

# 2023 National Elections in Liberia

Final Report of the Carter Center Expert Mission

# Liberia

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## Map of Liberia<sup>1</sup>



<sup>1</sup> [https://maps.lib.utexas.edu/maps/africa/liberia\\_pol\\_2004.jpg](https://maps.lib.utexas.edu/maps/africa/liberia_pol_2004.jpg)

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# I Executive Summary

General elections were held in 2023 in Liberia to elect the president, the House of Representatives, and half the Senate. President George Weah was running for a second term. No candidate won a majority in the first round of voting on Oct. 10, which led to a Nov. 14 runoff between Weah and his closest challenger, Joseph Boakai. Boakai defeated Weah by just over one percentage point, and Weah conceded peacefully.

In May of 2023, Liberia's National Elections Commission (NEC) issued an invitation to The Carter Center to observe the election. Funding constraints prevented the Center from deploying a full observation mission. However, to demonstrate international support for democracy in Liberia and to share recommendations for strengthening the electoral process, The Carter Center deployed an international election expert mission led by Ray Kennedy, who also served as electoral analyst. Nicholas Jahr served as deputy team leader and political analyst, and Mariam Tabatadze was the legal analyst.

The team was in Liberia from Sept. 25, two weeks prior to the first round of voting, to the end of November, two weeks after the runoff. Given the mission's size and limited scope, it did not conduct a full observation of voting or make a comprehensive assessment of the election. Rather, the trio of experts focused on the counting and

tabulation process and NEC preparations for both rounds of voting. They observed polling stations in Montserrado County—Monrovia, as well as Upper and Lower Montserrado magisterial areas—during both rounds.

Liberia's NEC successfully administered the 2023 elections, including a presidential runoff, despite a tense political climate and severe resource constraints. The 2023 Revised Farmington River Declaration in which 27 of 31 political parties pledged their commitments to peaceful elections served as a useful tool in maintaining a relatively calm atmosphere during the campaign period.<sup>2</sup> The NEC maintained its credibility through a closely contested first round that saw the difference in votes between the first-place and second-place candidates come down to less than half a percentage point, with nearly 80% of the registered electorate going to the polls, followed by a second round in which the difference was less than 2%, with 66% of the electorate casting ballots. The NEC's strong performance is notable in the current regional and subregional context and positions Liberia to serve as a model for promoting political stability through professionally administered elections if there is the political will to continue to do so.

Nonetheless, political will has been a recurring problem in Liberia in relation to elections: For example, despite repeated calls for action, elected

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<sup>2</sup> The Farmington Declaration was the result of President Ellen Johnson Sirleaf's declaration of the need for a national political forum for peaceful elections in 2017. Twenty of Liberia's 22 registered political parties signed the declaration in advance of the October elections. In April 2023, 27 of 31 registered political parties signed an enhanced and comprehensive version of the declaration to ensure a nonviolent political process. United Nations Liberia, "Liberia's Political Parties Pledge Peaceful Elections in 2023," 5 April 2023.

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leaders over the past 20 years have failed to effectively address the issue of including female candidates on party lists. Likewise, leaders have failed to ensure that electoral districts comply with constitutional requirements to provide equal representation, with many electoral districts dating from 2005 and reflecting enormous disproportionality.

Given its record of successfully administering elections in 2005, 2011, 2014, 2017, and 2020, as well as various by-elections, despite declining levels of international support, expectations for the NEC have risen. Still, financial constraints and other limits on its independence have hindered the NEC's ability to make further progress in professionalizing the institution and consolidating its reputation.

## Key Findings

- The legal framework for elections generates excessive confusion, including through discrepancies between the constitution and the New Elections Law and between both of those and regulations or guidelines issued by the NEC.
- The NEC's retention of procedures and key staff over the years, along with its internal planning processes, were key factors in enabling it to administer the elections successfully.
- The NEC presented its budget request in a timely manner. Even after reaching agreement on a significantly reduced budget, the government failed in its duty to provide timely funding for planned activities, requiring additional work by NEC staff to develop new plans to address the funding delays. The government's failure to provide timely funding has a negative impact on the NEC's reputation and, indirectly, on Liberia's efforts to entrench its democracy.
- NEC communications require strengthening. Though the NEC is a capable institution, it often misses opportunities to convey a clear understanding of its work, its strengths, and the challenges it faces.
- The NEC's approach to civic and voter education in 2023—relying largely on a variety of community-based organizations—led to uneven results.
- National and international observers, as well as party agents and media, enjoyed freedom of movement and access, enhancing the transparency of the process.

## Key Recommendations

The 2024-2028 period will be the first without a midterm senatorial election since 2006-2010. As such, it offers a rare opportunity to make significant progress on constitutional and legal reform without the specter of rapidly approaching elections. The next such opportunity will not occur until 2042-2046.

- **Address inconsistencies in legal framework for elections.** The NEC, the legislature, and other stakeholders should undertake a comprehensive review of the legal framework for elections—constitutional, legal, and regulatory—to address all gaps and inconsistencies identified in this report and align national legislation with international standards. Consistent with international best practice, this review should be open, inclusive, and consultative and take place well before the next elections.
- **Revise requirements for constitutional changes.** Legislators could keep current requirements for certain key elements of the constitution, such as Chapter 2 (“General Principles of National Policy”) and Chapter 3 (“Fundamental Rights”), but other elements or minor changes involving technical provisions such as dates of elections could require a lower threshold. As things stand, there is a danger that the Liberian public will lose hope in their ability to effect needed changes in the constitution.
- **Amend the constitution to change the election date.** Legislators, in close consultation with the NEC, should amend the constitution to change the election date, taking into account all key elements of the electoral calendar—voter registration, public inspection of the preliminary registration roll, civic and voter education, campaigning, the distribution and retrieval of materials, deployment of security and polling personnel and observers, and voting—and the

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likely state of transport infrastructure at various times of the year.

- **Take steps to increase the representation of women in the legislature.** Legislators should adopt a mandatory gender quota, explicitly giving the NEC authority to reject a party list not complying with the threshold. Consideration also could be given to waiving nomination fees for female candidates for a fixed number of election cycles as a temporary special measure.
- **Ensure independence of the NEC.** Legislators should make the process of nominating members of the board of commissioners more transparent to build a tradition of independence and impartiality that will instill confidence in the electoral process.<sup>3</sup> This might include opening the process to nominations from civil society. Legislators also should take steps to ensure the financial independence of the NEC within constrained fiscal realities of the country.

- **The NEC should prioritize strategic communications.** The NEC's reputation is an invaluable asset and needs to be prioritized by commissioners and staff at all times. Strategic communications are profoundly important, as the NEC's credibility is pivotal to sustaining peace in the country. Every effort should be made to communicate—clearly and proactively—what the NEC is doing at every step in the process.
- **Consider adopting a comprehensive set of election regulations.** Though new or amended regulations are sometimes needed for specific elections, the NEC should consider adopting a comprehensive set of rules that remain in place for each election cycle, to be revised when needed, on a timely basis.

The Center's complete set of recommendations is presented at the end of the report.

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<sup>3</sup> International IDEA: International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 37.



# **| The Carter Center in Liberia**

In April 1978, U.S. President Jimmy Carter traveled to Liberia and Nigeria, marking the first official state visit to Africa by a sitting U.S. president. The daylong visit to Liberia was included as recognition of the special relationship between the two countries.

The Carter Center's work in Liberia began in 1991, when the Economic Community of West African States (ECOWAS) invited President Carter and the Center's International Negotiation Network to help mediate an end to Liberia's civil war. From 1991 to 1996, President Carter and Center staff made numerous trips to the region to meet with leaders of various interim governments and factions, members of Liberian civil society, and others in attempts to forge a workable peace agreement. In 1992, the Center opened an office in Monrovia to support President Carter's high-level involvement as well as to help engage and convene informal "track 2" dialogues with representatives of the factions and civil society.

In April 1996, full-scale fighting broke out in Monrovia, forcing The Carter Center and other international organizations to abandon field operations. However, the renewed fighting also spurred another round of peace talks, which ultimately led to the August 1996 Abuja II agreement, which laid the foundation for a reconstituted transitional government and set new timetables for disarmament, demobilization, and special elections to return the country to constitutional order.

## **Previous Elections**

The Carter Center observed the 1997, 2005, 2011, and 2017 elections and implemented innovative programs to support access to justice and access to information, and to address the mental health crisis caused by the conflict and epidemic. The Center's current interventions build on years of engagement in Liberia that includes conflict mediation from 1992 through 1997, strengthening civil society institutions, and observing elections since 1997.

Nonpartisan, evidence-based election observation by civil society organizations is an integral part of the international human rights system and helps ensure genuine democratic elections. During Liberia's 2017 presidential and legislative elections, The Carter Center supported the Liberia Election Observation Network (LEON), an umbrella organization that deployed citizen observers to all of Liberia's 73 electoral districts.

Because of its work during the 2017 electoral process, LEON emerged as a respected voice on election-related issues in Liberia, filling an important void in civil society by bringing together a broad range of civil society voices and deploying well-trained long-term Liberian election observers across the country for the first time in Liberia's history.

LEON implemented a sample-based observation project for the first time in Liberia to monitor and report on results for the first and second rounds of the 2023 presidential election in October and November. The sample-based observation approach contributed to civil society observation during the

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contentious 2023 general elections, which produced a peaceful transition of power to form the 55th legislature and inaugurate the 26th president of the Republic of Liberia in January 2024.

*For over a quarter-century, The Carter Center has worked to promote peace and democracy in Liberia, both through extensive conflict resolution programs and observation of all the country's general elections since 1997.*

### **2023 Elections**

For over a quarter-century, The Carter Center has worked to promote peace and democracy in Liberia, both through extensive conflict resolution programs and observation of all the country's general elections since 1997. The Center received an invitation from the NEC on May 2, 2023, to send observers for the general elections. Due to funding constraints, the

Center sent a three-person expert mission rather than a full election observation mission.

By its nature, a small expert mission is unable to directly observe elections throughout an entire country. This report is based primarily on the mission's own direct observations and, to a lesser extent, its review and assessment of reports from other observation missions, both domestic and international.

The expert mission began its work on Sept. 25, 2023, and remained in Liberia until the end of November (roughly two weeks before the first round to roughly two weeks after the second round), meeting with NEC commissioners and staff, legislators, civil society organizations, other observers, journalists, international partners, and other key stakeholders.<sup>4</sup> In the absence of a full team of observers, it was not possible for the mission to comprehensively observe the campaign and voting process, but the experts did monitor these processes, along with counting and tabulation and the NEC's preparations more generally, during both the first round and the presidential runoff.

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<sup>4</sup> See list of interlocutors met in Annex C.

# Historical and Political Background

Liberia began as a dream of liberty among descendants of Africans who had been enslaved or born into a precarious freedom in the U.S. With limited support from the U.S. government, under the aegis of the American Colonization Society, they settled a strip of the West African coast unclaimed by any of the era's great powers. At the time the settlers ("Americo-Liberians") arrived, the area was already home to thousands of people from more than a dozen ethnic groups, none of whom were recognized as full citizens of the new country at its inception.

In 1847, some of the settlers approved a constitution based on the American model, with a bicameral legislature and an elected president, and Liberia gradually was recognized by most major powers as Africa's first independent republic. Liberia's electoral politics soon became a contest between two parties: the Republicans and the True Whigs. In 1877, the True Whig Party challenger defeated the incumbent Republican president. This would be the last time an incumbent president would willingly concede up until the present. The True Whig Party would remain in power for the next century, and the nominal republic became a de facto one-party state.

It wasn't until 1963 that the administration of the interior was converted into four new counties and the right of suffrage was extended to those "native" inhabitants who until then had been citizens in name only. By the late 1970s, a small number of "native" Liberians had begun to work their way up through the ranks of government, and in 1980, junior officers in the Armed Forces of

Liberia (AFL) staged a coup, bringing 133 years of Americo-Liberian rule to an end.

For the first time, Liberia was under "native" leadership. Tensions quickly emerged between the People's Redemption Council (PRC) leader—Samuel Doe, of the Krahn ethnic group in Grand Gedeh County—and the AFL's new commander—Thomas Quiwonkpa of the Nimba County Gio. Doe reluctantly called elections in 1985, and a number of political parties registered, including the Liberia Action Party, founded by Monrovia professionals like former Tolbert administration minister of finance and early PRC advisor Ellen Johnson Sirleaf, who had criticized both regimes, and the Unity Party, founded by former government minister Edward Kessely to build on his kinship ties to the Loma people and to the Mandingo community of Lofa. Ethnicity was becoming increasingly important as a means of political mobilization.

While the election commission would eventually pronounce Doe victorious, the 1985 presidential election was widely viewed as fraudulent. Sirleaf and other critics of the new president won legislative races but refused to take their seats. Shortly afterward, Quiwonkpa led a coup attempt that was quickly suppressed by the security forces. On Christmas Eve 1989, a small rebel force calling itself the National Patriotic Front of Liberia (NPFL) crossed into Liberia from Côte d'Ivoire, and Liberia descended into civil war.

Founded by Quiwonkpa, the NPFL then was led by his niece's husband, Charles Taylor; one of Taylor's lieutenants, Prince Yormie Johnson, had served as an aide to Quiwonkpa. Many opposition

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figures, including Sirleaf, initially offered financial or political support to the rebels. By the time the NPFL reached Monrovia, it had split, with Johnson leading a new faction that captured and executed Doe. It was Taylor, however, who prevailed in the factional infighting, and by late 1992, Johnson had left the country. Factions multiplied, as did the dead and displaced. Between 1990 and 1997, an estimated 250,000 Liberians died, and many more were displaced within the country or sought refuge outside the country.

After at least a dozen failed peace efforts, a transitional arrangement was established in 1996, and the country held elections in 1997. Taylor won with at least 75% of the vote; his closest competitor was Sirleaf, who ran for president on the Unity Party ticket and received less than 10%. Liberians hoped that with Taylor's ambitions sated, the country could finally be at peace, but his government proved no more committed to the rule of law than its predecessors, and by 2002, new rebel groups had emerged from the hinterland and were advancing on the capital. Taylor ultimately was forced to step down and leave the country.

*Between 1990 and 1997, an estimated 250,000 Liberians died, and many more were displaced within the country or sought refuge outside the country.*

With Taylor out of the country, negotiations between representatives of the government, rebel groups, political parties, and civil society groups progressed quickly under the aegis of ECOWAS and the International Contact Group on Liberia (including representatives from the United Nations, ECOWAS, the African Union, the World Bank, the U.S., Ghana, Nigeria, the United Kingdom, Germany, Spain, and Sweden) and resulted in the signing of the Comprehensive Peace Agreement (CPA) in Accra, Ghana, on Aug. 18, 2003.

The CPA included numerous provisions regarding elections, including:<sup>5</sup>

- The elections were to be postponed.
- The existing electoral system was to be reformed.
- Numerous provisions of the constitution—most notably, the requirement of an absolute majority in legislative elections—were suspended for the 2005 elections only.
- The new NEC was intended to be an independent body.
- The U.N., the African Union, ECOWAS, and other members of the international community as appropriate were to be asked to jointly conduct, monitor, and supervise the elections.

### **Truth and Reconciliation Commission**

The National Transitional Legislative Assembly established the Truth and Reconciliation Commission (TRC) in 2005 to “promote national peace, security, unity and reconciliation” by investigating more than 20 years of civil conflict in the country and to report on gross human rights violations that occurred in Liberia between January 1979 and Oct. 14, 2003. The commission issued its final report in 2009. As mentioned in the Carter Center's statement at the time:

*The document contains a wealth of information and analysis about the events of the past and makes numerous recommendations about actions needed to prevent Liberia from ever again returning to war.*

...

*As part of the TRC's mandate, the Commission collected 20,000 statements from Liberians from all walks of life and heard direct testimony from over 500 Liberians. It gathered its own evidence and conducted investigations into a wide variety of crimes committed during the war. The report makes a wide range of recommendations, including recommending*

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<sup>5</sup> Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia and political parties, Accra, Aug. 18, 2003. <https://peacemaker.un.org/en/node/9559>

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*reparations to affected communities and the need for reconciliation through a palava hut process.*<sup>6</sup>

In the end, the TRC recommended that 21 people (as well as 19 corporations, institutions, and state actors) be investigated and prosecuted for economic crimes, 52 people be barred from holding public office again, and 54 other individuals and entities be investigated further. In addition, 36 people were identified as perpetrators who should not be prosecuted because they cooperated with the TRC, admitted to the crimes they committed, and expressed remorse for their actions during the war.

Several of the expert mission's interlocutors in 2023 remarked that Liberia still has not completed the process of reconciliation and that work toward that goal is still very much needed to ensure that the country remains on the path of peaceful democratic development.

### **The 2005 Elections**

Following the signing of the CPA in Accra on Aug. 18, 2003, the National Transitional Government of Liberia (NTGL)—composed of rebel, government, and civil society groups—assumed control in October 2003, with Gyude Bryant, chairman of the NTGL, given a two-year mandate to oversee efforts to rebuild Liberia and to steer the country toward elections, which were to be held no later than October 2005.

### **Reconstitution of the NEC**

In Annex 4 of the CPA, the NEC was listed as one of the 16 “Autonomous Agencies allocated to Political Parties and the Civil Society.” The CPA upheld earlier legislation increasing the number of commissioners from five to seven. The seven NEC commissioners are appointed by the president of Liberia, with advice and consent of the Senate.<sup>7</sup> Political parties and civil society groups submitted suggested names for commissioners to the NTGL chairman. Public hearings were held by the responsible committee of the NTLA, and the

seven-member board of commissioners was installed on April 29, 2004.

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*The seven NEC commissioners are appointed by the president of Liberia, with advice and consent of the Senate.*

Frances Johnson-Morris, former chief justice, was named chair, and James Fromayan, a prominent democracy advocate in civil society, was named co-chair. They were joined by Commissioner Elizabeth Boyenneh, who was the former head of the Association of Female Lawyers of Liberia, Commissioner Jonathan Weedor, who had been suggested by the Liberia National Union (LINU) political party, and Commissioner Karmo Sackor, who was a representative of the Mandingo community. Two members, “Ma Mary” Brownell and James Chelleh, were held over from the previous Election Commission board of commissioners. As part of the restructuring process, staff from the previous commission had to resign their positions, a transparent application and interview process was put in place, and a number of former staff were reappointed, including most of the election magistrates.

### **Mandate of U.N. Mission in Liberia (UNMIL)**

UNMIL's mandate to support the holding of elections was set out in U.N. Security Council Resolution 1509 of Sept. 19, 2003: *to assist the transitional government, in conjunction with ECOWAS and other international partners, in preparing for national elections scheduled for no later than the end of 2005.*

To that end, UNMIL established an electoral division that supported the NEC with broad advisory and capacity-building support, planning, training, and voter education assistance, as well as heavy logistical assistance that included communications support between county offices and NEC headquarters and support (transportation, accommodation,

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<sup>6</sup> Statement By The Carter Center on the release of the Final Report of Liberia's Truth and Reconciliation Commission, July 13, 2009. <https://www.cartercenter.org/news/pr/liberia-trc-rpt-071409.html>

<sup>7</sup> Jebbeh Kawa, “Liberia: National Elections Commission,” ACE Electoral Knowledge Network, [https://aceproject.org/ace-en/topics/em/electoral-management-case-studies/liberia-the-national-elections-commission/mobile\\_browsing/onePag](https://aceproject.org/ace-en/topics/em/electoral-management-case-studies/liberia-the-national-elections-commission/mobile_browsing/onePag)

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and sustenance) for international observers. The initial core staff of the electoral division began arriving in the third quarter of 2004. By the time of the elections in October 2005, the electoral division had a staff of about 200 internationals and 378 nationals deployed nationwide; headquarters staff numbered approximately 50; there was a data center; and each of the 18 magisterial offices was supported by a team of international advisors and electoral support officers.

USAID provided funding for International Foundation for Electoral Systems (IFES) technical and material assistance, while the European Commission supported the U.N. Development Program's (UNDP's) technical and material assistance.

*The NEC had opted for a voter registration process modeled after Ghana's successful voter registration in the late 1990s, with paper forms used to collect voter data.*

### **Voter Registration and Redistricting**

Voter registration took place from April 25 to May 21, 2005. Magistrates and their advisors assessed potential registration sites throughout the country prior to the start of registration.

The NEC had opted for a voter registration process modeled after Ghana's successful voter registration in the late 1990s, with paper forms used to collect voter data. The forms included bubbles that were shaded to allow the forms to be scanned by optical-mark recognition equipment—similar to that used to grade university entrance exams in the region—to populate the database. Photos were taken with Polaroid cameras borrowed from Ghana and Sierra Leone, and the voter cards (detached from the voter registration forms) and photos were then laminated. Data center staff were trained to inspect records identified via programmed searches as possible duplicates, and several hundred likely matches were turned over to the NEC for further action.

Processing of the registration forms began on April 27, 2005, and was completed on June 15.

In accordance with the CPA, new districts were to be demarcated due to the establishment of new counties. The Electoral Reform Law of December 2004<sup>8</sup>, in Section 4.3, also stipulated, "For the 2005 elections, and in the absence of results of a recent population census, the sixty-four seats shall be distributed among the 15 counties on the basis of the total number of voters registered, provided that no county receives less than 2 seats."

Two ways of implementing this distribution were presented. The first involved assigning two seats to each county and then assigning the remaining seats on the basis of each county's population. Under this method, Montserrado received what the political parties considered an excessive share of the seats. The parties preferred a second method, under which each county automatically received two seats, but then the entire population of each county was considered in the allocation of the remaining seats, which led some of the smaller counties to receive an additional seat and reduced Montserrado's weight in the House of Representatives.

