017 elections, the NEC has been increasingly assuming the ownership of the electoral process and, for the first time, fully implemented the general elections, with only limited area-oriented technical support from international partners.

Despite a tight timeframe and serious logistical challenges, the election administration complied with most deadlines set in election calendar. However, some activities and decisions came late, especially in relation to the distribution plans for election materials and results tally procedures, adversely affecting the process. The operational capacity of the NEC and its ability to fulfil its mandate independently was strained by severe budgetary constraints (cuts and late disbursements) and a lack of technical and administrative capacities, most notably in respect to oversight and educational responsibilities. Most MOs managed the election preparations in a transparent and professional manner, but some informed the EU EOM to have received training and educational materials and information on certain issues from the NEC relatively late and experienced belated budget allocations, negatively affecting timely election planning, in relation to further material redistribution especially in remote and hard-to-access areas.

Throughout the pre-electoral period, the election administration was confronted with generally low confidence in its independence and multiple accusations challenging the integrity of the electoral process. In this context, the NEC missed the opportunity to promptly use the established communication channels, including meetings of the Inter-Party Consultative Committee, press briefings

and statements, to effectively address the stakeholders' concerns and communicate with the general public.

The NEC implemented an extensive cascade training for over 31,000 polling personnel and intermediary staff. Most training sessions observed by the EU EOM were well-organised, informative and interactive, including practical exercises on election procedures and filling of electoral documents, and provided the trainees with opportunities to raise questions. However, in some instances, the format used by the trainers did not always ensure clarity and comprehensiveness in explanation of the procedures which resulted in their inconsistent application on election day.

Scope and intensity of the NEC official voter education campaign for the elections, launched in early August, varied across the country, with difficulties in reaching the remotest areas. In coordination with the NEC, the implementing community-based organisations in the NEC civic and voter education (CVE) cells developed county working plans of activities for individual districts. They focused primarily on explaining how to cast vote to reduce invalid ballots, promoting peaceful elections, and raising awareness to ensure broader inclusiveness. While CVE events were envisaged for a period of over two months, prior to election day, some CVE cells were provided with insufficient education materials or received them only some two weeks before elections, diminishing effectiveness of the CVE activities. Positively, voter education was delivered also in local languages.

Voter Registration

Concerns over the accuracy and inclusiveness of the final registration roll persisted, undermining the confidence in the electoral process

All citizens of 18 years of age are eligible to vote. Contrary to international standards, the legislation retains some restrictions on voting rights for certain categories of citizens (i.e. those declared incompetent of unsound mind or highly restrictive definition of ethnic based citizenship). Voter registration is conducted under an active system in periodical intervals. Only voters who attained the required minimum age at the time of registration are entitled to be enrolled according to their ordinary residence in the country, effectively disenfranchising a significant number of citizens turning 18 in the interim period prior to election day, at odds with international standards. No measures are in place to ensure registration and exercise of the right to vote for citizens in pre-trial detention, prisons and in-patient facilities.

For the first time, the NEC implemented the biometric voter registration (BVR) procedures, collecting facial and fingerprint data together with other personal data of voters. The voter registration was conducted in 2,080 centres in two phases within a period from 20 March to 11 May, 2023, and resulted in the collection of 2,488,904 individual records that were subjected to verification and deduplication procedures identifying 27,192 multiple records and flagging 529 suspected registrations of minors. While the introduction of BVR could mean an important step to enhance the voter registration process, many stakeholders voiced concerns over the inclusiveness and accuracy of the FRR. These concerns were mainly associated with the technical problems experienced primarily during the first phase as well as several obstacles to access of voters to the registration process, such as long distances to registration centres, cumbersome procedures for corrections, and low public awareness of the process. In view of systemic procedural shortcomings outside of NEC competences, such as the absence of a national civil register and adequate proof of identity and citizenship, the current registration system is hampered by lack of sufficient safeguards to ensure verifiability of voters' eligibility and actual records and prevent potentially fraudulent registrations.

The NEC shared copies of the FRR with the electoral contestants, in accordance with good international practice. However, the fact that NEC shared the FRR eight days before election day, attributing the prolonged processing to necessary encrypting of the files, further undermined the stakeholders' trust in the registration data.