In the absence of a census, voter registration centers were grouped into contiguous districts that also broadly conformed to other general redistricting criteria such as rough population equality, respect for major geographical and topographical features, respect for existing administrative boundaries, and respect for communities of interest (including cultural communities). The NEC held consultations with communities throughout Liberia, and input from the public led to revisions of the initial plan that the NEC had presented.

### **First Round of Voting**

The first round of voting was held on Oct. 11 in accordance with the constitution and within the parameters set in the CPA. Just over a million voters turned out, or 74.9% of the electorate. George Weah, of the Congress for Democratic Change, received 275,265 votes (28.2% of the total valid votes), while Ellen Johnson Sirleaf of the Unity Party received 192,326 votes (19.7%). Weah won

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<sup>8</sup> <https://www.ifes.org/tools-resources/election-materials/electoral-reform-law>



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four of the six counties of the country's Southeast outright and fell just short of winning a fifth; Sirleaf was a distant second or third throughout the region. She drew almost 60% of her vote from Montserrado, home to the capital, where Weah also garnered half of his support. Notably, in the legislative elections, former militia leader Prince Johnson received the most votes in the Nimba County senatorial election, becoming the county's senior senator.

### **Presidential Runoff**

Because no candidate received more than 50% of the votes in the first round, the NEC held a runoff on Nov. 8. In that exercise, Sirleaf received 478,526 votes (59.4%), while Weah received 327,046 votes (40.6%). Weah won five of the Southeast's six counties, but voters in the rest of the country consolidated around Sirleaf. Turnout fell to 61%.

The NEC received 16 complaints from supporters of the Congress for Democratic Change (CDC) alleging irregularities in the Nov. 10 runoff; these were eventually consolidated at the request of CDC counsel, and hearings were held Nov. 16 to Dec. 16, 2005. A writ of prohibition seeking suspension of the count also was filed with the Supreme Court. On Nov. 28, 2005, the CDC filed a formal challenge against the runoff results. That challenge was eventually withdrawn, and Sirleaf was inaugurated in January 2006.

By mid-December 2005, only six international staff and five U.N. volunteers remained of UNMIL electoral division's peak staffing to assist the NEC with a by-election in Rivercess County in 2006.

### **Elections of 2011, 2014, 2017, and 2020**

Liberia conducted its next regularly scheduled elections in 2011. The first round was held on Oct. 11, and President Sirleaf won 43.9% of the vote. George Weah stood again, this time for vice president on a CDC ticket led by Winston Tubman, placing second with 32.7% of the vote. In third was Prince Johnson, who claimed 11.6% of the vote, almost 80% of which came from his home county of Nimba. Johnson had endorsed Weah in 2005 but

now threw his support behind Sirleaf in advance of the second round. President Sirleaf claimed victory in 10 of Liberia's 15 counties, though the Tubman/Weah ticket narrowly won Montserrado. Turnout was 71.6% of the electorate, though in absolute terms this represented a slight increase over the first round of the 2005 election.

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The CDC announced a boycott after the NEC rejected its complaints concerning the first round. The chairman of the NEC eventually resigned in favor of the co-chair, but the CDC (after some internal disagreements) eventually declared that it would persist with its boycott. ECOWAS and other observer groups indicated that they would recognize the winner of the election, irrespective of the boycott, if they determined that the vote was free and fair. The day before the election, CDC supporters clashed with police in Monrovia, leading to at least two deaths. This was the most serious incident of election-related violence in the postwar period up until that time, with UNMIL peacekeepers intervening to separate the two sides. Turnout collapsed during the second round, plummeting to 38.5%. The president was re-elected to a second term with 90.7% of the vote, winning every county and dramatically increasing her margin in Nimba.

In the House of Representatives elections, nine additional seats were introduced to address overall population growth, but the seats were assigned to several of the largest counties<sup>9</sup> without a complete reapportionment of seats based on the 2008 census and redrawing of district lines to reflect population shifts. The Unity Party of President Sirleaf gained 16 seats in the elections to hold 24 in the new legislature. On the Senate side, elections were held for the seats of the senators who had received the

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<sup>9</sup> Montserrado was given three additional seats, Nimba two, and Bong, Grand Bassa, Margibi, and Lofa each received one additional seat.

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second-highest number of votes in each county in the 2005 elections. This marked the transition from the initial six-year term for those seats to a full nine-year term. In those elections, the National Patriotic Party (NPP) picked up three seats and the CDC picked up one, while the Unity Party and the Liberty Party each lost one seat.

In the 2014 special senatorial elections,<sup>10</sup> the seats of the senators who had received the most votes in 2005 were on the ballot. After his unsuccessful runs for president (2005) and vice president (2011), George Weah won the seat for Montserrado.

In 2017, President Sirleaf's vice president, Joseph Boakai, ran for president on the Unity Party ticket, while Weah returned to the top of the CDC ticket, standing for the presidency once again. Turnout on Oct. 10 was 75.2%, with 1,641,922 ballots cast in the presidential election. After no candidate received more than 50% of the votes—Weah came in first with 38.4% of the vote, followed by Boakai with 28.8%—a second round was held. Due to a legal challenge filed by third-place candidate Charles Brumskine of the Liberty Party, the second round was not held until late December.

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*Liberia experienced its first peaceful transfer of power from one party to another in well over a century.*

Sen. Prince Johnson once again ran for president as well, and having placed fourth with 8.2% of the vote, this time endorsed Weah prior to the second round. (Johnson drew 84% of his support from Nimba County, though his overall vote total was slightly down from 2011.) Weah swept all six counties of the southeast and won pluralities in Bomi, Bong, and Montserrado. He went on to win the runoff with 61.5% of the vote on 55.8% turnout, and Liberia experienced its first peaceful transfer of power from one party to another in well over a century. Weah won every county except Boakai's home county of Lofa, quadrupling his vote share in Nimba. In the House elections, the CDC won 21 seats to become the largest party in the chamber, as

the Unity Party lost four seats from its previous total of 24. No Senate seats were up for election during this cycle. While the election did see tensions between political parties and a small number of isolated incidents of election-related violence, none of these threatened the integrity of the process as a whole.

In the 2020 special senatorial elections, the most significant change was the loss of four seats by the National Patriotic Party, now led by Vice President Jewel Howard-Taylor. A new coalition, the Collaborating Political Parties (which at the time included Alexander Cummings' Alternative National Congress (ANC), Charles Brumskine's Liberty Party, and the Unity Party), the CDC, and independents all picked up seats.

Over the years, the NEC has accumulated significant experience by administering countrywide elections in 2005 (presidential, all Senate seats, and House), 2011 (presidential, Senators Second Class, and House); 2014 (Senators First Class); 2017 (presidential and House); and 2020 (Senators Second Class and a referendum), as well as the 2011 referendum and 22 by-elections, with declining levels of international assistance. From its peak in 2005, international assistance declined dramatically in advance of the 2011 elections and has continued to decline over the intervening years.

### **Elections and the UNMIL Drawdown**

The UNMIL peacekeeping operation completed its mandate on March 30, 2018, following the 2017 elections. It is important to note that responsibility for security, including security for electoral processes, was transferred to Liberian security institutions on June 30, 2016, 16 months before the 2017 elections.

In his Nov. 15, 2016, report to the Security Council, U.N. Secretary-General Antonio Guterres noted that it was the assessment of international partners that the 2017 elections "can and should be a fully nationally owned process," given the NEC's success in conducting elections in 2011 and 2014 with limited international support. In response to a request for support from the NEC, UNDP provided

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<sup>10</sup> "Special" election refers to the fact that only Senate seats are on the ballot.



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technical support for the 2017 election, and the secretary general advised that UNMIL would be prepared to provide “in extremis logistical support for the 2017 elections” on an emergency basis to fill election-related logistical gaps such as accessing remote areas.<sup>11</sup> He further stated that, with the government’s full assumption of security on June 30, 2016, the operational role of UNMIL or its successor should remain in extremis support for Liberian security agencies in protecting civilians in the event of a deterioration that could risk a strategic reversal of stability in the country, taking into account its capabilities and areas of deployment.

Based on the secretary-general’s report, the U.N. Security Council in Resolution 233 of Dec. 23, 2016, authorized UNMIL “to meet urgent gaps in Liberia’s capabilities for the 2017 presidential and legislative electoral process,” particularly in facilitating access to remote areas, and reduced UNMIL’s remaining 1,240 military personnel to no more than 434 and authorized 310 police personnel for implementation of the mandate by Feb. 28, 2017.<sup>12</sup>

Given these conditions of the UNMIL draw-down, Liberia and the NEC were almost fully responsible for the 2017 elections and the 2020 senatorial elections and referendum. UNMIL’s role in the 2017 elections—as distinct from technical assistance that was and continues to be channeled through UNDP—was limited primarily to good offices and in extremis logistical assistance.

### **Constitutional and Legal Reform Efforts**

On two occasions since 2005, Liberians have been asked to vote on proposed constitutional reforms that had been passed in the legislature by the requisite two-thirds majorities.

In 2011, voters were asked to approve four amendments:

- To **reduce the required residency for presidential and vice presidential candidates** from 10 years to five years, while also stipulating that those five

years must be immediately prior to the elections in which an individual is competing.

- To **increase the mandatory retirement age for Supreme Court justices** from 70 to 75.
- To **shift elections from the second Tuesday in October of each election year to the second Tuesday in November** and hold municipal elections three years after each presidential election.
- To **eliminate the requirement for a runoff** between the two most-voted candidates in legislative elections.

Only the last proposed amendment, eliminating runoff elections for legislative offices, received the necessary two-thirds voter approval to be incorporated into the constitution,<sup>13</sup> allowing the 2011 legislative elections to proceed without a requirement for legislative runoff elections.

In 2020, in a vote held simultaneously with the senatorial elections, voters were asked to vote on a number of changes to the Liberian Constitution that had been approved by two-thirds majorities in both houses of the legislature:

- To reduce the requirement for both parents to be Liberian citizens to only one parent.
- To prohibit the government from stripping natural-born citizens of their Liberian citizenship.
- To prohibit citizens with dual citizenship from holding senior positions, including Supreme Court justices, ministers, heads of government agencies, ambassadors, and military chief of staff and deputy chief of staff.
- To reduce senators’ terms from nine to seven years.
- To reduce the term of president of the Senate from six to five years.
- To reduce representatives’ terms from six to five years.

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11 Special report of the Secretary-General on the United Nations Mission in Liberia, S/2016/968, 15 November 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/386/15/PDF/N1638615.pdf>

12 Special report of the Secretary-General on the United Nations Mission in Liberia, S/2016/968, 15 November 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/386/15/PDF/N1638615.pdf>

13 The NEC initially declared that all four questions had failed; it was only after a challenge in the Supreme Court that the final question was declared approved.

- To reduce the term of House speaker from six to five years.
- To reduce the presidential term from six to five years.
- To change the date of general elections from the second Tuesday in October to the second Tuesday in November.
- To decrease the time the NEC has to investigate complaints from 30 to 15 days.

While all these proposed amendments garnered majority support among voters, none received the two-thirds support necessary to become part of the constitution, which some national interlocutors attributed in part to the campaigns' becoming politicized rather than being focused on the country's needs.

The failed efforts to introduce reforms in the constitution highlight the importance of building a strong, broad coalition and conducting a robust voter education campaign in advance of any future amendment effort. Notably, the Liberian Constitution (Article 91) requires that proposed amendments be ratified by two-thirds of the voters in a referendum held "not sooner than one year after the action of the Legislature."<sup>14</sup> That time is provided so that the proposed changes can be explained to the people and to allow time for discussion.

*The failed efforts to introduce reforms in the constitution highlight the importance of building a strong, broad coalition and conducting a robust voter education campaign in advance of any future amendment effort.*

### **Attempt to Amend the New Elections Law**

Shortly after the 2017 elections, the NEC initiated discussions on amendments to the New Elections Law, including consultations with civil society

organizations, stakeholders in each county, and international organizations. The proposed amendments that resulted from those discussions were submitted to the legislature in 2020. The amendments bill included:

- A mandatory quota of 30% for women on party structures and lists to be implemented progressively.
- An increase in the maximum number of voters in polling precincts from 3,000 to 4,000.
- Voting of Liberians residing abroad at the Liberian consulate or embassies.
- Mandatory distribution of the final registration roll to political parties one month before elections.
- Enhancing the role of the board of commissioners in decision-making.
- Introduction of a continuous and periodic voter registration process.
- Detailed regulations on the adjudication of election-related complaints that would regulate expedited filing and adjudication of the pre-election complaints at the commission level and introduce stipendiary magistrates (hearing officers) seconded by the Supreme Court to the commission to conduct hearings and investigations of cases during elections.

In September 2022, the legislature passed *An Act to Amend Certain Sections of the New Elections Law (1986) as Amended Through 2014*.<sup>15</sup> Notably, the final version of the act signed by both chambers of the legislature and the date it was sent to the president for signature were never made public.

Article 35 of the constitution<sup>16</sup> dictates that any bill passed by both houses of the legislature goes to the president for approval. The president can veto the entire bill or "any item or items thereof." If the president neither signs nor vetoes the bill within 20 days, the bill becomes law. Several provisions of the amendment bill were vetoed by the president in March 2023, some five months after it was

<sup>14</sup> <http://judiciary.gov.lr/wp-content/uploads/2017/11/CONSTITUTION-OF-THE-REPUBLIC-OF-LIBERIA.pdf>

<sup>15</sup> <https://perma.cc/SUW6-FL54>

<sup>16</sup> <http://judiciary.gov.lr/wp-content/uploads/2017/11/CONSTITUTION-OF-THE-REPUBLIC-OF-LIBERIA.pdf>

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passed by the legislature. The bill was sent back to the chamber where it originated—the House of Representatives—but the constitution is not clear on the steps that should be taken to enact a law that was not vetoed within the 20-day period, or one that was only partially vetoed. According to Article 35 of the constitution, a presidential veto may be overridden by a vote of two-thirds of each chamber, but the legislature did not take any action after receiving the partially vetoed bill back from the president.

Some stakeholders argued that the bill should have become law automatically, as the president violated the 20-day period. Others contended that only the non-vetoed part of the bill should be in force. In either case, for a law to come into force, it must be published in a handbill by the minister of foreign affairs, which was not done in this case, so even the portions of the reform bill that were passed by the legislature and not vetoed by the president are not law.

## Census

A census was conducted between Nov. 14 and Dec. 18, 2022, after having been planned for 2018 (10 years after the 2008 census) but postponed due to the COVID-19 pandemic, the transition from one administration to another following the 2017 elections, and other factors. Previous censuses had been conducted at irregular intervals—1962, 1974, 1984, and 2008.

A number of opposition parties (Unity Party, All Liberian Party, Liberty Party, Movement for Democracy and Reconstruction, Liberian People's Party, Vision for Liberia Transformation Party, Movement for Progressive Change, and Rainbow Alliance) objected to the census, claiming the administration was manipulating the numbers to give President Weah an advantage in the 2023 elections by inflating the populations of the counties in the country's southeast, where he has repeatedly enjoyed majority support.<sup>17,18</sup>

The opposition parties presented a petition to the legislature on March 9, 2023, stating that they “reject the preliminary results of the 2022 National Housing and Population Census recently released by LISGIS, and call on the Legislature and the National Elections Commission not to use the figures of the Census to set population thresholds for constituencies and to reapportion electoral boundaries.” The petition also was addressed to the NEC, the Inter-Religious Council, the Liberia Council of Churches, the Mano River Union, ECOWAS, the African Union, the European Union delegation, the U.S. Embassy, and the U.N. and its agencies.

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*The country should not continue to administer elections on the basis of districts last drawn in 2011 (or, in some cases, 2005), yet serious complaints regarding the census must be considered.*

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While it may have been unrealistic to expect to administer elections in 2023 with new districts if the census was only conducted in late 2022, the question here is what happens going forward.

The country should not continue to administer elections on the basis of districts last drawn in 2011 (or, in some cases, 2005), yet serious complaints regarding the census must be considered, and proven defects need to be addressed in some manner.<sup>19</sup> At the same time, all parties must recognize that a census is a unique (and expensive) exercise, based on the population on a particular date (in this case, Nov. 11, 2022), and it would be unrealistic to try to re-create the picture from a year ago at this point—nor is it financially realistic to undertake a new census so soon after the 2022 effort.

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17 <https://frontpageafricaonline.com/news/liberia-opposition-political-parties-reject-national-census-report-present-resolution-to-national-legislature/>  
18 William Q. Harmon, “Liberia: ‘Census Results Are Voodoo Numbers,’” Daily Observer, 10 March 2023. Liberia: ‘Census Results Are Voodoo Numbers’ - allAfrica.com

19 A useful presentation from the U.N. Statistics Division on issues related to adjusting census data is available at [https://unstats.un.org/unsd/demographic/meetings/wshops/Viet\\_Nam/2013/docs/unsd-d05-02.pdf](https://unstats.un.org/unsd/demographic/meetings/wshops/Viet_Nam/2013/docs/unsd-d05-02.pdf)

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## Farmington River Declaration

The original Farmington River Declaration was developed in 2017 to ensure peaceful elections that year and was signed by more than 20 political party leaders.<sup>20</sup> In January 2023, the National Civil Society Council of Liberia (NCSCCL) called for ECOWAS, the NEC, and the political parties to revisit the declaration. The revised declaration was signed by 25 of 26 registered parties on April 4, 2023, followed by independent candidates on July 21.

*The Carter Center's expert mission assesses that the declaration was an effective tool for keeping temperatures down during the campaign.*

Key provisions of the declaration include:

- Agreement that the declaration is binding on parties, coalitions/collaborations, alliances, leaders, officials, members, candidates, candidates' representatives, agents, and supporters.
- Commitment to an orderly and peaceful election process in 2023 as well as a commitment to the resolution of disputes arising from the electoral process through legal means.
- Commitment to accept and respect the outcome of the results of a free, fair, and transparent process, to submit all claims of election irregularities for resolution through judicial means, and to accept and support the final outcome of the judicial process.
- Commitment to respect the right of all to campaign or rally without fear or disruption, to respect the campaign material of others, and to promote peace on the campaign trail.
- Commitment to avoid using inflammatory or defamatory language or language that threatens or incites violence in any form.
- Commitment to refrain from defamatory attacks against the NEC, the judiciary, and the electoral system.
- Commitment to refrain from and discourage all forms of violence against women and to facilitate women's equal participation and access to political activities and voting.
- Commitment to public condemnation of all forms of violence and intimidation.
- Commitment to refrain from using state security personnel as tools of intimidation and harassment.
- Commitment to refrain from recruiting, training, and arming militias, vigilantes, armed groups, or gangs to instigate voter intimidation or to trigger political violence.
- Commitment to discipline and restrain the respective parties, coalitions/collaborations, alliances, leaders, officials, members, candidates, candidates' representatives, agents, and supporters from infringing the declaration or otherwise violating any other applicable elections law, rule, or regulation.
- Commitment to discourage false complaints or otherwise abusing the right to complain about violations.
- Acceptance that violations will be sanctioned by NEC or the judiciary in accordance with applicable laws, rules, and regulations.

The Inter-Religious Council of Liberia is to play a mediation role as and when necessary.

The declaration was referenced frequently throughout the campaign period, particularly by civil society organizations and external partners concerned about the rising tensions during the period. The Carter Center's expert mission assesses that the declaration was an effective tool for keeping temperatures down during the campaign.

## CPA Provisions Related to Elections

### Article XVIII: Electoral Reform

1. The Parties agree that the present electoral system in Liberia shall be reformed.

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<sup>20</sup> <https://thenewdawnliberia.com/parties-sign-off-on-elections/>

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2a. In this regard and amongst other measures that may be undertaken, the National Elections Commission (NEC) shall be reconstituted and shall be independent. It shall operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all.

2b. Appointments to the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.<sup>21</sup>

#### **Article IX: Organization of Elections**

1. The Parties agree that, given the present circumstances, and until appropriate conditions are met, the Presidential and General elections scheduled for October 2003 shall be postponed.

2. National elections shall be conducted not later than October 2005.

3. In order to create appropriate conditions for elections, a re-demarcation of constituencies shall be carried out in order to take account of newly created Counties.

4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.

4b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and international organizations under the supervision of the United Nations.

#### **Article XXII: Mandate of the National Transitional Government of Liberia**

1. The primary responsibility of the NTGL shall be to ensure the scrupulous implementation of this Peace Agreement.

2. In addition to normal State functions, its mandate shall include the following:

- d. Contribution to the preparation and conduct of internationally supervised elections in October 2005, for the inauguration of an elected Government for Liberia in January 2006.

#### **Article XXXV: Special Provisions**

1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17th June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning of the entire transitional arrangement.

b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.

c. For the avoidance of doubt, relevant provisions of the Constitution, statutes and other laws of Liberia which are inconsistent with the provisions of this Agreement are also hereby suspended.

d. All other provisions of the 1986 Constitution of the Republic of Liberia shall remain in force.

e. All suspended provisions of the Constitution, statutes and other laws of Liberia, affected as a result of this Agreement, shall be deemed to be restored with the inauguration of the elected Government by January 2006. All legal obligations of the transitional government shall be inherited by the elected government.

The CPA also listed in Annex 4 ("Allocation of Cabinet Positions, Public Corporations and Autonom[ous] Agencies/Commission[s] Under the NTGL") the NEC among the 16 autonomous agencies allocated to political parties and the civil society.

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<sup>21</sup> See below the language from CPA Annex 4 regarding allocation of the NEC to "political parties and civil society."

# I Methodology

The Carter Center assessed the 2023 presidential and legislative elections in Liberia in accordance with the 2005 Declaration of Principles for International Election Observation, endorsed by the Center along with more than 50 intergovernmental and international nongovernmental organizations. The declaration reflects a commitment to assure integrity and transparency in election observation missions, including in regard to the purpose, scope, and conduct of their missions. In all countries in which The Carter Center conducts election observation, it assesses the electoral process based on relevant elements of national legal frameworks as well as regional and international obligations for democratic elections.

*The Center's expert mission in Liberia aimed to provide an impartial evaluation of the overall quality of the electoral process and demonstrate support for the country's fledgling democracy.*

The Center's expert mission in Liberia aimed to provide an impartial evaluation of the overall quality of the electoral process and demonstrate support for the country's fledgling democracy. A three-person expert team composed of a mission director/electoral analyst, deputy director/political analyst, and legal analyst arrived in Liberia and began their work in Monrovia on Sept. 25. The experts were accredited by Liberia's NEC.

Due to the mission's limited size and scope, the team was unable to assess the full process of the Oct. 10 election and the Nov. 14 runoff. The Carter Center team focused on NEC preparations for both rounds of voting and on counting and tabulation processes in Montserrado County. The team also visited the tabulation center in Margibi as the results of the first round were being compiled. The team held more than 50 meetings with national and international interlocutors, including representatives of political parties, legislators, NEC officials and staff, security officials, and a wide array of civil society representatives. The team also attended a number of meetings and press conferences. These activities form the basis for this assessment.



# Expert Mission Assessment and Analysis of Key Electoral Issues

## Legal Framework

According to international treaty law, a legal framework for elections should be transparent and readily accessible to the public and should address all the components of an electoral system necessary to ensure democratic elections.<sup>22</sup> The constitution of any country should both provide the legal framework and serve as the basis for the conduct and delivery of free, fair, credible, and legitimate elections.

Liberia is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the U.N. Convention Against Corruption, and the Convention on the Rights of Persons with Disabilities. Regionally, Liberia is a party to the African Charter on Human and Peoples' Rights (ACHPR), is a founding member of ECOWAS, and approved the ECOWAS Protocol on Democracy and Good Governance in 2016.<sup>23</sup>

Liberia's legal framework for general elections consists primarily of the 1986 constitution and the New Elections Law, also dating from 1986 and last amended in 2014. Additionally, significant aspects of the election process—candidate registration, voter registration, campaigning, campaign finance, and

hearing procedures for complaints and appeals—are regulated by the NEC ahead of each election, rather than being specified in the primary legislation. For the 2023 elections, those regulations included: general election regulations; voter registration regulations; campaign finance regulations; hearing procedures; regulations and procedures relating to political parties; coalitions, alliance and independent candidates; and nomination and registration procedures.<sup>24</sup>

Regulations concerning various issues, including candidate registration and campaigning, were scattered across different texts, generating legal uncertainty. These generally were issued in time for their actual use, but often not in time to allow for effective training of those responsible for implementing them or for observing their implementation. As an example, the tally procedures were released to the public only a week before elections. While regulations might be needed to address emerging issues for clarification or supplementation of election laws, the regulatory framework for significant issues should remain stable from one election to another (e.g., embedded in law) to ensure legal certainty for stakeholders.

Overall, the legal framework constitutes an adequate basis for the conduct of elections, but at

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<sup>22</sup> ICCPR, Article 25; U.N. Human Rights Committee, General Comment 25, paras. 5, 7, 9, 19, 20.

<sup>23</sup> In the case *Abu Bana Kamara v. NEC* (C 21 July 2017), the Supreme Court held that the ECOWAS protocol was part of national law. However, the court found that the ECOWAS protocol rule against amending laws within six months did not apply to the case before them because the amendments in that case were related to the law adopted in 2014. The court asserted that the protocol inhibits “the passage of a new law within six months prior to holding elections.” Such an interpretation goes against the protocol, which aims to prevent amendments to significant laws less than six months before elections.

<sup>24</sup> The NEC also adopted guidelines and a code of conduct for observers (local and international) and campaign guidelines in February and October 2022, respectively.

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the same time, it suffers from several procedural gaps and lacks clarity on a number of issues. The legal framework does not contain, for instance, regulations on media, procedures and grounds for recounts or the tabulation of results, reporting requirements and enforcement mechanisms for campaign finance, the process for the accreditation of observers, provisions for the resolution for preelection complaints, or guidance on various aspects related to the presidential runoff.<sup>25</sup>

*Certain constitutional provisions impose undue restrictions on the right to stand as a candidate and the right to vote.*

While the constitution states that election results can be contested, the New Elections Law narrows that provision and stipulates that results may be contested in cases where the elections are not conducted impartially or where violations of election-related laws result in the complainant's defeat. Furthermore, the law states that election results cannot be overturned on grounds other than bribery or corruption, thereby excluding the possibility for the appeal body to annul the results in the case of any other serious irregularities, including, for example, serious administrative failures.<sup>26</sup>

The New Elections Law contains some technical mistakes and includes some provisions that are not

in use. Although Article 80 of the constitution foresees the possibility of absentee voting, the law does not currently allow for this possibility, nor do the NEC regulations. Chapter 5A of the New Elections Law, "Review of Party Results,"<sup>27</sup> stipulates that parties and independent candidates that fail to obtain at least 2% of the total valid votes cast in the constituency or constituencies in which the party or the independent candidate contested, and that do not have elected officeholders, are suspended and thus not allowed to run in the next two elections. Although, in practice, those provisions do not seem to be used, such prohibitions violate international standards of the right to stand for election and should be reconsidered.<sup>28</sup>

Certain constitutional provisions impose undue restrictions on the right to stand as a candidate and the right to vote. Only individuals who are "Negroes" or of "Negro descent" qualify as citizens of Liberia.<sup>29</sup> That exclusionary provision prevents individuals from other ethnicities from exercising both their right to be elected and their right to vote and is incompatible with democratic election standards that provide for the enjoyment of rights free from discrimination based on race or national origin.<sup>30</sup> The constitution also introduces property requirements for eligibility to run for president.<sup>31</sup> For the amendment of the constitution, there is an unusually high threshold.<sup>32</sup>

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25 The NEC issued 2023 general and presidential elections tally procedures; however, the nature of that document was questionable in that it is recommendatory in nature and was not adopted in the same form as other NEC regulations.

26 In 2017, the Supreme Court stated that for the invalidation of results, the appellant must show "overwhelming and massive violations" and that appellant failed to show "the evidence permeated the entire spectrum of the elections and that this had the effect of substantially diluting the electoral votes of the appellants that absent such violations and irregularities, the appellants would have been placed differently than as results of the NEC placed them."

27 Chapter 5A was added to the New Elections Law by An Act to Amend Certain Provisions of the 1986 Elections Law, published Dec. 15, 2014.

28 U.N. (CCPR): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25), para. 4 states, "Any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria."

29 Article 27 of Liberia's constitution reads, in part: "In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia."

30 ICCPR, Article 2, CEDAW Article 7, African Charter on Democracy Elections and Governance, Article 8. See also para. 15 of the 1996 U.N. Human Rights Committee General Comment No. 25 to the ICCPR, which states that "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation." Article 14 of the ECHR states that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

31 To be eligible to stand for the presidency, a prospective candidate must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been a resident of the country for at least 10 years before the election.

32 Article 91 of the constitution mandates two-thirds support from the legislature, or a petition signed by 10,000 citizens, followed by a referendum with two-thirds approval by the voters to ratify any proposal, at least one year after the legislative action.



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## Election System and Boundary Delimitation

The purpose of an electoral system is to translate the people's will into a representative government. International standards do not prescribe a specific electoral system.<sup>33</sup> However, such a fundamental aspect of the legal framework should be decided after consultation and broad consensus among all stakeholders.

In Liberia, the president and vice president are elected directly in a single nationwide constituency by absolute majority for a six-year term. A president may not serve more than two terms. A candidate must receive more than 50% of the votes to be elected in the first round; otherwise, a second round is held between the two candidates who received the highest number of votes, and the candidate who receives the most votes in that second round is elected.

The legislature comprises two chambers: the House of Representatives and the Senate. The House currently consists of 73 members serving a six-year term, while the Senate consists of 30 members, with two senators elected from each county serving staggered nine-year terms.<sup>34</sup>

The current House districts still are based on voter registration, as was necessary in 2005 given the absence of a recent census and massive displacements of population within the country,<sup>35</sup> even though census exercises were conducted in 2008 and again in 2022. It also appears that current districts still are apportioned among the counties based on a minimum of two seats per county, as otherwise eight counties—Bomi, Gbarpolu, Grand

Gedeh, Grand Kru, Maryland, Rivercess, River Gee, and Sinoe—would fall short of having two full seats in an initial apportionment, and at least three of these counties—Grand Kru, Rivercess, and River Gee—would most likely end up with only one seat each.

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*A new census was due in 2018 but was conducted in 2022, and the final official data were not released in time for redistricting to take place before the 2023 elections.*

International and regional treaties state that democratic elections must comply with standards guaranteeing equal suffrage.<sup>36</sup> The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group.<sup>37</sup> According to international standards, drawing electoral boundaries needs to take into account appropriate criteria such as the number of residents (including minors), and the number of registered voters in the constituency.<sup>38</sup>

The constitution mandates that the legislature conduct a census every 10 years.<sup>39</sup> Article 80(d) of the constitution stipulates that each constituency has an approximately equal population of 20,000 or such number of citizens as the legislature shall prescribe, in keeping with population growth and movements as revealed by a national census. A new census was due in 2018 but was conducted in 2022, and the final official data were not released in

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<sup>33</sup> Chapter IV, articles 42–46

<sup>34</sup> In the first post-transition election in 2005, every county elected two senators, with the second-place senatorial candidate from each county serving an initial six-year term in order to allow for staggered terms; since 2014, all senators serve staggered nine-year terms.

<sup>35</sup> According to the NEC's "County Threshold for the Establishment of Electoral Districts," dated April 18, 2011, the "threshold for each county [is established] by dividing the number of registered voters in the given county by the number of seats allocated to the county," and, "The Commission shall endeavor, as much as is practicable, to have relatively equal number of registered voters represented within each Electoral District."

<sup>36</sup> U.N., ICCPR, art. 25; OAS, ACHR, art. 23, CIS, Convention on Democratic Elections, art. 3(1)(a) U.N., UDHR, art. 21(3).

<sup>37</sup> Article 25 of the ICCPR General Comment 25, para. 21

<sup>38</sup> The Code of Good Practice in Electoral Matters of the Venice Commission (CDL-AD(2002)023rev, point I.2.2) provides that: "Equality in voting power, where the elections are not being held in one single constituency, requires constituency boundaries to be drawn in such a way that seats in the lower chambers representing the people are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g., the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors, or possibly the number of people actually voting."

<sup>39</sup> As stated above, previous censuses had been conducted at irregular intervals (1962, 1974, 1984, and 2008).

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time for redistricting to take place before the 2023 elections. The existing House constituencies have not been reapportioned since 2011, and they still are based on voter registration numbers from 2011 and a legislative resolution adopted in 2010 as a political compromise. That resolution allocated nine new seats proportionally to the counties (increasing the House membership from 64 to 73) based on the latest voter registration figures.

Meanwhile, the number of registered voters increased by approximately 37.4% from 2011 to 2023. This has led to a significantly unequal distribution of registered voters among the House constituencies, which now range from 12,008 to 75,517 registered voters—significantly at odds with the principle of equal suffrage.

*Voter registration is recognized as an important means to protect the right to vote and should be made available to the broadest pool of citizens possible to promote universal and equal suffrage.*

In April 2023, the Collaborating Political Parties (CPP) filed a petition with the Supreme Court against the NEC about the constitutionality of its planned conduct of voter registration without the demarcation of electoral constituencies. The petition argued that there is a widespread disparity in the number of voters registered in electoral districts and that the principle of equal suffrage is not guaranteed. The Supreme Court rejected an appeal on merits, stating that in the absence of national census data and legislative threshold, the NEC cannot reapportion districts.<sup>40</sup>

## **Election Stakeholders and Processes**

### **Voter Registration**

Voter registration is recognized as an important means to protect the right to vote and should be

made available to the broadest pool of citizens possible to promote universal and equal suffrage. An effective voter registration process upholds these principles while increasing transparency in the electoral process.<sup>41</sup>

The constitution and the New Elections Law provide that every 18-year-old citizen can be registered to vote. The interpretation and implementation of those provisions disenfranchised people who turned 18 between the end of the registration period and the date of elections, as they were not allowed to register (not being 18 at the time of registration) and thus did not have an opportunity to participate in the election process.

One of the major changes since the 2020 senatorial elections and referendum is the introduction of a new biometric voter registration system, replacing the optical-mark recognition system in place since 2005. Under the old system, an individual's photo was taken, and a data sheet similar to a school exam was completed, with bubbles filled in corresponding to each letter or number inserted across the top of the form. With the new system, a voter's photo, thumbprint, and data are captured digitally, and automated de-duplication (via machine comparison of the fingerprints) is possible. The final registration roll includes 2,471,617 voters, including 1,237,257 women and 1,234,360 men.

Although the NEC's original plan had been to switch to a fully biometric system, including verification of voter identity at the polls using the new biometric voter ID cards, budget cuts forced the commission to abandon plans for any biometric verification of identity at the polling places beyond the photo included on the printed final registration roll.

The NEC originally had planned to roll out the biometric voter registration process simultaneously in all four regions. Financial constraints forced them to modify their plans on multiple occasions, and the final rollout was in two phases—the first beginning on March 20 and running until April 9 in six counties (Grand Cape Mount, Gbarpolu,

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40 In its decision, the Supreme Court stated that the NEC is not in violation of the constitution. While the NEC has a duty under the constitution to reapportion constituencies, the said duty is not self-executing and it can only be executed based on the preconditions that there is a concluded national census report, followed by a legislative threshold; only then will the NEC have a duty to reapportion the constituencies pursuant to Article 80(e).

41 U.N., International Covenant on Civil and Political Rights, Art. 25 (b); African Union Declaration on the Principles Governing Democratic Elections in Africa, art. 1, Section IV; U.N., United Nations Human Rights Committee, General Comment 25 to Article 25.

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Bomi, Montserrado, Margibi, and Grand Bassa) and the second beginning on April 21 and concluding on May 11 in the remaining nine counties. Plans for piloting the new biometric voter registration system on a small scale prior to the full rollout also had to be abandoned due to financial constraints. The NEC held regular stakeholder and media briefings throughout the registration process.

To speed up the registration process and reduce the number of data entry errors, the NEC offered an option that allowed registrants to input personal information into the system from their own mobile phones; a QR code then was generated that the registrant was to show the registration team upon visiting their voter registration center so that the photo and fingerprints captured there could be linked to the data already input by the registrant. At the end of the registration period, the NEC announced that of 2,498,904 records, a total of 2,471,183 were active registrants, while 27,192 (just over 1%) were flagged as duplicates, and 529 were flagged as being underage.

### **Allegations of Trucking**

Many expert mission interlocutors shared the conviction that “trucking” voters was widespread. “Trucking” refers to a candidate literally providing trucks or other forms of transportation to take voters to the candidate’s district during voter registration and then repeating the feat on election day to ensure that those same voters go to the polls. A more modest version of the allegation would have it that candidates simply provide money to voters to arrange their own transportation. In either of these scenarios, voters are registered and cast their ballots in districts other than the one in which they reside. Trucking also can refer to a candidate transporting nationals of neighboring countries (Sierra Leone, Guinea, and Côte d’Ivoire) over the border into Liberia, where they allegedly register to vote and cast ballots. Although various expert mission interlocutors articulated all three of these variations, the first two were invoked much more frequently.

Regardless, the Center’s expert mission is not aware of a single verified instance of voters being trucked to the polls during either the first or second round of the election. For that matter, not even a single unverified incident (e.g., a photo of a

truck circulating on social media) was brought to the expert mission’s attention. One international election observation mission specifically tasked its observers with tracking alleged trucking and was similarly unable to verify a single incident. When addressing the subject, interlocutors and other sources sometimes would claim that 10,000-20,000 voters had been trucked into a single electoral district. This would represent a massive logistical undertaking involving substantial numbers of vehicles, tracking of voters’ movements, etc. Twenty-four of Liberia’s 73 electoral districts are home to fewer than 20,000 voters.

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*To speed up the registration process and reduce the number of data entry errors, the NEC offered an option that allowed registrants to input personal information into the system from their own mobile phones.*

### **Public Inspection of the Preliminary Registration Roll**

As required by Section 3.11(2) of the New Elections Law, the preliminary registration roll was displayed at each voter registration center June 12-17, 2023, with claims and objections resulting from that process being heard through June 24. During a period for replacement of cards held in August 2023 at the offices of the election magistrates, 1,877 cards were replaced. The NEC charged US\$5 for each replacement card, which some registrants complained was excessive.

### **Audit**

UNDP commissioned an audit to assess the voter roll and the processes employed to compile and maintain it. The auditors found: The software used to capture the biometric data was robust and secure; data was easily accessible using a web interface; a small number of voters are listed as being over 100 years old; and data captured during the exercise was securely stored and transmitted to the NEC’s headquarters. Also, 27,270 duplicates had been identified and excluded from the database, and at

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the time of the audit, the module for printing the registration roll was not yet ready. The auditors recommended the legal framework be updated to provide for the use of biometric technologies in voter registration and that GPS data be added to records. They also recommended the data structure be revised to enhance its compatibility with the national identification registry. Furthermore, all 10 fingerprints should be captured, a data recovery site should be established to enable the NEC to continue working in case of any disruption, and robust IT policies should be developed and implemented.

*The NEC's otherwise successful launch of a new voter roll was marred by its inability to deliver and publish the final registration roll at the magisterial offices and to deliver it to political parties in a timely manner.*

### **Release of the Final Registration Roll**

The NEC's otherwise successful launch of a new voter roll was marred by its inability to deliver and publish the final registration roll at the magisterial offices and to deliver it to political parties in a timely manner. According to the New Elections Law, the last possible date to alter the registration roll is 30 days prior to an election; the only exception is by Supreme Court decision, following the determination of a manifest error. NEC regulations (2023, Section 16.5) state that the final registration roll shall be available at magisterial offices during business hours, and the NEC should provide stakeholders with secured electronic copies. However, neither the New Elections Law nor the NEC regulations clearly stipulate when the final roll should be published or distributed.

On Sept. 28, just two weeks before the elections, the Unity Party and the Liberia People's Party

submitted a petition to the Supreme Court for a writ of mandamus to compel the NEC to publish and deliver the roll. On Sept. 29, the Supreme Court, on the order of the justice in chambers,<sup>42</sup> instructed the NEC to make the final registration roll available for stakeholders and at magisterial offices by Sept. 30. However, the NEC was unable to deliver the roll for all counties in accordance with that deadline. Consequently, parties were left without adequate time to review the roll to ensure that no last-minute changes were introduced.

In its subsequent opinion, on Oct. 6, the full Supreme Court noted that the NEC failed to publish and provide the final registration roll for public inspection at magisterial offices, violating the intent of the New Elections Law and the NEC's own regulations. However, the court added that the NEC complied with the order of the justice in chambers by making the roll available to the parties. During the case hearing on Oct. 2, the Unity Party alleged that they did not receive the final registration roll for Montserrado County.

### **Political Party Registration**

Section 1.2(c) of the New Elections Law defines a political party: "Political Party' shall refer to an association with a membership of not less than five hundred (500) qualified voters in each of at least twelve (12) counties of Liberia in the case of new political parties, or such membership in each of at least six (6) counties in the case of existing political parties. The activities of a political party which has met the minimum registered requirements laid down by the National Elections Commission by filing with the said National Elections Commission, its articles of incorporation and by-laws in the Archives of the Republic of Liberia shall include canvassing for votes on any public issue, or in support for a candidate for elective office."

That language in the New Elections Law contradicts the language in the constitution, which in Article 78 stipulates that "a 'political party' shall be an association with a membership of not less than

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<sup>42</sup> According to the civil procedure law, Article 16, Subchapter b, when a petition for a writ of mandamus or prohibition is made to a justice of the Supreme Court, such justice shall issue or instruct the clerk to issue a citation to the parties named as respondents. If the urgency of the situation warrants, the "Justice in Chambers" may issue in lieu of a citation an alternative writ requiring the respondents (a) to do an act or to refrain from pursuing a judicial action or proceeding specified therein until a hearing has been held on the writ, and (b) to show cause, on the date fixed therein, why a peremptory writ should not issue.

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five hundred qualified voters in each of at least six counties.”

The language on parties currently in the New Elections Law replaced earlier language as a result of the December 2004 Electoral Reform Law. It should be noted that some provisions were intended to be in effect only for the 2005 elections due to the prevailing circumstances at the time. Discussions in 2005 centered around the importance of parties, being national rather than regional at that point in Liberia’s history, immediately after the end of the civil conflicts.

### Candidate Nomination

All citizens have rights recognized in international law to vote and to stand for election.<sup>43</sup> Any restrictions on these rights must be objective and reasonable. The right to be elected is a recognized principle in both regional and international treaties. However, it is not an absolute right and may be limited based on objective and reasonable criteria established by law.<sup>44</sup>

The NEC organized the distribution and reception of candidate nomination packets from June 14 to July 14 and held its first briefing for potential candidates in preparation for the elections on July 21, 2023. A total of 1,006 candidates competed in the 2023 elections: 20 for the presidency (18 nominated by political parties and two independents), 100 for the 15 Senate seats on the ballot (75 nominated by political parties and 25 independents), and 886 for the 73 seats in the House of Representatives (718 nominated by political parties and 168 independents).