During an exhibition period between 12 to 17 June, voters had the opportunity to verify their registration data and request corrections as well as challenge other records in the preliminary roll. However, the MOs reported only limited numbers of such requests. The final registration roll comprises 2,471,617 registered voters. Based on the 2022 preliminary census data, indicating the adult population of Liberia at 3,073,269 inhabitants, it appears that some 80 per cent of eligible voters have been registered.

Registration of Candidates

Well-administered and generally inclusive process

Candidates for all contests might be nominated by political parties, coalitions of parties or stand for an office independently. The process of candidate nomination and registration is centralised, requiring aspirants for elected offices to collect and subsequently submit their nomination documentation in person to the NEC at the nomination centre located in Monrovia. Upon submission, the nominating entities were required to pay a non-refundable registration fee, in an amount depending on the candidacy, ranging from USD 500 for the House of Representatives elections to USD 2,500 for presidential race.

For the 2023 general elections, the nomination period lasted from 14 June to 14 July. The registration process of candidates managed by the NEC was well-administered and generally inclusive. However, undue registration requirements (in particular registration and processing fees, financial deposit and the need to submit nomination documents centrally in person) posed unreasonable obstacles to candidacies, primarily for already underrepresented groups, especially women.

Initially, the NEC registered a total of 1,030 candidates for all electoral races. However, the NEC did not disclose information on all submitted, rejected and withdrawn nominations. Subsequently, one candidate was deregistered following four complaints filed challenging his declared residence. Additionally, one candidate withdrew his candidacy and three aspirants deceased prior to elections.

For the presidential election, 20 candidacies were registered. Senatorial elections were contested by 100 candidates and 885 candidates run for an office in the House of Representatives.

Campaign Environment

Vibrant election campaign with freedoms mostly respected marked by some instances of electoral violence and inflammatory rhetoric

The election campaign was vibrant with a high number of activities. The major political parties CDC and UP and their presidential candidates, toured the country and organised large rallies, attracting thousands of party supporters. The CPP presidential candidate campaign was less visible. In parallel to the presidential campaign, a high number of community meetings and door-to-door campaigns were organised by parties and many independent candidates.

Campaign freedoms were mostly respected. Representatives of all political parties met by the EU EOM acknowledged that they were free to campaign. The most widely reported problem candidates faced was damage to their billboards and posters.

The campaign was mostly peaceful, however some serious incidents of election related violence occurred. All these incidents occurred in the counties which provide significant support for the opposition, including Montserrado, Lofa, Nimba, Grand Cape Mount and Grand Bassa. Mainly these consisted of clashes between supporters of the ruling CDC and the major opposition party UP. The police was often criticized by opposition parties and several other EU EOM interlocutors for not investigating the various incidents and showing bias towards the ruling party.

In general, the campaigns were not programme driven but based on the personality of candidates, their tribal and ethnic affiliation. The ruling CDC campaigned with the main message of winning the presidential election in the first round. This message was challenged by the main opposition parties. Major presidential candidates were campaigning with promises to support local healthcare, education, infrastructures and development projects without well-prepared plans and programmes.

There were some instances of negative campaigning and inflammatory rhetoric. The most extreme example was that of CDC activists parading the streets with a coffin bearing photos of opposition leader Joseph Boakai (attacking the state of his health and age). The inflammatory rhetoric had a negative impact on the campaign environment as it spread fear among many Liberians; this could instigate electoral violence during the campaign and around the election day period. In particular, the statement made by Senator Johnson, a former warlord and ally of UP presidential candidate Joseph Boakai, who warned that any attempt to manipulate the upcoming elections would trigger the exercise of “people’s power”, raised concerns. On a positive note, the Joint Security Forces of Liberia (police, armed forces) called the statement a “national security threat” and called all political parties to always seek to resolve any contentions through legal remedy rather than resorting to violence.

Campaign Finance

Abundant use of state resources by the incumbency distorted the level playing field

Campaign finance regulations are overall in line with international standards, but their lack of enforcement failed to ensure transparency and a level playing field. Lack of capacity and resources constrained NEC to effectively fulfil its oversight and sanctioning functions. The stakeholders agreed unanimously that the lack of enforcement of the regulations by NEC creates a sense of impunity. The respect of campaign finance regulations by the contestants is limited or poor and the EU observed significant problems in candidates’ and parties’ adherence to basic campaign finance regulations.

The disproportionate spending on behalf of the ruling party and incumbent president distorted the fairness of the campaign. EU observation showed an obvious disparity in terms of resources available to CDC for the presidential campaign in all 15 counties in terms of billboards, posters, vehicles, t-shirts etc. The widespread use of state resources in the form of official vehicles and buildings was widely observed by EU EOM observers.¹ Many appointed officials at county or electoral district

¹ Use of state resources was directly observed by the EU EOM in Bomi, Bong, Gbarpolu, Grand Bassa, Grand Cape Mount, Grand Kru, Lofa, Maryland, Montserrado, Nimba and Sinoe.

level were publicly campaigning in favour of the ruling party. In some counties EU EOM observers reported that civil servants were pressured to attend ruling party's campaign events.

As there is no public funding foreseen for parties and candidates, election campaigns were financed primarily from private sources. Candidates used their own assets, funds from friends and family, and some received contributions from the diaspora, mainly in the US and in ECOWAS countries. Funding from parties to the candidates for the legislature was very limited. Direct EU EOM observation and information from stakeholders showed a high level of monetisation and bartering during the electoral campaign. Although bribery is explicitly prohibited in the NEL, voters and supporters expected small gifts in the form of money, food, drinks, or t-shirts from candidates to attend their campaign events. The candidates openly admitted that they distribute money or goods throughout the process and saw it as part of their campaign spending.²

Media

Major improvement of the legal framework of the freedom of the press but political patronage and self-censorship remain

The Constitution provides for freedom of speech and of the press, further guaranteed since the repealing of several sections of the Penal Code in 2019, which is a major improvement in the overall legal framework concerning media and freedom of expression and in line with international standards on freedom of expression. However, the highly politicised, expanding media landscape together with low salaries and a lack of diversified funding streams negatively impact on the independence of media outlets and increased self-censorship and bias among journalists.

The sale of airtime for advertisement and talk shows during the campaign period was unregulated on both private and state-owned broadcasters. This favoured those with resources to use airtime as a powerful campaign tool. Especially talk shows were often used as a platform for political parties to distribute unfiltered political views and lacked journalistic moderation, diminishing the space for critical scrutiny of the political programmes. Two presidential debates, organised in collaboration with different state-owned and private broadcasters, were aired live on TV and radio stations nationwide and on Facebook and offered all candidates but the three main absent contestants a unique platform to share ideas with a large audience.

EU EOM media monitoring showed that LBS channels offered most of their news coverage to the government, and the ruling party, making them a strong public relations means for the government. The absence of a legal provision for free airtime and a widespread mistrust among opposition parties towards the LBS result in the lack of a level playing field for candidates, despite constitutional guarantees that access to state-owned media shall not be denied. On both TV channel LNTV and radio ELBC, nearly 70 per cent of the time allocated to political parties went to CDC. The tone on ELBC toward CDC was often positive, especially in talk shows.

Most private broadcasters offered coverage mainly to the main parties CDC, UP, CPP and on the presidential race. OK FM and Prime FM were more balanced in the distributed airtime, albeit most time was allotted to CDC. Truth FM allocated over 40 per cent of its time dedicated to political

² Candidates admitting this practice cover all three elections and several districts (e.g., Montserrado, Margibi, Bomi, Grand Bassa, Maryland). The cash handouts during campaign events were also directly observed by the EU EOM in Bong, Bomi, Montserrado, Maryland, Grand Cape Mount and Sinoe.

parties to CPP. ECOWAS Radio dedicated much less time to political contestants overall and to a small number of parties. It was also most neutral in its reporting. Of all election-related content on ECOWAS Radio, more than 20 per cent was dedicated to voter education. On state-owned channels LNTV and ELBC voter education was largely absent during primetime hours.

Digital Communication and Social Media

Misleading content, cyber-bullying and inflammatory language overshadowed the online campaign

Poor Internet coverage in most counties, illiteracy and poverty, prevent citizens from accessing online media outside predominantly urban areas, thus contributing to inequality of access to information across the country. Facebook is the predominant platform used by political parties and candidates for campaigning, especially aiming at young, including first-time, voters and educated population, followed by Instagram, X (Twitter) and TikTok. Closed WhatsApp groups enjoy popularity with the electoral candidates for the coordination of their campaign activities, communication with their teams or mutual support in case of online harassment targeting especially women candidates.