Voters in some districts were confronted by a large number of options for the House in particular: An average of 12 candidates ran in each House district, and 18 districts were contested by 15 or

more candidates. The smallest number of candidates ran in Bomi 1 and Nimba 1, both of which saw four candidates contest the respective seats. The number of candidates peaked in Montserrado 17, where 35 candidates ran to represent the district. Thirty-one parties put forward candidates for the House. The CDC contested 67 districts, more than any other party, while the CPP contested 58 and Unity Party 54. Only seven other parties fielded 30 or more House candidates.<sup>45</sup>

Only 24 of the parties put forward candidates for the Senate (all of these parties also contested House seats). The CDC again led the field, with 13 candidates, followed by the CPP, the Liberian People’s Party (LPP), and the Unity Party with seven each. Although the constitution guarantees the right to stand as a candidate to both party-nominated and independent candidates, some provisions in the legal framework on candidate registration are inconsistent with international standards.<sup>46</sup> The constitution and the New Elections Law establish the age, residency, and domicile requirements to be a candidate. Additionally, for the presidential candidates, the constitution establishes property requirements, placing an undue burden on prospective candidates.<sup>47</sup>

The New Elections Law requires independent candidates and political parties to pay a nonrefundable registration fee of US\$2,500 for presidential candidates, \$1,500 for vice presidential candidates, \$750 for senatorial candidates, and \$500 for House candidates. Those fees are paid to the NEC and are part of the commission’s budget.<sup>48</sup> The NEC regulations impose additional requirements for candidate registration that do not allow for the participation of independent candidates on an equal basis with party candidates. The regulations require both political parties and independent candidates to maintain

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43 Article 21 of the Universal Declaration of Human Rights

44 ICCPR Article 25; ACHPR, Article 13.

45 Economic Freedom Fighters, 30; the Movement for One Liberia, 32; All Liberian Party, 34; Democratic National Allegiance, 38; Liberian People’s Party, 39; People’s Unification Party, 40; Liberian National Union, 45.

46 “Any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria.” ICCPR, General Comment 25, para. 4.

47 Article 52 of the constitution states that to be eligible for the presidency, a candidate must be a natural-born Liberian citizen, not less than 35 years of age, own property worth at least US\$25,000, and be a resident of the country for at least 10 years before the election. Article 30 of the constitution states that citizens who have reached 25 years of age, are domiciled in the county or constituency not less than one year prior to the election, and are taxpayers, are eligible for the Senate and House of Representatives.

48 Section 7.3(2) “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties.” ICCPR, General Comment 25, para. 17.



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a minimum balance of \$10,000 in a bank account and an indemnity (liability) insurance policy valued at \$100,000 at all times. Those provisions were cited by stakeholders, particularly those working on women's participation, as challenging or prohibitive for independent candidates, especially women, who have limited access to financial resources.

The New Elections Law provides<sup>49</sup> that “for all elected offices,” candidates must be domiciled in their constituency for 12 months prior to election day. This is contrary to the constitution, which places a requirement of 10 years of residency on presidential candidates “prior to their election.”<sup>50</sup> While the New Elections Law imposes the duty to be a taxpayer on all candidates,<sup>51</sup> the constitution establishes that condition only for House of Representatives and Senate candidates<sup>52</sup>—not for presidential candidates.

As noted in the Legal Framework section, regulations regarding candidate registration are spread across various texts, leading to uncertainty. The NEC regulations mandate the “petition listing of qualified voters” for registration for both independent candidates and political parties. However, the specific number of voter signatures required for each race was not explicitly regulated in the NEC guidelines but is instead specified in the list included in the nomination packets issued by the NEC to the aspirants, contrary to generally accepted rule-of-law principles.

The constitutionality of the NEC regulation requiring a minimum bank balance and indemnity insurance policy was challenged in August before the

Supreme Court by an independent candidate for the House, arguing that the regulation imposes unjust restrictions and infringes on the constitutional right to stand as a candidate. At the time of writing this report, the case is pending.<sup>53</sup>

## **Women's Participation as Candidates**

According to the principle of universal suffrage, international standards require that countries consider “taking appropriate measures to encourage publicly and promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies on participation in political and public affairs.”<sup>54</sup> Liberia is a signatory to a number of international treaties that obligate the government to take specific positive action to ensure the equal participation of women in political life.<sup>55</sup> As a party to CEDAW, Liberia also is committed to eliminating discrimination against women in the political and public life of the country, and to ensuring that women have the right to vote, to be candidates, to participate in public policy, and to participate in nongovernmental organizations, all on equal terms with men.<sup>56</sup>

The legal framework for elections lacks quotas or any effective measures aimed at enhancing the representation of women in elections or decision-making, whether as “temporary special measures” or permanent provisions. The existing law only requires that political parties “endeavor to ensure” that the

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49 Section 3A.1

50 Article 52(c)

51 Section 3A.1

52 Article 30(b)

53 According to the constitution, Article 30, citizens of Liberia who meet the following qualifications are eligible to become members of the legislature: (a) For the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years; (b) Be domiciled in the county or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

54 Para. 4.d of the UNHRC Resolution 27/24 (2014). 1996. General Comment 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service).

55 The United Nations. (1953). Convention on the Political Rights of Women. Treaty Series, 2, 1–28. African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Maputo: African Union. “State Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.”

56 “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies.” Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

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list of nominations they submit for registration includes no less than 30% of either gender, allowing the NEC to register the lists regardless of the gender distribution presented in any party's list.<sup>57</sup> According to the NEC, there is no legal basis to reject a political party's candidate list if they fail to comply with the 30% target. Furthermore, there is no mechanism for the NEC to verify whether parties made adequate efforts to include 30% of female candidates in their lists.

In March 2023, the president vetoed an act that aimed to amend specific sections of the New Elections Law. Among the proposed amendments, originally passed in late 2022, was one that sought to establish mandatory 30% gender representation within party lists that would be implemented progressively and grant the NEC the authority to reject candidate lists that did not comply with these mandatory quotas (for all elections after 2029).<sup>58</sup> Although some of the proposed amendments were vetoed by the president, he opted not to veto the provision concerning mandatory gender quotas.<sup>59</sup> The act was returned to its chamber of origin (the House of Representatives), which took no further action, and the approved portions were never printed in handbill to become law. (See Legal Framework section.)

In May 2023, in the absence of an adequate legal framework to ensure gender representation, the NEC, through the Inter-Party Consultative Committee, initiated the signing of a memorandum of understanding with the registered political parties in order to increase women's participation in the upcoming electoral process. The parties committed to ensuring that each list of candidates submitted to the NEC during the filing period for the 2023 general elections contained no less than 30% of either gender. The NEC held a three-day dialogue with the parties in early July—during the candidate

nomination period—to follow up on their progress in implementing the MoU.

Nevertheless, according to data released by the NEC, only one of the 31 competing political parties, the Movement for One Liberia, met the 30% commitment. Out of a total of 1,026 registered candidates, only 159 (15.5%) were women, including 44 independent candidates (22%). Only two women were registered as presidential candidates, one as an independent and one from a political party (ALL).

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*Out of a total of 1,026 registered candidates, only 159 (15.5%) were women, including 44 independent candidates (22%).*

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Throughout the 2023 election period, women faced numerous challenges. Political parties offered limited opportunities for women to participate in primaries. Parties require financial contributions from potential candidates to participate in the primary process, discouraging many women from competing. Quite often, women who did run were unsuccessful in party primaries and later decided to run as independent candidates. However, the requirements in the legal framework for independent candidate registration pose significant challenges for women, considering their typically limited access to financial resources.<sup>60</sup>

The election system (first-past-the-post) for legislative elections itself constitutes an unnecessary hurdle to the election of women and often results in winners with relatively small percentages of the vote.<sup>61</sup> Only one woman, representing the Unity Party, won a seat in the Senate, while eight women secured seats in the House, six of whom represent

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57 Article 4.5(1) c. of the New Elections Law

58 The amendments allowed the registration of political parties that do not meet the established threshold by paying fines for the elections in 2023 and 2029. For all subsequent elections, the NEC would be obliged to reject the party; however, the party retains the right to submit a new application. Section 24 of "An Act to Amend Certain Sections of the New Elections Law" (1986) as amended through 2014.

59 In his message vetoing certain portions of "An Act to Amend Certain Sections of the New Elections Law" (1986) as amended through 2014, the president states that "apart from the specific portions sections/s that I have item vetoed, I hereby approve the other sections/portions in the bill."

60 According to the election law, candidates should pay a nonrefundable application fee with the NEC: US\$2,500 for presidential candidates, \$1,500 for vice presidential candidates, \$750 for senatorial candidates, and \$500 for House of Representative candidates. In addition, every independent candidate also was required to maintain a minimum balance of \$10,000 in a bank account and an insurance policy valued at \$100,000.

61 The relatively high turnover rate for Liberian legislators also may be attributable to this.

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political parties, while two are independent candidates. The number of seats won by women in the House is one less than in 2017, when nine women secured seats. The Senate will have three women, up from two in the previous legislature.

The absence of any effective measures aimed at enhancing the representation of women in elections or decision-making, whether as “temporary special measures” or permanent provisions, continues to be a major concern. To quote President Carter, speaking broadly, “The world’s discrimination and violence against women and girls is the most serious, pervasive, and ignored violation of basic human rights.”<sup>62</sup> As highlighted in the Carter Center’s “Election Obligations and Standards” publication, there are a variety of temporary special measures that can be deployed to achieve de facto equal representation for women, including financial assistance and training for women candidates and using quotas to ensure meaningful participation in public affairs by and for women.

### **Election Administration**

An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.<sup>63</sup> The election management body is responsible for ensuring that the electoral process is in compliance with the state’s obligations to uphold democratic elections and human rights. The body also should ensure accountable, efficient, and effective public administration as it relates to elections.<sup>64</sup>

In accordance with Section 2.1 of the New Elections Law, the NEC is an autonomous public commission established by the constitution with the following powers and duties:

- To administer and enforce all laws relative to the conduct of elections throughout Liberia.
- To organize the NEC as necessary and practical for its effective operation.
- To propose to the legislature any enactment, amendment to, or repeal of any provision of election law.
- To register and accredit all political parties and independent candidates that meet the minimum requirements established by the NEC.
- To reject or revoke the registration or accreditation of any party or independent candidate.
- To conduct all elections for elective public offices and all referendums.
- To declare the results of all elections and referendums.
- To formulate and enforce guidelines controlling the conduct of elections.
- To appoint officials and employees necessary for the NEC’s effective performance of its duties and functions, in consultation with the president and other officials.
- To appoint local elections officials.
- To maintain a register of all qualified voters.
- To establish and reapportion constituencies in accordance with population figures.
- To maintain a register containing the current constitutions, articles of incorporation, and internal rules of all political parties.
- To screen all candidates for elective public office.
- To prescribe the kinds of records to be kept by political parties and independent candidates and the manner in which they are to be kept.
- To examine and audit (or commission audits of) the financial transactions of all political parties and independent candidates.
- To judge all contests relating to election results, subject only to appeal to the Supreme Court.
- To submit annual reports to the legislature and the president.

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<sup>62</sup> Jimmy Carter, “A Call to Action: Women, Religion, Violence and Power,” 2014.

<sup>63</sup> U.N. Human Rights Committee, General Comment 25, para. 20.

<sup>64</sup> African Union, African Charter on Democracy, Elections and Governance, Article 32(1).



- To issue subpoenas and citations to appear, and punish contempt.
- To impose fines for election offenses.
- To conduct programs to educate and inform citizens about elections and referendums and democratic rights.

The National Elections Commission consists of a seven-member board of commissioners and its secretariat. The president appoints the board members and designates one as chair and another as co-chair; all appointments are subject to the consent of the Senate. Members of the board must be Liberian citizens “of good moral character” at least 35 years of age and serve seven-year terms. Terms are not formally staggered, but commissioners selected to fill a vacancy are appointed for full seven-year terms. No two members can be from the same county.

In addition to the formal organizational structure set out in the organogram, each board member has oversight responsibility for some combination of thematic areas, geographical areas, and political parties.<sup>65</sup>

While giving the board the authority to organize the NEC as necessary and practical for its effective operation and to appoint officials and employees necessary for the commission’s effective performance of its duties and functions, the New Elections Law goes on to stipulate two elements: the creation of a legal section consisting of two lawyers, two legal research officers, “and such other employees as the Commission shall deem necessary,”<sup>66</sup> and the establishment of an administrative division, subdivided into “sections as may be necessary for the effective performance of the duties and functions of the commission” to be headed by an executive director. The executive director is to be appointed through a two-thirds vote following “an open and transparent selection process.”<sup>67</sup> Deputy executive directors of operations, programs, and administration and the chief financial officer report to the executive

director, with a variety of sections reporting to each deputy executive director.

A variety of other units—legal, dispute hearing, internal audit, communications, compliance, and monitoring and evaluation—report directly to the board or to the executive director.<sup>68</sup> The monitoring and evaluation unit is a notable element in NEC’s structure. Created in 2013 “to address issues of quality control and operational effectiveness at all levels of the NEC,”<sup>69</sup> the unit collects, analyzes, and channels a variety of data to other units.

The NEC is represented in the field by election magistrates. In the smaller counties, there is one election magistrate per county; larger counties are subdivided to ensure adequate capacity in each county to handle logistical tasks. There were 18 magisterial areas in 2005 and 19 in 2023. The NEC’s plans to establish additional magisterial offices for the 2023 elections were dropped due to financial constraints.

Magistrates have the power to hear and determine objections to voter registration claims and to names on the registration rolls and to order the reinstatement of voters stricken from the rolls by mistake. They also have the power to hear and determine all election offenses for which the penalty is less than US\$500.

Each magistrate has a small staff including an assistant magistrate, who is generally responsible for coordinating and conducting voter education, an electoral coordinator to assist the magisterial team in coordinating electoral activities in their assigned districts, and a number of electoral supervisors responsible for the coordination and supervision of several voting precincts and their staff.

## Funding

**NEC Funding Request:** The NEC began developing its budget for the 2023 elections approximately three years prior to the elections. That process consisted of each unit developing its own estimates, which were then compiled and reconciled by the finance

<sup>65</sup> The assignment of commissioners to oversee “election activities” in geographical areas is mandated by the New Elections Law, Section 2.10(c).

<sup>66</sup> Sections 2.12–2.16

<sup>67</sup> Sections 2.17–2.21

<sup>68</sup> See organogram at Annex D.

<sup>69</sup> [https://necliberia.org/pg\\_img/NEC%20M&E%20Policy%2006-23-16.pdf](https://necliberia.org/pg_img/NEC%20M&E%20Policy%2006-23-16.pdf)

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unit. On May 26, 2021, the NEC board of commissioners submitted a request for US\$91.9 million to the national legislature.<sup>70</sup> The NEC's initial request was negotiated down to \$61 million, then reduced further to \$53 million. According to a UNDP presentation, only \$49.7 million had been received by Oct. 5. The impact of these reductions and delays is discussed in various sections of this report.

**Release of Budgeted Funds:** The Ministry of Finance initially approved US\$20 million for 2022 and \$33 million for 2023 but then only released \$10 million of the 2022 funding. Ongoing delays in the release of approved funds left the NEC scrambling to meet its obligations in the crucial months leading up to the Oct. 10 first round of voting.<sup>71</sup>

*Ongoing delays in the release of approved funds left the NEC scrambling to meet its obligations in the crucial months leading up to the Oct. 10 first round of voting.*

A further problem is created by these delays in the release of funding for NEC: Suppliers who have not been paid in a timely manner in the past end up demanding immediate payment in full or refuse to work with the NEC at all. As a result, the NEC constantly must reprioritize its cash flow to meet the most urgent needs. Civic and voter education activities suffered continual cuts in the 2023 election cycle as a result, and the setup of the NEC's data center likewise was delayed by cash-flow issues. The budget contingency was part of the \$8 million that was cut from the approved \$61 million budget.

The NEC is reluctant to complain, given the overall fiscal situation of the country, but it seems clear that the legislature needs to exercise more oversight over the Ministry of Finance in relation to funding to ensure that adequate amounts are approved and released. For its part, the NEC must provide the legislature and the ministry with detailed spending plans with clear justification for

both the amounts requested and the timing of the spending to ensure its ability to roll out elections in the most efficient manner possible.

## Planning and Recruitment

Elections are far more complex than many people imagine. A former member of Brazil's electoral tribunal likened the complexity of preparing for elections to that for going to war. The NEC typically begins the intricate and painstaking process of planning for upcoming elections almost three years in advance—generally immediately after the preceding election. The 2023-2029 period will be the first since 2005-2011 without an intermediate election, due to the nine-year term of senators and the division of the Senate into only two cohorts: the first class, elected in 2005 for a nine-year term, and the second class, elected in 2005 for a six-year term but thereafter for nine-year terms.

The NEC also develops six-year strategic plans. The most recent plan covered 2018-2024 ([https://necliberia.org/pg\\_img/NEC%202018-2024%20Strategic%20Plan.pdf](https://necliberia.org/pg_img/NEC%202018-2024%20Strategic%20Plan.pdf)). NEC staff are working on the next one for the 2024-2030 period.

One of the first tasks in preparing for upcoming elections is to set out a calendar. Some of the dates are fixed either by the constitution or the New Elections Law, while others are derived by the NEC to comply with deadlines established in the legal framework. According to NEC staff, the calendar had to be modified 15 times due to budget cuts and funding delays, with each of those modifications taking significant staff time.

Another element of the planning process is the determination of the number of temporary staff to be recruited, which depends largely on the number of polling places to be established for the elections. That number, in turn, depends largely on the budget that is available to the NEC. Due to the budget cuts imposed by the Ministry of Finance, the NEC had to reduce the number of polling places planned, leading to overcrowding in some locations.

UNDP supported the NEC in the development of an online recruitment system for temporary staff.

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70 "NEC submits over \$91m budget," The New Dawn Liberia, June 2, 2021. <https://thenewdawnliberia.com/nec-submits-over-91m-budget/>

71 Additionally, the NEC's budget is released 40% in local currency and 60% in U.S. dollars. The NEC faces additional difficulties as a result, as suppliers use a street rate rather than the official exchange rate when calculating their invoices, and those items end up costing NEC more than budgeted.

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Only people who applied through the online system were considered for such positions. For the elections, the NEC announced that 60,365 individuals had applied for the 39,000 required positions.

### **Staff Training**

Training staff—both permanent and temporary—is one of the most important elements of preparing for an election. Training must be developed based on a stable legal framework (when no further legal or regulatory changes are anticipated), training materials must be produced in adequate quantities, trainers must be trained, and the training must be carried out in time for the elections—yet not so far in advance that the trainees forget the content by election day.

The NEC provided staff training on voter registration (including on public display of the preliminary registration roll), candidate nomination, etc. According to the NEC’s Facebook page on Jan. 4, 2023, the staff of its records section received three months of intensive training in records management, electronic archiving, and research methods from the Liberia Institute for Public Administration (LIPA), with support from UNDP and funding from Ireland and Sweden.

The NEC trained trainers who are responsible for training party and independent-candidate agents for their work during voter registration, polling, and counting. The NEC also administered training for journalists. The NEC also was chosen to pilot a new BRIDGE<sup>72</sup> module—“Building Institutional Excellence in Elections”—which engaged board members and senior staff in exercises to build their skills and awareness of the many factors impacting the NEC’s reputation and the importance of effective communication and collaboration.

### **Logistics and Security**

The NEC has its own warehouse at headquarters in the Sinkor area of Monrovia. A number of warehouse staff have repeated experience in elections over the years; as a result, the warehouse generally operates smoothly and efficiently.

The NEC has a small fleet of vehicles that is sufficient for routine operations but far from adequate for administering an election throughout Liberia. As a result, many of the vehicles used by the NEC at election time are rented. Controversy arose in several locations when election supplies were delivered by unmarked vehicles. The NEC also faced the challenge of delivering election materials to and retrieving them from the Southeastern region of the country, where road infrastructure is particularly weak. After discussions around the idea of asking the military to facilitate the movement of supplies, the NEC decided to hire a private firm to move supplies by boat to the Southeast.

The NEC had ballots printed in Ghana, as has been the case since 2005.<sup>73</sup> The ballots were flown from Accra to Monrovia via a chartered Ethiopian Airlines cargo flight.

### **Coordination Mechanisms**

The National Steering Committee on Elections met multiple times in 2023 leading up to Oct. 5, 2023, the last meeting before the first round. The steering committee met again on Oct. 25 in advance of the second round. The committee, made up of NEC commissioners, representatives of national government (ministers of finance, justice, and gender; chief of staff of the Armed Forces of Liberia; and inspector-general of the Liberian National Police), and representatives of the international community (U.N., ECOWAS, UNDP, U.S. Embassy, EU Delegation, Swedish Embassy, Irish Embassy), proved to be a useful mechanism for ensuring that all key policymakers were up to date on election preparations.

The Inter-Party Consultative Committee (IPCC), modeled on a similar body in Ghana, has been successful in maintaining open lines of communication between the NEC and the political parties. Although there are occasional issues with low attendance from political party leadership, the IPCC has continued to play a useful role in ensuring that political parties are aware of the NEC’s work in preparing for the elections and of new

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<sup>72</sup> Building Resources in Democracy, Governance, and Elections (BRIDGE), a modular professional development program focusing on electoral processes, is a collaborative effort of the Australian Electoral Commission, International IDEA, IFES, UNDP, and the U.N. Department of Political and Peacebuilding Affairs.