The absence of a regulatory framework for data protection and cybersecurity facilitates a fertile ground for instances of cyber bullying, usage of inflammatory language and incitement messages. On 9 September 2023, the major political parties agreed to commit to responsible behaviour online and usage of social media to promote peace in the country during and after elections. However, several interlocutors as well as EU EOM social media monitoring confirmed that insults on social media often originate from both accounts of the electoral contestants, and their supporters. Manipulated and false content, such as fabricated images, video and photo, spread online even by leading traditional media, discredited the electoral contestants and sapped voters' trust in election process.

Limited presence of Meta in Liberia, without a local trusted partner who could perform debunking and moderating functions, further deteriorates the quality of election-related information available for voters on Facebook. The EU EOM analysed 8,538 Facebook posts with election-related content, out of which 1 per cent contained derogatory language, misleading and fabricated content as well as online harassment instances, produced predominantly by CDC, UP and their supporters, which amplified the audience reach of such messages. The narratives included age-based, sexuality-based and gender-based devaluating rhetoric.

On a positive note, three main fact-checking initiatives Local Voices Liberia (LVL)/iVerify, The Stage Media and Campaigners against Misinfo and Disinfo performed verification and scrutiny of political and electoral content in a timely manner, thus helping voters to make a better-informed choice.

Participation of Women and Persons with Disabilities (PWD)

Lack of financing and fear of violence prevented women candidates from effectively campaigning

A mandatory 30 per cent quota for women in party structures and party candidate lists was passed by the legislature in 2022, but not signed into law. The parties and the Chairperson of the NEC signed a Memorandum of Understanding in May 2023, where they committed to apply a voluntary

30 per cent gender quota for the candidate lists and to promote women's participation. The outcome was poor as merely 159 (15 per cent) out of the 1,025 candidates were women, an even lower percentage than in the 2017 elections. Two women contested for the presidency and six for the vice-presidency.

The high level of monetisation of the campaign and the high cost of registration posed a significant challenge for candidates who do not possess private wealth. This is of particular concern for women and for youth. The lack of adequate financing was brought up as the largest obstacle for their political participation by all stakeholders. Women candidates had insufficient funding for basic campaign activities such as transport, posters and media outreach.

The prevalence of gender-based violence is high in Liberia and fear of violence is a major impediment for women in politics. The Women's NGO Secretariat of Liberia (Wongosol) recorded four violent electoral incidents involving women candidates during the campaign period. Women candidates reported harassment, frequent destruction of posters and abuse on social media.³

PWDs continue to be marginalised in Liberian society. According to UNICEF, about 16 per cent of Liberians live with some kind of disability, but only 12,399 PWDs registered during the voter registration period. Out of the 1,025 candidates, only two are known to have a disability. One of them faced online insults related to his disability during the campaign. According to EU EOM observers' reports, the tactile ballot guides together with the mock ballots reached most counties too late to ensure effective voter education for PWDs.

International and Citizen Observers

Over 10,000 accredited domestic and international observers contributed to transparency of the electoral process

Considerable presence and involvement of observers throughout the electoral process contributed to enhancing the transparency. In an inclusive manner, the NEC accepted requests for observer accreditation for all organizations wishing to observe the elections beyond the set deadline, accrediting over 10,000 domestic and international observers.

The largest domestic observation effort was conducted by two main observer platforms, the Elections Coordinating Committee (ECC) and the Liberia Elections Observation Network (LEON), which carried out long-term activities throughout the country, primarily focusing on observation of the voter and candidate registration processes, electoral campaign, and media monitoring. In a coordinated manner, the ECC and the LEON fielded over 1,500 and 1,000 observers respectively on election day. Both organizations presented their findings from pre-election campaign and media monitoring through several reports and reported on their observations throughout the election day, including a sample-based parallel vote tabulation conducted by LEON.

Long-term international missions were deployed by the Electoral Institute for Sustainable Democracy in Africa (EISA) with 32 observers and the Economic Community of West African States (ECOWAS) with 135 and a three-member expert team by the Carter Centre. The African Union deployed a short-term mission comprising 63 observers.

³ The EU EOM received information from women candidates in Montserrado, Margibi, Nimba, Grand Bassa, Bong, Sinoe and Grand Gedeh on having experienced different types of harassment.