<sup>73</sup> House of Representatives ballots were printed in Slovenia in 2017.

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regulations and procedures as they are developed within the NEC.

### **Election Campaign**

The equitable treatment of candidates and parties during an election, as well as an open and transparent campaign environment, is important to ensure the integrity of a democratic election process. A state's legal framework and its international and regional commitments create obligations related to the campaign environment, including the right to freely express opinions and to participate in public affairs.<sup>74</sup>

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*For these elections, the NEC attempted to regulate the campaign. However, campaign regulations were scattered across various rules and guidelines.*

The constitution guarantees freedom of movement, freedom of expression and opinion, and the right of assembly and association. The constitution, in Chapter VII, also ensures the right to freely conduct electoral campaigns. However, the New Elections Law does not define the electoral campaign nor the official election period. For these elections, the NEC attempted to regulate the campaign. However, campaign regulations were scattered across various rules and guidelines.

The NEC's 2023 general elections regulations, adopted on Oct. 7, 2022, defined the campaign as "canvassing for votes," while the NEC's 2023 campaign guidelines,<sup>75</sup> also adopted on Oct. 7, 2022, defined campaigning as "any verbal expression or symbolic speech of an aspirant, candidate, political party, coalition or alliance done for the purpose of electing or promoting as aspirant or candidate for elective public office." The 2023 campaign guidelines established the official campaign period from Aug. 4 to Oct. 8. Campaign activities are prohibited outside of the designated campaign period, and the

NEC regulations specify sanctions for anyone who campaigns outside the defined period. However, party meetings, fundraising activities, establishment of offices, and holding conventions or primaries are permitted outside of the campaign period.

By the time the Center's expert mission arrived in the country in late September, the campaign was well underway. Even casual observation suggested the ruling party enjoyed a clear preponderance of resources, with its posters and banners blanketing Monrovia. Only the Collaborating Political Parties came close to mounting a similar presence, with the Unity Party a distant third. Multiple interlocutors reported that the president traveled throughout the country via helicopter to campaign, particularly in the Southeast, while his competitors navigated Liberia's exceptionally poor roads—still mud and dirt throughout much of its territory—during the rainy season, and at times had to access some areas of the country via neighboring countries.

Besides the political parties themselves, all interlocutors reported that the campaign was conducted on the basis of personalities, not policies. Two presidential debates were organized by Liberia Media for Democratic Initiatives, a Liberian civil society organization, and while these provided a welcome forum for their invited audiences to question some candidates, the presumed frontrunners—the incumbent president, the former vice president, and the CPP's Alexander Cummings—all declined to participate, further limiting Liberians' capacity to make an informed decision at the ballot box.

Corruption, impunity, and the country's persistent underdevelopment were the topics of the day in the public discourse, with calls repeatedly heard for the establishment of a "War and Economic Crimes Court." As election day neared, the president's campaign adopted the slogan "One-Round Victory!" News reports suggested the Unity Party published a manifesto articulating its policy agenda, but the manifesto was not available via the party's social media accounts or its website, and all but one of the expert mission's interlocutors

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74 ICCPR, Article 19(2); ACHPR, Article 13(2)

75 NEC Liberia, Campaign Guidelines, 2023. <https://necliberia.org/others.php?&e49c7921cb156014099756961908d03f94e3584c=MTU4Mw%3D%3D>

said they had not been able to obtain a copy.<sup>76</sup> Two separate, seemingly official websites for Boakai's campaign identified five "key investment areas" on which a Boakai administration would focus if elected, but saying little about how it would do so.

In the absence of substantive debate, many interlocutors perceived campaigning as conducted along ethno-regional lines. Specific statements by leading candidates urging voters to cast their ballots for their ethnic or regional kinsmen were reported to the expert mission but were not possible to verify. The results would reflect persistent ethno-regional voting patterns, though not without nuances. The zero-sum claims and implicit patronage of this mode of campaigning continue to inhibit the development of a deeper democratic culture.

## Second Round of Voting

With the second round, the contenders' attention seemed to shift decisively away from campaigning across the country and toward securing endorsements from the bevy of unsuccessful candidates and their parties. Speculation swirled around the surprise third-place candidate, George Appleton of the Grassroots Development Movement,<sup>77</sup> who ultimately endorsed Boakai on Nov. 7. He was preceded by the sixth-place candidate—the Liberian People's Party's Tiawan Gongloe—on Oct. 25, and the fourth-place candidate—the All Liberia Coalition Party's (ALCOP's) Lusinee Kamara—on Nov. 2. Boakai also was endorsed by Sara Beysolow Nyanti of the African Liberation League (ALL) and, on Nov. 10, Jeremiah Whapoe of VOLT. However, Boakai's former running mate, Sen. James Emmanuel Nuquay, endorsed the president.<sup>78</sup>

There were some signs that despite the Boakai camp's success at rallying other standard bearers to their flag, the CDC succeeded in attracting endorsements from party leaders other than standard bearers. The CPP endorsed the president on Nov. 3, though Alexander Cummings himself remained neutral. Despite the endorsement of Boakai by ALCOP's Kamara, his running mate declared he would support President Weah, and the chair of the party's youth wing reportedly signed a joint statement by the youth leaders of 10 parties—including ALL, LPP, and LINU—in support of the president.<sup>79</sup> LINU's standard bearer, Clarence Moniba, reportedly remained neutral. Liberia's political parties continue to seem relatively frail.

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## Election-Related Violence

Throughout the campaign and immediate post-election period, there were a number of isolated, low-intensity incidents of election-related violence. Almost all these incidents were clashes between supporters of political parties that occurred during otherwise ordinary campaign activities. State security forces were involved only to restore order, and there were no reports of state security forces

76 Naymote Partners for Democratic Development, a Liberian CSO founded in 2001, published a report after the second round of the election in which it cited 93 promises made by the Unity Party over the course of the campaign, all but 10 of them attributed to the party's platform. A substantial majority of these promises—58 of them—were characterized by Naymote as concerning "macroeconomic stability and infrastructure development." But many of these promises seem to be less specific policy proposals and more broad pledges ("Take appropriate actions to enhance job creation"). At the time of its founding, Naymote was an acronym for National Youth Movement for Transparent Elections, but by 2014, the organization had decided the acronym was "not relevant anymore," though it would be retained for "name recognition." (<https://naymote.com/wp-content/uploads/2014/10/NAYMOTE-STRATEGIC-PLAN-VISION-2020.pdf>)

77 Some interlocutors pointed out that besides being first on the ballot by virtue of his surname, Appleton's running mate was Alex C. Gontee, listed on the ballot as "Gontee, Alex C." directly next to the box in which voters mark their preference for that line. CPP standard bearer Alexander Cummings was listed fourth on the ballot. This led some interlocutors to suggest that Appleton's surprise third-place finish was a case of "mistaken identity"—meaning that some voters mistook his ticket for that of Alexander Cummings.

78 Nuquay was appointed to a government post by President Weah shortly after the 2017 election; he resigned from that post and the Unity Party in 2020, and then ran for Senate in the midterm elections later that year on the ticket of the People's Unification Party, winning the seat for Margibi.

79 The 10 parties were identified as ALCOP, ALL, ALP, ANC, LP, LPP, MPC, LINU, LRP, and NDC.



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overstepping that role. Nimba emerged as particularly tense territory, the scene of more reported incidents of violence than any other county. Given many Liberians' experiences of political violence during the country's prolonged crisis, the anxiety caused by these incidents is understandable, but in all cases, campaigning eventually resumed without impediments, and none of these incidents threatened the overall credibility of the process.

From August to Sept. 29, at least four separate incidents occurred in Nimba County. Sen. Prince Johnson's convoy was allegedly stoned after a campaign stop in Gbor Wehplay Town, said to be the hometown of Rep. Gunpue Kargon, whom Johnson expelled from the Movement for Democracy and Reconstruction (MDR) earlier in the year for failing to denounce CDC (Kargon ran for reelection on the CDC line). Residents of the town were quoted in a news account saying that Johnson's remarks were inflammatory. Both of these incidents took place in Nimba's 4th District.

Sometime during this period, a man allegedly was beaten by supporters of the Weah campaign for refusing to support CDC. And on Sept. 29, Rep. Sam Korgar (PUP) reportedly was denied entry to Bwehlay Town by residents when he attempted to campaign there. When he entered anyway, according to a Liberian newspaper, "several residents were wounded," though it was unclear how or by whom.

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In addition to these four incidents, one news account reported there had been other incidents, including the burning of rice farms. Basic, reliable information regarding even the four incidents described here was difficult to obtain and not possible to corroborate. Also, on Sept. 29, in Foya

in Lofa County, serious clashes broke out between CDC and Unity Party supporters in which at least two people reportedly were killed and property was damaged. The Unity Party had planned a large campaign event in the city that day, and the clashes seem to have begun when supporters passed the compound of Rep. Thomas Fallah (CDC) and one side or the other began to throw stones. Violence escalated, and at least two people allegedly were beaten to death.

On Oct. 8, the final day of the official campaign period, CDC and ALCOP supporters were both campaigning in Gardnersville, Monrovia. Their processions reportedly entered into a dispute over which party had the right of way. Supporters of both parties allegedly began to throw stones. Liberian National Police intervened and deployed tear gas, dispersing the crowd. On social media, video circulated of a man who appeared to be wearing a CDC T-shirt being assaulted by many unidentified men, allegedly ALCOP supporters. The victim reportedly was hospitalized in serious condition. According to one news account, after the initial clash was defused by the LNP, some ALCOP supporters proceeded to another intersection, where they encountered President Weah's motorcade, allegedly damaging one vehicle and injuring its driver. No arrests were reported in relation to these events.

On election day, Oct. 10, in Beo-Longtuo Town in Nimba's fourth electoral district, polling was interrupted following a confrontation. A reliable account of events was difficult to obtain. According to one news account, an undetermined number of Ivoireans crossed the border and upon arriving at the Longtuo Public School polling precinct demanded to be allowed to vote. A confrontation followed. The town chief may have removed ballot boxes from the polling precinct, possibly for safe-keeping. Security forces eventually restored order, arresting individuals who allegedly were involved, including the town chief, and the NEC ordered a rerun of polling in the precinct.

On Oct. 13, the deputy chair of President Weah's campaign allegedly disrupted the tabulation process in Nimba County. According to the Elections Coordinating Committee, a domestic observer organization, Weah campaign Deputy Chairman Garrison Yealue arrived at the Nimba County

tabulation center to file a complaint, accompanied by seven vehicles transporting CDC supporters. The ECC reported that “some of [Yealue’s] supporters attempted to enter the tallying center and their presence disrupted the tallying proceeding.”<sup>80</sup> This led to the suspension of the process for several hours. Yealue publicly denied being involved in any disruption of tabulation, and no injuries were reported.

On Nov. 10, Unity Party vice standard bearer Sen. Jeremiah Kounte and Sen. Prince Johnson were campaigning in Nimba’s 3rd District when they found themselves in a confrontation with supporters of Anthony Quiwonkpa. Quiwonkpa ran on the PUP line for the district’s House seat and placed second. Accounts of the cause of the confrontation differed; as few as seven or as many as 12 supporters of Kounte and Johnson were wounded, two from gunshots.

On the evening of Nov. 20, after the NEC’s announcement of the final result of the presidential runoff, Unity Party supporters gathered to celebrate at the party headquarters in downtown Monrovia. The celebration spilled into the street outside, and sometime after 10 p.m., a car ran into the crowd, killing and injuring several people. Enraged bystanders burned the car involved; the driver fled the scene but later surrendered to the LNP. At a press conference the following day, the police informed the public that three people had been killed and 25 injured (the number of the dead was significantly less than some media organizations initially reported). The Unity Party had already issued a press release on the evening of the incident denouncing it as “domestic terrorism.”

However, the party’s own representatives claimed that they had interviewed the suspect after the LNP took him into custody and came to consider the incident an accident. On Nov. 22, President-elect Boakai addressed the country and did not repeat the party’s initial characterization of the incident when mentioning it. While the fact that the Unity Party’s representatives were able to interview a suspect in an ongoing investigation is highly unusual and suggests that the police continue to be politicized, LNP

subsequently completed its investigation and has not indicated that it considers the incident to be an act of terrorism.

## Campaign Finance

The equitable enforcement of transparent regulations for political and campaign financing is an essential feature of democratic elections. A spectrum of measures is associated with this regulatory framework and, where applicable, electoral legislation should provide specifically for the transparency of donations to campaign activities, the standardized presentation of campaign accounts, reasonable limits on campaign expenditures, regular reporting mechanisms, and effective and dissuasive sanctions.<sup>81</sup>

*The constitution and the New Elections Law regulate key aspects of campaign finance, but the absence of a monitoring structure and enforcement provisions undermines their effectiveness.*

The constitution and the New Elections Law regulate key aspects of campaign finance, but the absence of a monitoring structure and enforcement provisions undermines their effectiveness. The legal framework suffers from gaps and lacks clarity on important aspects, including the absence of a requirement of interim reporting before election day, second-round provisions, and deadlines for the submission of final reports.

Public funding is not provided to candidates and political parties, though contestants may obtain private donations. Legal entities or individuals can only donate up to US\$100,000 in a single election cycle. The law prohibits campaign funding from certain sources, including foreign donations, businesses, and corporate or labor organizations. In-kind donations are allowed. However, contrary to New Elections Law requirements (Article 7.8),

80 “Liberia: NCSCCL Condemns Violence at Tally Centers in Nimba, and SKD,” Front Page Africa Online, Oct. 16, 2023, <https://frontpageafricaonline.com/opinion/press-release/liberia-ncsccl-condemns-violence-at-tally-centers-in-nimba-and-skd/>

81 U.N. Convention Against Corruption, Article 7(3), UNHCR General Comment 25, para. 19.

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NEC regulations lack a defined methodology for recording them.

The expenditures of the independent candidates and candidates of political parties are subject to the same ceiling. Presidential and vice presidential candidates can spend up to \$2 million and \$1 million, respectively, while senatorial candidates can spend \$600,000 and House candidates a maximum of \$400,000. It is unclear whether the expenditure limit for the presidential election applies to one or both rounds. The high expenditure limits, combined with the lack of public financing, do not contribute to minimizing the potential undue advantage of campaign resources and do not foster a level playing field in elections.

*While the NEC is responsible for oversight of campaign finance, there is no established structure for monitoring donations and expenditure limits at the commission, which thus lacks the technical capacity to enforce the provisions.*

The reporting requirements lack clarity, failing to ensure transparency and limiting voters' capacity to make an informed choice on election day. The constitution requires yearly reporting by political parties and mandates candidates to submit assets and liabilities statements, including donations and expenditure reports, at least 30 days prior to the elections; the constitution and the New Elections Law are silent about interim reporting before election day.<sup>82</sup> In the postelection period, candidates should submit the final reports on donations and expenditures.<sup>83</sup> Although the New Elections Law allows the NEC to prescribe the timing of final reports in its regulations,<sup>84</sup> the NEC has not done so for these elections, creating a lack of clarity for

contestants. Insufficient information about obligations limited accountability. Additionally, confusion arose about the applicability of previous campaign finance regulations, which specified reporting timelines.

The legal framework also is silent on the requirements for submitting final reports in the event of a second round. One week after the announcement of the first-round results, the NEC directed all parties and independent candidates (other than those contesting in the runoff) to submit final reports on donations and expenditures by Nov. 13. Exempting the Unity Party and CDC from submitting those reports prior to the second round left voters with no information that might influence their vote in the runoff. Late distribution of the final report forms also made it difficult for parties to familiarize themselves with the requirements. The NEC informed the Carter Center's expert mission that out of 29 parties, only 12 complied with or came close to meeting the Nov. 13 deadline. The political parties participating in the runoff (UP and CDC) were required to submit their reports by Dec. 5.

While the NEC is responsible for oversight of campaign finance, there is no established structure for monitoring donations and expenditure limits at the commission, which thus lacks the technical capacity to enforce the provisions. Although the constitution empowers the NEC to order financial audits of a contestant's financial transactions, the commission lacks financial resources to do so. If contestants do not submit reports, the New Elections Law stipulates fines of up to US\$5,000, or, for defeated candidates, disqualification from participating in subsequent elections. According to expert mission interlocutors, this provision has never been enforced.

The Code of Conduct Act,<sup>85</sup> last amended in 2022,<sup>86</sup> prohibits the abuse of public resources by public officials appointed by the president. Article 5.1 of the act stipulates that all officials

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82 Art. 83(d). In practice, the political parties and independent candidates were only required to submit reports on assets and liabilities during the candidate registration process.

83 Article 83 (d), 1986 Constitution and Article 7.9-7.10 of the New Elections Law.

84 Section 7.8 of the New Elections Law stipulates, "The Commission may make regulations: (a) specifying the form, content and timing of reports of contributions [and] expenses to the Commission under this Chapter."

85 [https://etico.iiep.unesco.org/sites/default/files/2019-02/liberia\\_2014\\_act\\_legislature\\_prescribing\\_a\\_national\\_code\\_of\\_conduct.pdf](https://etico.iiep.unesco.org/sites/default/files/2019-02/liberia_2014_act_legislature_prescribing_a_national_code_of_conduct.pdf)

86 "An Act to Amend Section 5.2 and Section 10.2 of the 2014 Code of Conduct," Sept. 13, 2022.



appointed by the president shall not use state resources for partisan activities or engage in political activities. The act also mandates the creation of an ombudsman who would investigate complaints in relation to the code of conduct and impose sanctions. However, the provisions cannot be enforced, as the Office of the Ombudsman has not been established in practice. Therefore, there was no clear venue for the complaints related to the misuse of state resources by appointed officials, leaving potential violations unaddressed.

The NEC signed an MoU with Integrity Watch Liberia, a nongovernmental organization, to support the implementation of campaign finance requirements and promote accountability and transparency among political parties.<sup>87</sup> Integrity Watch conducted training for the political parties and candidates on the implementation of campaign finance regulations and reporting. Additionally, the NGO monitored several counties to collect data on donations and expenditures. Throughout the entire election period, Integrity Watch submitted weekly and monthly reports on campaign finance to the NEC through an online platform. These reports included information related to the use of state resources and incumbency, as well as donations and expenditures. According to Integrity Watch, political parties—including major ones—were not forthcoming in disclosing financial data.

Integrity Watch received 179 reports about state resources.<sup>88</sup> The NEC had not taken any actions against the parties or candidates not complying with campaign finance requirements or prohibition against the use of state resources as of the time of drafting this report.

## Media

Freedom of expression and the press is protected by Article 15 of the Liberian Constitution. Furthermore, the constitution grants the right to seek legal remedies in cases where state-owned media provides discriminatory access to it. Media remains unregulated in the election context and fails to

guarantee a level playing field between contestants. There are no regulations for public media to provide free and equal access for political parties and candidates; nor are there requirements for media providers to offer equal coverage, including setting or introducing prices during elections for campaign advertisements and applying them indiscriminately and transparently.

*Media remains unregulated in the election context and fails to guarantee a level playing field between contestants.*

The Press Union of Liberia, a voluntary, membership-based association, established the National Media Council (NMC) in 2016. The NMC was created for the purpose of self-regulating media accountability and professional conduct to guarantee the code of ethics for journalists. It also can consider complaints related to the media, including those from journalists. The council consists of nine members from the media and various CSOs. During the election period, six complaints were filed with the NMC, the majority of which were brought by journalists regarding attacks on them. At the time of writing this report, all complaints were still pending.

## Role of the Judiciary

The Supreme Court is the highest judicial body in Liberia and is the final arbiter of election-related cases. It is made up of a chief justice and four associate justices. In the court's current composition, the chief justice and one associate justice are women. Constitutional provisions involve only the president and the Senate in judicial appointments, lacking transparent mechanisms and potentially allowing appointment decisions to be influenced by factors beyond objective criteria and merit. The majority of interlocutors who met with the Carter Center's expert mission expressed distrust in the judiciary due to shortcomings in the appointment process.

<sup>87</sup> Integrity Watch and UNDP signed a standard formalized party agreement aimed at enhancing transparency, accountability, and fairness within the realm of political party finance and campaign regulations.

<sup>88</sup> <https://frontpageafricaonline.com/news/liberia-integrity-watch-raises-red-flag-on-campaign-financing-suspects-illicit-funds-pouring-into-political-campaigns/>

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Some actors raised the budgetary constraints that the judiciary faces, including Supreme Court officials.<sup>89</sup> The impeachment of Associate Justice Kabineh Muhammad Ja'neh by the legislature in 2019 also raised concerns among interlocutors about the judiciary's independence. The ECOWAS Court of Justice ruled in favor of Ja'neh, finding that his right to a fair trial during the impeachment process had been violated.<sup>90</sup>

The legal framework allows appeals but stipulates high fees: US\$5,000 for presidential elections; \$3,000 for senatorial elections; and \$2,000 for House elections. These fees pose a potentially excessive barrier to an effective remedy, contrary to international best practices.

### **Preelection Court Challenges**

Effective electoral dispute resolution mechanisms are an integral part of ensuring that the will of the people is upheld. The efficiency of such mechanisms, including the provision of a fair and public hearing before a tribunal, is essential to ensuring that effective remedies are available to redress violations of fundamental rights.<sup>91</sup>

During the preelection period, the Supreme Court received six cases challenging NEC decisions on appeals regarding the nomination of candidates on the provisional lists. The complaints, which contested the eligibility of candidates, alleged that the candidates in question lacked the requisite qualifications for holding public office, primarily citing concerns related to constitutionally required age, dual citizenship, or prior criminal convictions. Only one case was considered on merits, while the rest were rejected on technical grounds. The

Supreme Court overturned one NEC decision on an appeal on candidate registration, holding that the candidate was not in compliance with constitutional requirements for candidate nomination and highlighted that the NEC failed to adequately investigate the initial complaints. Four cases were rejected due to the lack of legal standing, as they were submitted by voters. The court dismissed one case submitted by a candidate, asserting that it should have been submitted initially to the NEC. In the two rulings, the court criticized the NEC's hearing officers' decisions over their interpretation of legal standing.

On Aug. 31, the Unity Party filed a complaint with the NEC, alleging a violation of Chapter 4 of the election law regarding the number of registered voters at a precinct. The Unity Party claimed that 93 precincts across nine counties had more than 3,000 voters, contrary to the New Elections Law, and urged the NEC to ensure that no precinct exceeds 3,000 voters. Article 4.1 (2) of the New Elections Law states that "the number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so determines, the number of registered voters in any precinct shall not exceed three thousand (3000)." The hearing officer dismissed the complaint on merits, and the NEC board of commissioners confirmed the ruling on appeal.

On Oct. 7, the Supreme Court dismissed a further appeal, affirming that the NEC acted within the scope of its authority by registering more than 3,000 voters in 93 precincts. The court stated that the legislature had acknowledged the possibility of exceptions and the absence of the legislative

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89 AU: African Charter on Human and Peoples' Rights, Art. 26 states that state parties shall have the duty to guarantee the independence of the courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present charter. See also Report of the Office of the United Nations High Commissioner for Human Rights, 2020, in which the committee recommended strengthening financial resources allocated to the judiciary. It also recommended taking measures to curb incidents of corruption within the judiciary and ensuring that disciplinary procedures against unethical judges and magistrates were duly conducted. The U.N. Basic Principles on the Independence of the Judiciary state, "It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions."

90 ECOWAS Court of Justice (ECW/CCJ/JUD/28/20 - Counsellor Muhammad Kabine Ja'Neh v. Liberia & Anor) ruled that the applicant's right to fair trial during the impeachment process was violated, as there was no identifiable committee at the House mandated to handle the impeachment investigation; secondly, there were no prescribed rules of impeachment; and lastly, the applicant was not involved in the investigations and compilation of charges and evidence against him.

91 ICCPR, Article 2(3): "Each state party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by people acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted." UNHRC, General Comment 32, para 25: "The notion of fair trial includes the guarantee of a fair and public hearing."

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threshold following the preliminary census data (2023), which indicated a population increase, constituting such an instance.

### **Complaints Related to Legislative Race Results**

Effective electoral dispute resolution mechanisms are an integral part of ensuring that the will of the people is upheld. The efficiency of such mechanisms, including the provision of a fair and public hearing before a tribunal, is essential to ensuring that effective remedies are available to redress violations of fundamental rights.<sup>92</sup>

After the first round, some 60 complaints were submitted to the NEC, mostly alleging irregularities during election day or the tally process, such as alteration of count records, discrepancies in the tally and counting records, and exclusion of party agents from the counting process. The largest numbers of complaints were filed with the county magistrates in Maryland, Margibi, Bong, and Montserrado. In several cases, where the differences in votes between the challenging candidates and the declared winner were minor, the complainants requested recounts.

The board of commissioners considered some 20 appeals against hearing officers' rulings, and in a few cases, it considered appeals against interlocutory rulings. In seven cases, the board sent complaints back to hearing officers to hear them on merits, noting the officers were in error rejecting the cases on technical grounds, or in cases where the grounds for dismissal were not indicated. The board dismissed all appeals related to change of venue or recusal of hearing officers from the cases, noting that the appellants failed to show the grounds for recusal. In one case, the board reversed the decision of the hearing officer, stating that the officer cannot recuse himself from the case after a month of investigation that also included hearing witnesses.

By Dec. 1, 15 hearings of complaints from the Oct. 10 elections were still ongoing at the

magisterial level. In case of altered results and discrepancies in the tally records that could not be justified, the hearing officers ordered recounts. The Margibi County hearing officer ordered a recount of 24 polling places based on analyzed facts and witness testimonies, noting that the petitioner provided necessary evidence indicating that copies of the count records were altered after being signed by the presiding officers. Similarly, the Bong County hearing officer also ordered a recount of four polling places. The reason cited was the observed differences between the tally center records and the records of the count, which resulted in the denial of about 100 votes to the petitioner. While the electoral law allows for recounts, it does not specify the grounds, timing, and procedures for

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*The conflicting provisions in the law and their inconsistent interpretation by lawyers made the process slow and sometimes led to a loss of focus on substantial issues.*

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conducting them.

In several instances, appellants and respondents were not adequately prepared to present their evidence and arguments. The conflicting provisions in the law and their inconsistent interpretation by lawyers made the process slow and sometimes led to a loss of focus on substantial issues. In the majority of the cases, the process at the first and second instances was exceedingly formal and resulted in delays. Some hearings at the first instance lasted for more than a month, contrary to the law.

### **Voter Education and Public Outreach**

Voter education is an essential part of the electoral cycle and is recognized under international law as an important means of ensuring that an informed electorate can effectively exercise the right to vote

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<sup>92</sup> ICCPR, Article 2(3): "Each state party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by people acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted." UNHRC, General Comment 32, para. 25: "The notion of fair trial includes the guarantee of a fair and public hearing."

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without obstacles to ensure universal and equal suffrage.<sup>93</sup> Voter education is especially challenging in Liberia, given the weak educational system (particularly as regards the large sector of the population that had little or no access to formal education during the civil conflicts in the country) and the weak transportation and communication infrastructure.

For the 2023 elections, the NEC decided to rely largely on a network of civil society organizations and community-based organizations for the implementation of voter education activities. While some of these were effective, some were less so, leading to

*For the 2023 elections, the NEC decided to rely largely on a network of civil society organizations and community-based organizations for the implementation of voter education activities.*

uneven results.

The NEC's printing and distribution of "Know Your Candidates" posters came relatively late in the process, given the time required to reach the far corners of the country. In one interlocutor's office, expert mission members were shown a pile of posters that had arrived too late to be used in their voter education efforts.

## Public Information

The NEC maintained a number of channels through which it communicated information to the electorate. The commission's website<sup>94</sup> contains a reasonable amount of useful information, but it needs to be reorganized to make it more user-friendly. Information and materials from previous electoral processes should be maintained on the site to the extent possible but should be clearly distinguished from corresponding items relating to the current electoral process. The NEC also uses its Facebook page<sup>95</sup> as an active communications channel, posting press releases, event photos, and urgent alerts for public access. The NEC held weekly press briefings beginning Sept. 26 and daily briefings beginning Oct. 9.

## Transparency

NEC staff showed a strong commitment to transparency in all the expert mission's interactions with them during their time on the ground, though obtaining additional information to fill gaps since the team's return has been less successful. The NEC was proactive in organizing stakeholder meetings regarding all aspects of the elections, including a consultation with CSOs and community-based organizations on the code of conduct for the elections in January and various other stakeholder consultations at key points in the electoral calendar, including several during voter registration.

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93 AU, Declaration on the Principles Governing Democratic Elections in Africa, Art. III(e); AU, African Charter on Democracy, Elections and Governance (AfCDEG), Art. 12.4; UNHRC, General Comment 25, para. 11.

94 [www.necliberia.org](http://www.necliberia.org)

95 <https://www.facebook.com/theNECLiberia>

# Gender, Marginalized Populations, and Participatory Rights

## Persons with Disabilities

The NEC's Gender section is responsible for ensuring that the needs of persons with disabilities are considered in all NEC processes and for promoting the engagement of people with disabilities as temporary or permanent NEC staff and as aspirants/candidates. The Gender section, like several other NEC units, has experienced severe resource constraints. One of the planned activities that was not funded was an assessment of polling-place accessibility together with the National Council on Disabilities. The expert mission witnessed a number of polling locations that included polling places on inaccessible upper floors.

Braille ballot guides—essentially, a heavy sleeve into which the ballot is inserted that has openings for each space that can be marked on the ballot—were distributed as part of the polling kits for the 2023 elections, as they had been in some (but not all) previous elections. The ballot guides allow a voter with a visual disability to find and

mark their preferred candidate independently based either on recall or a person reading the names to them from outside the voting booth.

*The NEC's Gender section is responsible for ensuring that the needs of persons with disabilities are considered in all NEC processes.*

## Youth

Liberia has a very young population: Roughly half of the population is estimated to be 19 or younger, while roughly another quarter of the population is estimated to be between 20 and 35. Young Liberians therefore are a key audience of the NEC and election campaigns, and they represented the bulk of poll workers and domestic observers who were visible to the expert mission.

# I Election Dispute Resolution

Effective electoral dispute resolution mechanisms are an integral part of ensuring that the will of the people is upheld. The efficiency of such mechanisms, including the provision of a fair and public hearing before a tribunal, is essential to ensuring that effective remedies are available to redress violations of fundamental rights.<sup>96</sup>

The legal framework for the complaints and appeals is regulated primarily by the constitution and the New Elections Law. For this election, the NEC adopted the 2023 Hearing Procedures to regulate some aspects of the dispute resolution process.

Currently, complaints are adjudicated initially either by the NEC hearing officers or county magistrates.<sup>97</sup> Appeals can be made to the board of commissioners in the second instance, and NEC decisions can be further challenged in the Supreme Court, which serves as the final arbiter of election-related cases. The jurisdiction of the county magistrates and NEC hearing officers in handling disputes is not defined clearly in the law. Although the New Elections Law does not specify the

jurisdiction of the NEC hearing officer, in practice, the office adjudicates matters in first instance related to intra-party disputes, candidate registration, violations of campaign finance requirements, offenses, and national presidential results.

Voters can challenge names on the voter list, with the NEC reviewing the magistrate's decisions on objections. While there is no explicit right to appeal to the Supreme Court, Section 3.19 of the New Elections Law suggests that the court can alter the roll under specific circumstances, potentially allowing appeals on voter registration, even within the 30-day period before an election when such modifications are otherwise prohibited.

The key provisions for handling preelection complaints and appeals are outlined in sections 5.9–5.14 in Chapter 5 (“Voting”) of the New Elections Law.<sup>98</sup> However, the Supreme Court has consistently clarified that these provisions, especially Article 5.9 (the Right to Make Complaint), apply to irregularities during voting or those connected to the voting process, and not to preelection

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96 ICCPR, Article 2(3): “Each state party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by people acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted.” UNHRC, General Comment 32, para. 25: “The notion of fair trial includes the guarantee of a fair and public hearing.”

97 NEC county magistrates are responsible for adjudicating first-instance disputes related to election offenses for which the penalty is \$500 or less.

98 Articles 5.9–5.14 were introduced in the New Elections Law in 2014 and originally were not intended to be incorporated in Chapter 5. Article 5.9 of the New Elections Law states that voters, candidates, and political parties can file complaints alleging an offense against the constitution, election law, or NEC regulations “during any stage of elections.”



complaints. This interpretation excludes any legal standing of voters beyond polling day.<sup>99</sup> The confusion persists among stakeholders, leading to challenges from individual voters on candidate registration and inconsistencies in decisions of adjudicating bodies.

There is no clear timeline for the filing and adjudication of preelection complaints. Although deadlines and procedures for the appeals related to rejected candidacies or challenges to candidate lists were specified in various NEC regulations, the absence of deadlines for preelection complaints for adjudicating bodies did not always guarantee an effective and expedited remedy.<sup>100</sup> Some cases related to candidate nomination were ongoing or adjudicated during the official campaign period. Late resolution of such cases leaves little or no opportunity for contestants to campaign.

Article 83(c) of the Liberian Constitution establishes a specific timeline for filing and adjudicating complaints challenging election results. Parties and candidates have seven days to file a complaint following the announcement of results, which must occur within 15 days after election day. The commission then has 30 days to investigate and determine the case. Following the NEC's decision, the party has seven days to appeal to the Supreme Court, and the NEC has seven days to forward all necessary documentation to the court. In turn, the court has an additional seven days to rule. Those deadlines do not provide duly expedited resolution of complaints.<sup>101</sup> The expedited adjudication of complaints is necessary to ensure that the pending complaints do not delay the runoff and to ensure compliance with the constitutional requirements regarding the inauguration date.<sup>102</sup>

Article 83(c) of the constitution and Article 6.1 of the New Elections Law allows a seven-day window to challenge election results after announcement. However, Article 6.6 of the New Elections Law introduces a conflicting five-day deadline for irregularities observed “during the process of an election.” This inconsistency has led to the rejection of some cases by hearing officers noting that cases were filed outside of statutory time. Appeals to the NEC board of commissioners resulted in their remanding these cases for rehearing on their merits to ensure fairness for complainants,<sup>103</sup> thereby delaying the dispute resolution process.

*The expedited adjudication of complaints is necessary to ensure that the pending complaints do not delay the runoff and to ensure compliance with the constitutional requirements regarding the inauguration date.*

As per established practice and in accordance with the law, the NEC hearing office enforces mechanisms for dispute resolution and hires temporary officers to support magistrates in adjudicating complaints at the county level during elections. The NEC hearing office has three permanent officers. For this election, the NEC recruited 19 hearing officers on one-month contracts.<sup>104</sup> Although the New Elections Law explicitly states that hearing officers are meant to assist magistrates, instances observed by the expert mission indicate that, in some cases, only the hearing officers were conducting hearings and adjudicating matters.

99 The New Elections Law's Chapter 5 concerns voting procedure; however, it also contains several provisions on the adjudication and deadlines of complaints. In March 2017, the Supreme Court (NEC v. Amos Sieh Siebo Jr., Supreme Court Opinion) stated in its decision that the filing of complaints articulated in Chapter 5 applies squarely to the time of “voting” and not to preelection complaints such as “nomination of candidates.” The court noted that Chapter 5 applies instead to challenges emanating from complaints on irregularities noticed during voting or connected to the voting process. The court applied the same interpretation in its rulings during the 2023 elections.

100 There is no specific mention in the law that an aspirant whose application to participate is rejected by the NEC is required to appeal said rejection to the Supreme Court within a specified period of time.

101 The Supreme Court rules allow the possibility of reargument, a request for which can be presented within three days after a court opinion is issued.

102 Given these legal limits prescribed in the constitution and the New Elections Law, if the complainant and the relevant adjudicating bodies use all their available time, the dispute resolution process from the first round of voting would extend far beyond the constitutionally mandated date for the second round of the election.

103 In at least five cases, the NEC board of commissioners sent the cases back to hearing officers and instructed them to ensure the hearing on merits.

104 NEC recruited hearing officers with financial assistance from UNDP.

In the observed hearings, parties consistently were provided with equal opportunities to present their arguments. All hearings are public, ensuring transparency. However, the complaints and subsequent rulings are not published on the NEC website. The NEC, with the support of UNDP, tried to introduce a comprehensive internal database to manage complaints filed. Regrettably, the system encountered several hurdles that impeded its functionality during these elections. More effective functioning of this system would significantly enhance transparency and efficiency of the adjudication of complaints within the prescribed timelines. Improved tracking of complaints also would improve communication.

As results were finalized, a great deal of concern emerged over the number of invalid ballots. There were 114,639 invalid ballots cast in the presidential race—about 5.8%. Countrywide, the senatorial elections saw a slightly higher number of invalid ballots—128,668—on a slightly lower turnout, for a rate of 6.6%. The countrywide vote for the House included 113,938 invalid ballots, a rate of

5.9%. Some variation is to be expected—particularly given that validity is determined by polling staff in the presence of party agents and domestic observers—and these figures seem broadly aligned.

Viewed at the county level (see Figure 1), the rate of invalid ballots in the presidential election ran ahead of the rates in the legislative elections in 12 counties. In seven of these, it was ahead by a full percentage point or more. However, invalid presidential ballots were significantly lower in Montserrado in particular, contributing substantially to the higher absolute and relative invalid returns in the senatorial elections.

Seen in historical perspective, while the raw number of invalid ballots in the presidential election increased substantially over previous elections, the voter roll has grown and turnout in the first round was higher than in the past, meaning that the rate has stayed roughly in alignment with previous election cycles. In fact, as seen in Table 1, the current high-water mark was reached in 2011, when the rate of invalid presidential ballots in the first round of voting reached 6.3% of total votes.

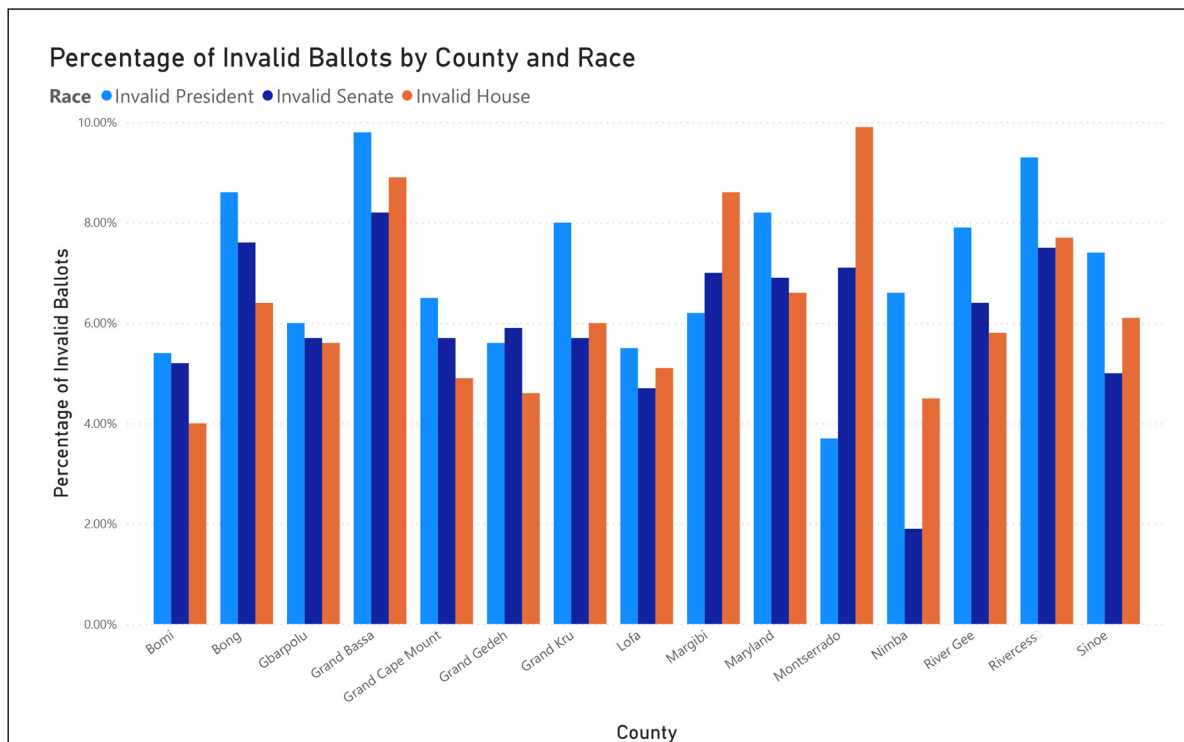


Figure 1: Number of Invalid Ballots Cast for President, Senate, and House

**Table 1: Rate of Invalid Ballots in Presidential Elections**

| Date of Presidential Election | # of Invalid Ballots | Rate |
|-------------------------------|----------------------|------|
| 2005                          | 38,883               | 3.8% |
| 2011                          | 82,074               | 6.3% |
| 2017                          | 88,574               | 5.3% |
| 2023                          | 114,639              | 5.8% |

Nonetheless, the number of invalid ballots was widely seen as a result of inadequate voter education. Generally speaking, it is important to note that invalid ballots can result from causes besides voter error. The NEC does not categorize blank ballots separately from invalid ballots, and some voters may leave their ballots blank either as a form of protest vote or because they cannot choose from among the multitude of candidates. Polling staff also may apply an overly strict standard for determining validity—for example, ruling that an “inappropriate” mark invalidates a ballot, or that the mark has been placed in the “wrong” area of the ballot—as opposed to honoring the intent of the voter.

There was no indication that the rate of invalidity reflected any broader malfeasance, and further analysis would be required to identify the sources of invalid ballots and therefore the solutions necessary. If voters are casting blank ballots or polling staff are not applying the correct standard during the counting process, increased voter education efforts will not reduce the number of invalid ballots.

### Legislative Results

As in previous elections, no party won a majority in either chamber of the legislature. CDC won 27 of the House’s 73 seats while the Unity Party won 11. They were followed by the CPP, which won five seats, and the MDR, which won three. Independent candidates claimed 19 seats in the House. The remaining eight seats were divided among seven parties.

A similar picture prevailed in the Senate, where CDC won six of the 15 seats up for election and independent candidates won another six. The remaining three seats were won by the Unity Party, LRP, and MDR leader incumbent Sen. Prince Johnson, who will once again represent Nimba.

Multiple Liberian news accounts reported that a majority of incumbent legislators lost their seats.<sup>105</sup> The large number of candidates, combined with the use of the first-past-the-post system, among other factors, resulted in a pronounced pattern in which those candidates who won election to the legislature frequently did so with a plurality of the vote. Ten of the 15 Senate seats were won with less than a majority; three of these seats were won with less than 30% of the vote.<sup>106</sup> The average Senate victor received only 43% of the vote.