Polling and Counting

Orderly election day marked by high voter turnout, but cumbersome procedures reflected in considerable slowness of the process

On election day, EU observers visited 417 polling places across all counties of Liberia, except for Grand Kru. Election day was generally calm and peaceful, although isolated cases of incidents in and around voting precincts were reported by observers. These were mostly the result of long queues of voters, especially in morning hours, in conjunction with slow processing of polling or late opening in some observed polling places. Shortly before closing of the polls, the NEC informed the public about belated opening or non-opening of several voting precincts in the counties of Rivercess (15 voting precincts) and Sinoe (11 voting precincts) due to delayed arrival of the election materials, owing to logistical difficulties, where voting would be extended or postponed.

The opening of polls was assessed as orderly and smooth in 38 of 40 polling places observed by EU observers. Most polling places opened on time; however, 13 observed polling places experienced slight delays due to disorganisation or insufficient numbers of polling personnel present. While procedures were largely followed, some procedural oversights were observed, such as the failure to count the received ballots (8 cases) or record their numbers (16 cases) or numbers of security seals (2 cases) in a consistent manner, thus omitting important integrity safeguards.

Observers positively (“very good and good”) assessed the voting process in 86 per cent of 348 polling places observed, characterising it as overall well-organised. Voting procedures were generally respected, although EU observers noted that voters’ fingers were not always inked before the ballots were cast (12 per cent of observations) and not all voters marked their ballots in secrecy (12 per cent of observed polling places). Furthermore, in some 10 per cent of polling places, the positioning of voting screens did not properly ensure the secrecy of vote. Some 63 per cent of the polling places did not provide for independent access for persons with physical disabilities and in 43 per cent, the layout inside the polling place was not suitable for such voters.

Most EU observers reported that certain procedures, such as finding voters in the FRR, issuance and pre-folding of ballots as well as actual marking and casting of ballots, necessitated time, significantly slowing down the process. This gave rise to frustration among voters waiting in long queues in front of the polling places. The high voter turnout, combined with slow processing of voters and inadequate polling station layouts resulted in queuing and overcrowding in some 21 per cent of the observations. Party and candidate agents, from all political forces, monitored the process in large numbers in all polling places visited, while citizen and international observers were present in some 60 per cent of them, contributing to transparency.

Almost two thirds of observed polling places closed with a delay, mostly up to one hour, primarily to accommodate voters waiting to cast the ballot. The vote count was assessed as transparent and smooth in 21 of the 27 polling places where it was observed, however, insufficient understanding of the procedures by polling personnel resulted in inconsistent implementation of several important steps. In 40 per cent of polling places observed, the polling staff failed to follow the established order of procedures, especially for those set for reconciliation of ballots (7 cases), or did not complete the closing procedures correctly in close to half of the observations before the start of the count. Complexity of the counting procedures reflected in slowness of this stage of election day.

The determination of ballot validity was generally reasonable and consistent; however, EU observers reported frequent cases when validity of ballots was disputed and noted relatively high numbers of invalidated ballots, including those with clear intention of voters.

Electoral Dispute Resolution

Low number of pre-election complaints and appeals adjudicated in a timely manner

The constitutionally prescribed method of judicial appointments by the president with the approval of the Senate, with no involvement of other authority, lacks transparency and accountability and does not guarantee the actual independence of the judiciary from the executive branch and the legislature. In combination with significant shortcomings in the justice system due to the lack of financial, material and human resources, it has led to varying confidence in the judicial system by election stakeholders.

Some 25 complaints have been filed with the NEC, the majority challenging the nomination of some aspiring candidates on the provisional list. All decisions of the NEC Hearing Officers were appealed to the Board of Commissioners and out of these, five were further appealed to the Supreme Court, all disposed by 13 September. The hearings before the NEC and the Supreme Court were open to the public, thus ensuring transparency of the process. The majority were dismissed on procedural grounds, namely the lack of legal standing for voters to challenge candidate nomination. The Supreme Court postponed its Opinion in the last two appeals challenging the constitutionality of a NEC regulation for after the elections.

Although election matters are handled expeditiously, the absence of deadlines for the NEL for adjudication of pre-election matters could not always guarantee a timely remedy. A small number of complaints alleging electoral offences has been filed to the police, the majority relating to low level vandalism such as destruction of campaign material and disturbances. The 33 supporters of CDC and UP parties apprehended after the violent incidents in Foya, were temporarily released by the court a day before elections due to the expiration of the 48-hours time limit for police custody.

An electronic version of this Preliminary Statement is available on the Mission website:
www.eueom-liberia2023.eu

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