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In the House, only nine candidates won their races by an outright majority.<sup>107</sup> Seven other winning House candidates came just short of a majority, obtaining 40-50% of the vote.<sup>108</sup> Twenty House candidates—more than a quarter of the body—won with less than 25% of the vote. Seven of these 20 candidates won with less than 20% of the vote. The average winner of a House seat claimed only 33% of the vote. Another way to view the extent of this phenomenon: Countrywide, 69% of votes for the House were cast for losing candidates. In a sense, Liberia’s legislature has been transformed into a forum for minority rule.

<sup>105</sup> A precise count of incumbent legislators could not be determined, as the legislature’s website was inaccessible for the entirety of the election period, and another credible source for the legislature’s current composition could not be identified.

<sup>106</sup> The three seats in question were for Grand Cape Mount, Lofa, and Maryland.

<sup>107</sup> Five of these candidates ran on CDC’s line, one of them on the Unity Party’s, and the other three were independents.

<sup>108</sup> Three of these candidates ran under CDC’s banner, one with Unity Party, one with PUP, and the other two were independents.

# I Election Observation

According to international law, all people have the right to participate in the public affairs of their country, which also is a key international obligation for democratic elections.<sup>109</sup> This includes the right of citizens to participate in nongovernmental organizations, including citizen observer organizations, and contribute to voter education efforts.<sup>110</sup> Through these means, civil society can play an essential role in upholding an electoral process that is accountable and in which all participants and stakeholders can have confidence. The transparency provided by election observation is an important component of electoral integrity.

The NEC deployed 66 monitors for the 2023 elections—an initial 38 (two per magisterial district) from its budget, and eventually an additional 28 with support from ECOWAS. The NEC’s monitors provide feedback for the commission’s monitoring and evaluation function on issues such as the reach and impact of voter education.

The monitors reported that the civic and voter education cells that were contracted to carry out relevant activities had widely varying levels of impact due to delays in funding and the limited quantity of materials made available to them.

## Other Domestic and International Observer Groups

Liberia has two major domestic observer networks: the Election Coordinating Committee (ECC) and the Liberian Election Observation Network (LEON). The ECC, which grew out of the National Civil Society Council of Liberia, was established in 2010 and has observed both regular elections and by-elections since then, with funding coming primarily from USAID. The ECC’s constituent organizations include the Center for Democratic Governance, the Center for Media Studies and Peacebuilding, the Center for Conflict Prevention and Peacebuilding, the Institute for Research and Democratic Development, Naymote Partners for Democratic Development, West Africa Network for Peace Building, and the Women’s NGO Secretariat of Liberia.

LEON, a consortium comprising the Catholic Justice and Peace Commission, Liberia Crusaders for Peace (LCP), the Federation of Liberia Youth (FLY), and the National Union of Organizations for the Disabled, was established in 2017 and has observed regular elections and by-elections since then with funding from the Swedish International Development Cooperation Agency (SIDA) through The Carter Center. Other domestic observers were accredited from a variety of organizations.

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109 U.N., International Covenant on Civil and Political Rights, Article 25(a); AU, African Charter on Human and Peoples’ Rights, Article 13(1); U.N., Universal Declaration of Human Rights, Article 21(a).

110 U.N., United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11; U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 127.

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In addition to the Carter Center's expert mission, the three other major international missions were the Electoral Institution for Sustainable Democracy in Africa (EISA), ECOWAS, and the European Union.<sup>111</sup>

Liberia has a large number of CSOs at national and county levels, though many of these are small and very limited in scope and impact. There also is a coordinating body, the National Civil Society Council of Liberia (<https://ncsclib.org/>). Some of these CSOs were involved in the NEC's voter education outreach efforts. Civil society also plays an important role in election observation through the ECC and LEON consortiums.

## Election Day

### Voting

The voting process is the cornerstone of the obligation to provide free expression of the will of the people through genuine, periodic elections.<sup>112</sup> The quality of voting operations on election day is crucial to determining whether an election was conducted according to democratic obligations. Holding elections by secret ballot is a core obligation under international law and a recognized means of ensuring that the will of the people is freely expressed.<sup>2F</sup>

Good weather and a sense of the importance of each vote in this tight election contributed to a turnout of 1,949,155 voters in the presidential contest, which constituted 78.8% of the 2,471,617 total registered voters. Liberians cast 1,940,185 ballots for the Senate and 1,930,302 ballots for the House.

Given the crowds at many polling precincts, it was difficult for people who were to receive priority in the queues to identify their correct polling place and to reach the front of the correct line. Not all precincts had a precinct queue controller to direct voters to the correct polling place or escort those

eligible to the front of the correct queue when they first entered the precinct.

In 2023, in contrast with previous elections, voter ID cards were not punched, as they are intended to be used for multiple general elections. Beyond being required to present their voter card, the integrity of the election was bolstered by requiring voters to vote where they had registered,<sup>113</sup> marking voters off the final registration roll as they voted, and applying electoral stain (ink) to each voter's finger. There were complaints about the change in procedure (not punching voter ID cards), but the NEC maintained that its procedures, taken together, were sufficient to ensure the integrity of the process.

Mobile phones and cameras were barred behind the voting screens. From the expert mission's observations, most voters followed instructions to leave their phones behind before going to the voting screen to mark their ballots.

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### Counting

Counting was supposed to begin immediately after the last voter—usually the party agents and polling staff—had voted. The counting process was to start with the reconciliation of the number of ballots in each ballot box against the number of ballots issued to the polling station minus the number remaining unused or spoiled at the end of the process.

Following reconciliation, which was to be done with the ballots face down, the ballots were then to be sorted into piles for each candidate plus a pile

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111 Other international observers were accredited from: the African Union, the Brenthurst Foundation, the Mano River Union, the G7+, the African Association of Election Authorities, the African Bar Association, the African Women and Children Empowerment Initiative, Afrique Esperance, Ensemble Sauvons l'Afrique, the Kofi Annan International Peacekeeping Training Center, L'Union de la Jeunesse CEMAC, Pan African Women Project, the All Liberian Conference on Dual Citizenship, Yiga Africa, and Youth in Mission for Peace and African Unity. Additionally, embassies of France, Ireland, Japan, Sweden, and the United States. In total, the NEC website reports 407 international observers were accredited.

112 ICCPR, articles 2, 25(a)

113 With a few specific exceptions spelled out in the regulations, such as security personnel assigned to a location other than where they had registered, etc.

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for invalid ballots. Once the ballots were counted, the totals were to be recorded on the Record of Count form.

### **Tabulation and Announcement of Results**

The Carter Center mission visited the Tally Center for Montserrado County at Samuel Canyon Doe Stadium on multiple occasions as well as the election magistrate's office in Kakata (Margibi County) on Saturday, Oct. 14. The results forms for each polling place for each race were on prominent display in both locations.

*The website includes results disaggregated down to the polling place, maintaining the high level of transparency initiated by the NEC in 2005 and enabling all stakeholders to compare any results they had collected at the polling place with those in the official results database.*

The NEC chair announced on Oct. 5 that the commission would release progressive results at 4:30 p.m. daily at a press conference, and the NEC adhered to that schedule. The commission's results website went live on Oct. 11 and was inaccessible for several hours each afternoon for the latest updates to be loaded. The information technology team at the NEC also bolstered the security of the results website, making it somewhat more difficult to access. The website includes results disaggregated down to the polling place, maintaining the high level of transparency initiated by the NEC in 2005 and enabling all stakeholders to compare any results

they had collected at the polling place with those in the official results database.

In the presidential election, CDC candidate George Weah received 804,087 votes (43.8%), and challenger Joseph Boakai received 796,961 votes (43.4%). The third-place candidate, Edward Appleton Jr., received 40,271 (2.2%), and the remaining 17 candidates received less than that.<sup>114</sup>

### **Runoff**

Immediately after announcing the full results of the first round of voting on Oct. 24, the NEC announced that a second round would be held Nov. 14 between the first-place candidate, George Weah (CDC), and the second-place candidate, Joseph Boakai (Unity Party). The campaign period was announced as opening immediately and running through Nov. 12.

The constitution fails to provide clarity on the timing for a second round of voting. According to the constitution, the second round is to be conducted on the second Tuesday following the expiry of the time provided in Article 83(c). However, Article 83(c) sets a deadline of 15 days after the first-round election day for the NEC to announce the final results, followed by several long deadlines for filing and considering complaints and appeals, which generates uncertainty.<sup>115</sup>

In 2017, the Supreme Court attempted to provide clarification on the issue, stating that the constitution does not set a specific date but rather refers to a sequence of events. It further noted that the NEC should wait for seven days after the announcement of results and, if the results are not challenged, then set the runoff date. If the results are challenged, the NEC should set a runoff date for the second Tuesday following the final determination of the case including any appeal.<sup>116</sup>

However, in a subsequent ruling, the Supreme Court opined that "it is only if no complaint is filed

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<sup>114</sup> Liberia National Elections Commission, Results Portal, final results as of May 7, 2024. <https://necliberia.org/results/>

<sup>115</sup> The NEC announces the first-round results no later than 15 days after voting. A complaint against the results may be filed with the NEC within seven days and must be decided within 30 days. The NEC's decision can be challenged at the Supreme Court within seven days, and the justices have seven days to decide. The Supreme Court rules allow a three-day period for the submission of a request for reargument; if the reargument is submitted, timelines for further adjudication are not defined.

<sup>116</sup> In its decision on Dec. 21, 2017, the Supreme Court stated that when the constitution speaks of "expiry," it is speaking of the expiry of an event, and since Article 83(c) has stipulated a series of events, "it is only after the occurrence of the final event that the second Tuesday spoken of by the constitution triggers in."



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by a candidate or party that the second Tuesday following the announcement of the final results holds.” This suggests that the NEC could announce the runoff date at the same time as the final results, as it did for these elections. Alternatively, the NEC could wait for seven days until the complaint period expires and then announce the second-round date for two weeks following the original announcement of results, which would leave the NEC, candidates, and voters with no more than a week to prepare.

The vague constitutional provisions on timing and the Supreme Court’s ambiguous interpretation of those provisions left the NEC uncertain about when the runoff should be held. Upon announcing the final results of the first round on Oct. 24, the commission declared the runoff would be three weeks later, given that the seven-day deadline for filing complaints would expire on Oct. 31, and the second Tuesday following the expiration of that deadline was Nov. 14. The NEC was prepared to expedite the complaint adjudication process and assumed that the Supreme Court would do the same in the event of an appeal. At the same time, the NEC presumably retained the ability to push the date further if needed.

The announcement of Nov. 14 as the runoff date initially sparked controversy among stakeholders and voters. Due to a partial reading of Article 83(c), some believed that the NEC was constitutionally mandated to hold the runoff on Nov. 7. Additionally, Article 4.15 of the New Elections

Law contradicts the constitution by stipulating that the second round should be held on the second Tuesday following the announcement of the results of the first round, rather than the second Tuesday following the expiry of the time provided in Article 83(c), intensifying the confusion even further. In the end, the parties and their candidates accepted the NEC’s interpretation and shifted their focus to lining up support for the second round.

*The vague constitutional provisions on timing and the Supreme Court’s ambiguous interpretation of those provisions left the NEC uncertain about when the runoff should be held.*

The runoff counting process went much faster than it did during the first round. Reconciliation was simpler with a single ballot box, and sorting was simpler, with only two candidates. The number of invalid ballots nationwide was considerably lower during the second round, amounting to 25,694 ballots out of 1,634,089 ballots cast (1.5%). Turnout in the second round was 66.1% of registered voters, compared with 78.8% in the first round.

Challenger Boakai of the Unity Party received 814,481 votes (50.6%), and incumbent President Weah received 793,914 votes (49.3%).<sup>117</sup> Weah conceded the election peacefully.

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<sup>117</sup> “Liberia President George Weah concedes election defeat to Joseph Boakai,” Reuters, Nov. 18, 2023. <https://www.reuters.com/world/africa/joseph-boakai-brink-liberian-presidency-vote-count-nears-completion-2023-11-17/>

# I Postelection Developments

## **NEC Requests Arrest of Polling Staff**

In a notable development, the NEC board of commissioners, following recounts ordered by county election magistrates, requested that the Liberian National Police arrest a number of polling and counting staff on charges of electoral malpractice for misreporting election results or tampering with tally sheets after they had been signed. The NEC further named these individuals at their public press conferences and announced that they would be barred from future work with the commission. While those announcements should have been phrased to remind the public of the presumption of innocence, the NEC otherwise sent a strong signal to the public as well as to those engaged in election work that electoral malpractice is not tolerated.

## **Complaint Related to the Presidential Race**

Following the first round of voting, on Oct. 25, the NEC received only one complaint, filed by the Vision for Liberia Transformation (VOLT) Party, challenging the credibility of the presidential election results. The complainant requested the cancellation of election results on the grounds that the presidential ballot paper did not include his party's name under its logo; instead, it included the name of another party, the Grassroots Development Movement, allegedly costing VOLT valuable votes. The NEC hearing officer and board of commissioners dismissed the complaint, noting that the complainant lacked authorization from the political

party to file a complaint, that the complainant approved the ballot before printing despite the technical errors, and that the error was immaterial to the overall outcome of election.

After the announcement of the board's decision on Nov. 4, VOLT's attorney announced the party's intention to appeal the decision to the Supreme Court. That announcement put in doubt the announced date for the runoff, as it was not immediately clear when the appeal would be filed and when it could be disposed of. The Supreme Court had ruled in 2017 that the timeline for a presidential runoff is paused until all active appeals are disposed of.<sup>118</sup> On Nov. 10, just four days before the runoff date, the party announced it would not appeal to the Supreme Court, reportedly because it lacked the financial resources.

## **Certification of Successful Candidates**

The NEC awarded certificates of election to the successful candidates at a ceremony in the main auditorium of the Ellen Johnson Sirleaf Ministerial Complex on Dec. 8, 2023.

## **Summary of Assessment**

Liberia's National Elections Commission successfully administered the 2023 elections despite a tense political climate and severe resource constraints. Key findings of the Carter Center's expert mission include:

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<sup>118</sup> See earlier discussion of controversy surrounding the runoff date.

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- The legal framework constitutes an adequate basis for the conduct of elections but suffers from procedural gaps and lacks clarity on a number of issues.
  - Liberia has failed over the course of nearly 20 years to effectively address the issue of inclusion of female candidates on party lists.
  - The NEC engages in extensive planning, beginning several years in advance of each major election. Funding constraints—both the significant reduction in the commission’s initial budget request and government delays in delivering funds under the agreed budget—ended up limiting the NEC’s capacity to implement its plans and had a negative impact on its reputation.
    - Biometric voter identification at polling places was dropped due to financial constraints.
    - Plans for piloting the new biometric voter registration system on a small scale prior to the full rollout also had to be abandoned due to financial constraints.
    - Polling precincts would have been less crowded if the NEC had received the financing it needed to expand the number of sites as planned.
  - Liberia has failed to ensure that electoral districts comply with constitutional requirements to provide equal representation.
  - While the new registration roll inspired greater confidence as a result of the biometric data collected, which in turn allowed for automated identification of duplicates, the absence of biometric identification measures at the polling places, coupled with the elimination of punching voter cards as was done in previous elections, raised concerns that important integrity measures were missing from the process.
  - Observers reported that “trucking” of voters, while commonly cited as a problem, was not evident.
  - The Revised Farmington River Declaration served as a useful tool in maintaining a relatively calm atmosphere during the campaign period.
  - The NEC’s chosen approach to voter education—relying on a combination of local organizations with varying capacity levels—had mixed results.
  - The NEC’s public information function was active but too often focused on reacting rather than driving the news cycle.
  - Observers reported that polling, counting, and tabulation operations were transparent.
  - Hearings on complaints were accessible to the public.

# I Recommendations

The coming period (2024-2028) will be the first without a midterm senatorial election since 2006-2010. As such, it will be a rare opportunity to make serious progress on constitutional and legal reform without the specter of rapidly approaching elections. If this opportunity is missed, the next will not occur until 2042-2046. It is important to identify champions of electoral reform quickly and ensure that they are supported throughout the process. The reform agenda should focus on the achievable rather than the ideal. In the past, broad consultations have resulted in useful proposals that never saw the light of day and wasted significant resources.

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## **Reconciliation**

A number of the expert mission's interlocutors mentioned that Liberia remains unreconciled in the aftermath of the civil wars. Maintaining peace in the country is important; allowing tensions to build below the surface will present serious challenges in the long run. Civil society will need significant support to play a catalytic role in the process of reconciliation.

## **Women's Participation**

The legislation that includes provisions promoting women's participation in politics should be adopted. In particular, the legislature should adopt provisions establishing a mandatory gender quota, explicitly giving the NEC authority to reject a party list if it does not comply with the threshold. Consideration also could be given to waiving nomination fees for female candidates for a fixed number of election cycles as a "temporary special measure."

## **Legal Framework**

A comprehensive review of the legal framework for elections should be undertaken to address all gaps identified in this report, to reconcile all differences between the constitution and the electoral law, and to remove provisions that are not in compliance with international standards. In line with international good practice, the comprehensive review process should be open, inclusive, and consultative and take place well before the next elections. The legislature should avoid any gaps or inconsistencies between the elections law and the constitution.

To provide legal certainty and clarity, the main aspects of the election process—including candidate registration and campaign finance—should be addressed by primary legislation rather than being left to regulations promulgated by the NEC. Instead of adopting new regulations for each election, the NEC should consider adopting a comprehensive set of regulations that will remain in place for each cycle, to be revised when needed, on a timely basis.

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## Constitutional Reforms

Achieving a two-thirds majority in both houses of the legislature is already a significant hurdle to clear. Achieving a similar majority among the population has proved to be nearly impossible.

If Liberians are to maintain hope of being able to change their constitution in the future, a serious conversation is needed on whether the requirement for two-thirds approval via referendum for any amendment should be modified. If there are specific elements of the constitution that require greater protection than others, such as Chapter 2, “General Principles of National Policy” and Chapter 3, “Fundamental Rights,” provision can be made to retain (or even increase) the threshold for changes to those elements, while reducing the threshold for other changes, particularly those of a technical or clarifying nature, such as the date of elections.

Among the three dozen or so countries that require a referendum on constitutional changes, by far the greatest number of those (28) require a simple majority of the electorate to approve changes after the legislature acts.<sup>119</sup> Of those that require more than a simple majority, Seychelles requires 60%, Antigua and Barbuda, Liberia, Namibia, and Sierra Leone require two-thirds, and Fiji requires three-fourths.

## Election Dates

Changing the election date has been approved by two-thirds majorities in the legislature in both 2011 and 2020, and on both occasions the proposal received affirmative votes from a simple majority of the voters but fell short of the two-thirds required for incorporation into the constitution.

The purpose of changing the election date must be seen in the overall context of the elections: It is not merely to facilitate voter access to their assigned polling precincts on election day; rather, all key elements of the electoral calendar need to be viewed in relation to both the weather and the likely state of transport infrastructure at various times of the year. Key elements of the electoral calendar include

voter registration, public inspection of the preliminary registration roll, civic and voter education, campaigning, the distribution and retrieval of materials, deployment of security and polling personnel and observers, and voting.

Movement generally is easier in the first month of the rainy season, before infrastructure has been damaged, than in the first month of the dry season, before damaged infrastructure has been repaired.

If the dates for the inauguration and first legislative seatings need to be changed to accommodate the new date set for elections, those changes also should be part of the reform package.

## Timeline for Runoffs

Establish the certification of election results—following expiration of the period for challenges and resolution of cases before the Supreme Court—as the starting point for the “second Tuesday” countdown. Using the announcement of results as the basis of the date for the second round, as is currently done, results in confusion and needless uncertainty if challenges are (or might be) filed.

Set two clear timetables—one for presidential and one for legislative, given that the presidential elections have a second round, while the legislative elections don’t. Resolve all potential timeline issues to ensure clarity in how to reach Inauguration Day in case of delays occasioned by election-related complaints.

## Constitutional Language on Redistricting

Liberia has failed to adhere to the mandates of its own constitution as well as to international best practices in its redistricting. The constitution is clear that House of Representatives constituencies should be based on equal population based on the national census, yet constituencies continue to be based on registered voters.<sup>120</sup> The constitution also is clear that seats should be reapportioned immediately after each census “so that every constituency shall have as close to the same population as possible,” yet the constituencies used in 2017 were not fully

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<sup>119</sup> <https://en.wikipedia.org/wiki/Constitution>—in four of the 28 cases, this method only applies to some constitutional changes.

<sup>120</sup> Art. 80: “Immediately following a national census and before the next election, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.”

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reapportioned (despite the addition of six seats to the House), resulting in a wide population disparity between districts that has yet to be resolved.

Those districts also appear to maintain the minimum of two seats per county adopted via the Electoral Reform Law of December 2004 for the 2005 elections, even though complying strictly with the provisions of the constitution—specifically the requirement that “every constituency shall have as close to the same population as possible”—would result in some counties having one seat in the House.<sup>121</sup>

While the legislature should retain the power to determine the number of seats in the House of Representatives, and the power to determine the method by which seats are allocated to counties, the determination of the target population for each district could more easily be a mathematical operation carried out by the National Elections Commission based on the parameters (primarily the size of the House) established by the legislature. This could help ensure that redistricting takes place in a timely manner.

## **Media**

Regulations should be introduced to govern media conduct around elections, particularly aimed at guaranteeing a level playing field between candidates. Requirements for public media to provide free and equal access for political parties and candidates and for media providers to offer equal coverage, including setting or introducing prices during elections for campaign advertisements and applying them indiscriminately and transparently, should be considered.

## **Campaign Finance Regulation and Enforcement**

To enhance transparency and accountability of campaign finance, the law should be amended to regulate reporting requirements before and after election day for political parties and independent candidates.

To eliminate legal uncertainty, the law should clarify how campaign finance regulations are

applicable in the second round of voting, provide an expenditure limit, and establish clear timeframes for reports in case of a runoff.

To enhance accountability, the NEC should have effective tools—and an adequate budget—for monitoring compliance with campaign finance regulations, including the detection of illegal donations and adherence to expenditure spending limits. The NEC should enforce sanctions against contestants found to be in violation of the campaign finance requirements.

## **Census Schedule**

Unless legislative elections shift to a five-year cycle, it may be worthwhile considering organizing censuses every 12 years (rather than every 10 years or irregularly), timed to allow for the drawing of new constituencies prior to the next legislative elections. This would ensure a fixed interval between a census and House of Representatives elections, rather than a variable interval that would result from six-year House terms and a 10-year census cycle. In this regard, new districts should be in place no less than a year in advance of the elections (and preferably two) to allow adequate time for potential candidates to understand the new district boundaries and make an informed decision on whether to run and to allow the NEC to make necessary adjustments to its plans.

## **Voting Hours**

There have been complaints regarding inadequate lighting in polling places, particularly in cases where individuals in line at the normal 6 p.m. closing time have to vote after dark. The rule against voters taking their mobile phones into the voting booth with them also meant that they were not able to avail themselves of the flashlight function if their phone offered one.

Counting also is impacted by the lighting level, especially the ability of party agents to see clearly the marks on ballot papers shown to them during the process.

Consideration can be given to shortening the voting day or shifting the voting hours earlier to

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<sup>121</sup> In the United States, Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming each have a single seat in the House of Representatives.



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reduce the impact of darkness on the voters. At the same time, the NEC and the government should look at low-cost ways to increase the availability of lighting.

### **Voter Registration**

The New Elections Law should be amended to clearly stipulate when the final registration roll should be published or distributed. The language on the procedure for doing so can be included in new regulatory language.

### **Candidate Registration**

To bring national legislation in line with international standards and with the ICCPR, overly restrictive qualifications to stand as a candidate should be removed from the Liberian Constitution and New Elections Law.

To provide an equal opportunity for political participation, the requirement of registration fees should be reconsidered, as it constitutes an excessive burden for independent candidates, particularly females.

The provisions in the New Elections Law that require parties or candidates to obtain 2% of the total valid votes in order to participate in the next elections constitute undue advantage and are not in compliance with the ICCPR. The new legislature should consider removing Chapter 5A from the New Elections Law.

### **Racially Discriminatory Language**

To comply with international and regional obligations prohibiting racial discrimination, the ethnic definition of Liberian citizenship should be removed from the constitution.

### **Independence of Electoral Authorities**

Ensure the independence of the NEC by making the process of nominating members of the board of commissioners more transparent, including opening the process to nominations from civil society, and by ensuring the financial independence of the NEC while recognizing the fiscal realities of the country.

### **Scope**

The requirement that the NEC register, monitor, and regulate the internal affairs of political parties places an enormous burden and unnecessary pressure on the commission to ensure that it is perceived as being impartial in conducting the elections as it fosters an adversarial relationship with political parties. A collaborative relationship would be more conducive to successful electoral processes. Though not realistic at this juncture, Liberia may want to consider the establishment of a specialized body responsible for all aspects of political party regulation, including establishment, auditing, and enforcement and allowing the NEC to focus on its core responsibilities.

### **Staffing**

Expand the staff of the NEC's legal unit. Given its many tasks, as well as the highly litigious nature of Liberian elections, the legal unit has been chronically understaffed for years.

Expand the capacity of NEC staff in skills related to leadership, management, and project management. A reasonable goal would be for all NEC managers to achieve certification as project management professionals or similar.

### **ISO Certification**

To bolster the NEC's image as a professional body, consider achieving certification under ISO/TS 54001:2019, the technical standard on the application of ISO 9001:2015 (quality management systems) for electoral organizations at all levels of government.

The International Standards Organization has issued a technical standard for electoral organizations wishing to be certified as complying with ISO 9001.<sup>122</sup> Although initiated by and most familiar to electoral management bodies in the Americas, the Independent Elections Commission of Jordan has achieved certification.

According to the ISO, "Electoral bodies that choose to adopt the standard stand to benefit in a number of ways. [The ISO standard] promotes high

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<sup>122</sup> <https://www.iso.org/obp/ui/en/#iso:std:iso:ts:54001:ed-1:v1:en>

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standards of organization, efficiency and management throughout the electoral cycle.”

### **Election Dispute Resolution**

The legislature should consider a comprehensive review of the legal framework for dispute resolution. The framework should be amended to permit citizens (or groups) to file complaints against NEC decisions, including against the election results.

The key procedures, including the timeline for filing and adjudicating preelection complaints, should be clearly established in primary legislation. The timeframe for consideration of election-related cases should provide for prompt adjudication.

The legislature must review the timeline provided in Article 83 of the constitution, and its implications for the runoff date, inauguration and for certification of the new members of legislature.

The roles and jurisdictions of NEC hearing officers and county magistrates should be clearly defined in the law. The officers and magistrates should be trained well in advance of elections and

have appropriate knowledge of the constitution and election law and NEC regulations.

To optimize efficiency and consistency in dispute resolution decisions and expedite decision-making processes, the NEC should consider establishing a comprehensive internal database for managing complaints. All NEC hearing officers and magistrates should be trained to use such a database.

To enhance transparency and accountability, the NEC should publish election-related complaints and subsequent decisions on its website. The Supreme Court also should publish election-related complaints and decisions in a timely manner.

### **Coordination Mechanisms**

The NEC may wish to consider the formal establishment of a permanent consultation mechanism with civil society.

Several interlocutors mentioned the value of having coordination mechanisms at the county level in parallel to those at headquarters level; the expert mission endorses this recommendation.

# I Practices

## **Budgeting and Funding**

To ensure the NEC's ability to roll out elections in the most efficient manner possible, the commission needs to provide the legislature and the Ministry of Finance with detailed spending plans, including clear justification for both the amounts requested and the timing of the spending.

The government needs to be prepared to release funding expeditiously on an as-needed basis if not as a timely lump-sum transfer.

The legislature also needs to exercise more oversight over the Ministry of Finance in relation to NEC funding to ensure that adequate amounts are approved and are released in accordance with the commission's requirements.<sup>123</sup>

## **Maintenance of Equipment**

The 2023 electoral cycle included the acquisition of expensive biometric voter registration equipment that requires proper storage and maintenance to remain serviceable for future use. Although the vendor is responsible for maintenance for the first two years, adequate funding must be provided to NEC to ensure proper storage and out-year maintenance (done by in-house staff trained by the vendor) as part of its recurrent budget.

## **Personnel Retention and Capacity Building**

Retention of experienced personnel has contributed to stability and the creation of a learning

environment within the NEC. The commission should ensure that workers are given adequate coaching to enable them to contribute or are replaced with others who are willing to work for the good of their country.

Capacity development should focus on generic management skills and on project management at the macro level, with individual development plans tailored to each member of the NEC's permanent professional staff.

## **Strategic Communications**

The NEC should prioritize maintaining its reputation as a professional institution, particularly in relation to strategic communications. Close elections are increasingly common in Liberia, and the NEC's credibility and ability to communicate effectively are crucial elements in sustaining peace. Every effort should be made to communicate, clearly and proactively, that the NEC is a professional body committed to a set of values and principles, what it is doing at every step in the process, and how it is doing the best it can within a context characterized by low educational levels, poor infrastructure, and inadequate or delayed funding. For example, the work of the monitoring and evaluation unit is a positive indicator of the NEC's professionalism, yet it has not been highlighted in communications. Statements should be provided in print to journalists so they don't have to rely on notes or memory.

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<sup>123</sup> Government and legislators may be interested to study the experience of Guinea-Bissau's Development and Democracy Tax, which enabled the government there to build up a fund for the 2023 elections and provide timely funding to the Independent National Electoral Commission for voter registration and election operations.

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The announcement of election results is especially crucial. NEC should consider returning to the pattern in place for the 2005 elections, where each magisterial office was given a daily reporting deadline, with those being staggered to ensure a steady flow of results that enabled the NEC to announce substantive updates more than once a day during the first few days after polling. Announcing results more than once a day when the bulk of the polling places are being reported increases transparency and reduces the possibility of journalists or others speculating about what might be happening behind the scenes.

### **Website**

The NEC's website needs to be reorganized to make it more user-friendly. Information and materials from previous electoral processes should be maintained on the site to the extent possible but should be clearly distinguished from items relating to the current electoral process.

To maintain transparency, decisions of the NEC board of commissioners should be signed by the commissioners and posted on the NEC website within 72 hours.

### **Publication of the Legal Framework**

All stakeholders should have easy access to the current version of the entire legal framework for elections (constitution, electoral law, NEC regulations, and procedures), preferably in a single location and preferably a hard-copy volume that can be distributed nationwide. The NEC should ensure that all regulations and procedures are prepared well in advance of elections so they can be included alongside the latest version of the constitution and New Elections Law in a single volume. The NEC also should ensure that all these documents are easily accessible on its website, while recognizing that web access is far from universal throughout Liberia.

### **Voter Education**

Radio has been an important tool in voter education, but it is important to understand its limitations and to find ways to carry out as much face-to-face voter education as possible in a cost-effective manner, especially in rural areas where this type of communication is most effective. To be fully effective, future voter education efforts need to start earlier and be designed with past experiences in mind.

### **Sorting and Counting**

The NEC should include easily legible (very large typeface), printed labels containing party acronyms. The order of the sorting piles should either be the order of candidates on the ballot or one that ensures that major candidates' piles are not side by side so that any errors in sorting can be easily detected.

The NEC also should consider giving responsibility for releasing quarantined records of count to the board of commissioners. Such decisions, which are currently made at the staff level, impact the reputation of the institution and need to be made at a higher level.

### **Recruitment of Temporary Staff**

The NEC should increase vetting of temporary staff and consider the option of posting the names of potential hires for public review. Contesting parties should have an opportunity to object to individuals who might have clear partisan identification.

### **External Assistance**

While timely release of government funding is critical to the credibility of elections, the timely release of external funding (or the timely procurement of inputs into the elections) can be equally important. Late printing of ballot posters meant that many never made it to their intended destinations.

External assistance requires significant coordination, not only at a project level but also at a policy level.

## Terms and Abbreviations

|               |  |               |   |
|---------------|--|---------------|---|
| <b>ACHPR</b>  | African Charter on Human and Peoples' Rights                               | <b>ECOWAS</b> | Economic Community of West African States               |
| <b>AFL</b>    | Armed Forces of Liberia  | <b>EISA</b>   | Electoral Institute for Sustainable Democracy in Africa |
| <b>ALCOP</b>  | All Liberia Coalition Party  | <b>EU</b>     | European Union  |
| <b>ALL</b>    | African Liberation League  | <b>FLY</b>    | Federation of Liberian Youth                            |
| <b>ANC</b>    | Alternative National Congress  | <b>ICCPR</b>  | International Covenant on Civil and Political Rights    |
| <b>AU</b>     | African Union  | <b>IFES</b>   | International Foundation for Electoral Systems          |
| <b>BRIDGE</b> | Building Resources in Democracy, Governance, and Elections                 | <b>IPCC</b>   | Inter-Party Consultative Committee                      |
| <b>CBO</b>    | Community-based organization   | <b>ISO</b>    | International Standards Organization                    |
| <b>CDC</b>    | Congress for Democratic Change   | <b>LEON</b>   | Liberia Election Observation Network                    |
| <b>CEDAW</b>  | Convention on the Elimination of All Forms of Discrimination Against Women | <b>LINU</b>   | Liberian National Union                                 |
| <b>CEMAC</b>  | Central African Economic and Monetary Community                            | <b>LIPA</b>   | Liberia Institute of Public Administration              |
| <b>CEMESP</b> | Center for Media Studies and Peace Building                                | <b>LPP</b>    | Liberian People's Party                                 |
| <b>CPA</b>    | Comprehensive Peace Agreement  | <b>LURD</b>   | Liberians United for Reconciliation and Democracy       |
| <b>CPP</b>    | Collaborating Political Parties  | <b>MDR</b>    | Movement for Democracy and Reconstruction               |
| <b>CSO</b>    | Civil Society Organization   | <b>MODEL</b>  | Movement for Democracy in Liberia                       |
| <b>ECC</b>    | Elections Coordinating Committee   | <b>MPC</b>    | Movement for Progressive Change                         |

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|               |   |              |  |
|---------------|---|--------------|--|
| <b>MoU</b>    | Memorandum of Understanding                 | <b>SIDA</b>  | Swedish International Development Cooperation Agency |
| <b>NCSCCL</b> | National Civil Society Council of Liberia   | <b>SKD</b>   | Samuel Kanyon Doe Sports Stadium                     |
| <b>NEC</b>    | National Elections Commission               | <b>TRC</b>   | Truth and Reconciliation Commission                  |
| <b>NMC</b>    | National Media Council                      | <b>U.N.</b>  | United Nations                                       |
| <b>NPFL</b>   | National Patriotic Front of Liberia         | <b>UNDP</b>  | U.N. Development Program                             |
| <b>NPP</b>    | National Patriotic Party                    | <b>UNMIL</b> | U.N. Mission in Liberia                              |
| <b>NTGL</b>   | National Transitional Government of Liberia | <b>USAID</b> | U.S. Agency for International Development            |
| <b>PRC</b>    | People's Redemption Council                 | <b>VOLT</b>  | Vision for Liberia Transformation Party              |
| <b>PUP</b>    | People's Unification Party                  |              |  |



## Annex B

# Invitation



Republic of Liberia

**National Elections Commission**



Tubman Boulevard, 9th & 10th Streets, Sinkor - P.O.Box 2044

Monrovia, Liberia

OFFICE OF THE CHAIRMAN

Email: [info@necliberia.org](mailto:info@necliberia.org)

FAX: 23177226245

RL/NEC/DBL/05-02/23

2 May 2023

Mr. James Dorbor  
**Project Lead**  
Carter Center  
8<sup>th</sup> Street, Sinkor  
Monrovia, Liberia

Dear Mr. Dorbor:

On behalf of the National Elections Commission (NEC), I present compliments and use this medium to thank the Carter Center for its continued support to the electoral process in Liberia and its efforts in strengthening democracy on the African continent in general.

This communication serves to invite the Carter Center to observe the 2023 General Elections process for Liberia, including activities leading to the 10 October Polling Day, polling and counting, as well as a possible runoff for the presidential election.

On 10 October 2023, Liberians will go the polls to elect a president and vice president, fifteen members of the thirty-member Liberian Senate and all seventy-three members of the House of Representatives. Liberia's electoral system, based on the provisions of the Constitution of Liberia, provides for absolute majoritarian system for the presidency and simple majority for members of the Legislature. Consequently, if no presidential candidate receives at least 50 percent plus one of the votes during the 10 October 2023 Election, the Constitution provides for a runoff election to be organized in two weeks between the two leading presidential candidates.

It is from the above backdrop that the NEC, as usual, invites the Carter Center to observe the processes for the 2023 General Elections in Liberia.

Kindest regards.

Sincerely,

Davidetta Browne Lansanah  
Chairperson

Email: [nationalelectionscommissionoflib@yahoo.com](mailto:nationalelectionscommissionoflib@yahoo.com)

## Annex C

# List of Interlocutors Met

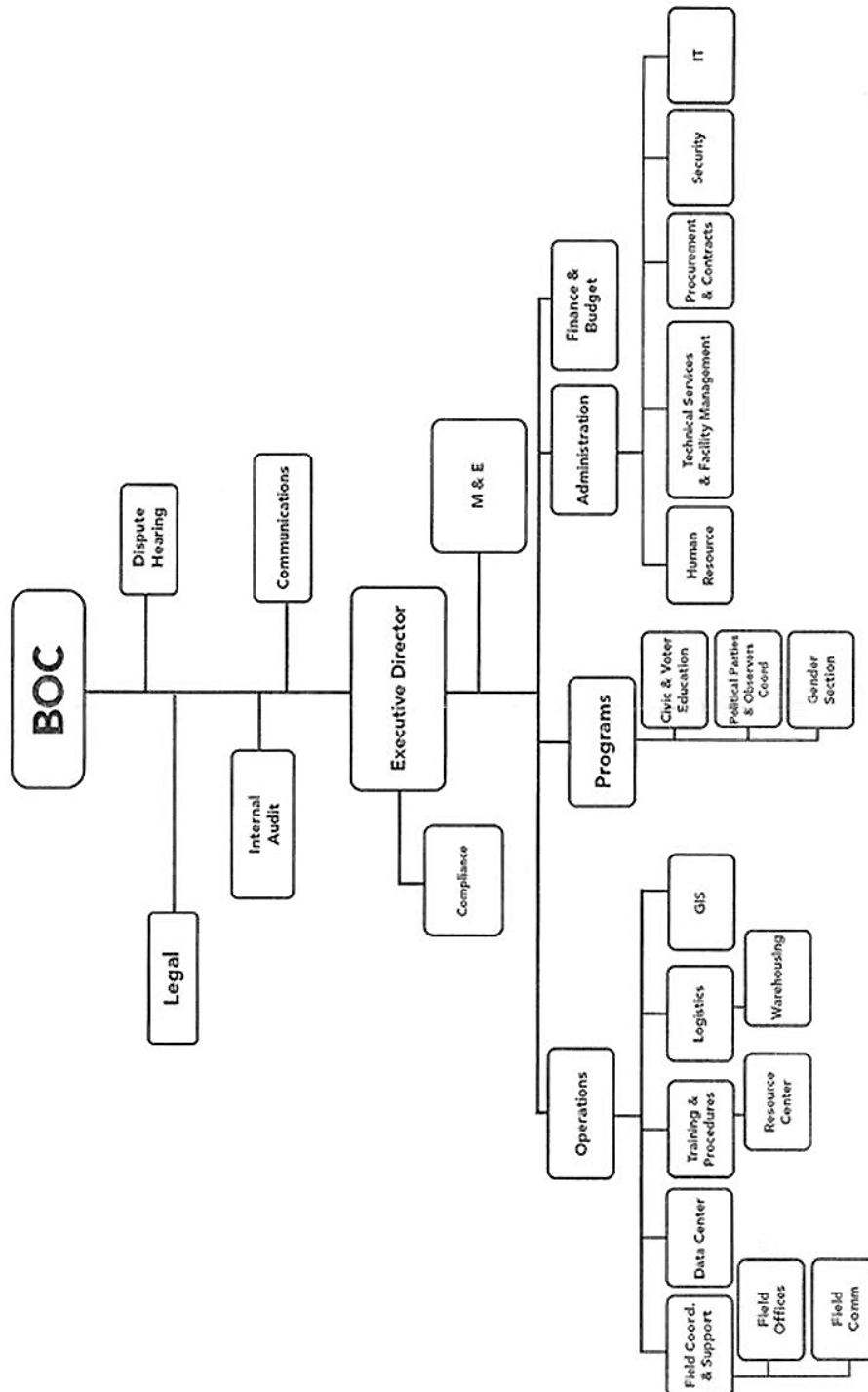
|   |   |
|---|---|
| Armed Forces of Liberia   | Integrity Watch   |
| Association of Disabled Females International                             | InterNews   |
| Association of Female Lawyers of Liberia                                  | Joshua Kulah, political science lecturer, United Methodist University     |
| Brenthurst Foundation Observation Mission                                 | Kofi Annan International Peacekeeping Training Center Observation Mission |
| Joseph Blidi, former head of NEC legal unit                               | Liberia Election Observation Network                                      |
| Carter Center Liberia   | Liberia Institute of Statistics and Geo-Information Services              |
| Center for Democratic Governance  | Liberia Motorcyclist Union  |
| Center for the Advancement of Participatory Democracy and Open Governance | Liberia National Bar Association  |
| Center for the Exchange of Intellectual Opinions                          | Liberia National Police   |
| Collaborating Political Parties   | Liberia National Students' Union  |
| Congress for Democratic Change  | Liberian People's Party   |
| Democracy International   | Movement for One Liberia  |
| Ducor Institute for Social and Economic Research                          | National Civil Society Council of Liberia                                 |
| ECOWAS Observation Mission  | National Commission on Disability   |
| Election Coordinating Committee   | National Council of Churches  |
| EU Election Observation Mission   | National Elections Commission   |
| Federation of Liberian Youth  | National Muslim Council   |
| Female Journalists Association  | National Peacebuilding Office Situation Room                              |
| House of Representatives  | National Traditional Council of Chiefs and Elders of Liberia              |
| Independent National Human Rights Commission of Liberia                   | Naymote Partners for Democratic Development                               |
| Initiative for Youth Employment and Economic Development                  |   |

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Office of the U.N. High Commissioner  
for Human Rights  
Organization for Women and Children  
Paramount Young Women Initiative  
Press Union of Liberia  
Rural Human Rights Activists Program  
Supreme Court  
U.N. Development Program

U.N. Women  
U.S. Embassy  
Unity Party  
University of Liberia Law School  
West Africa Network for Peacebuilding  
Women's Legislative Caucus of Liberia  
Women's NGO Secretariat of Liberia  
Women's Situation Room

# Liberia National Elections Commission Organizational Chart



## **Recommendations from Previous Carter Center Liberia Observation Reports**

### **2005**

- Liberian youth and women are to be commended for their active participation in these transitional elections. They should be encouraged to remain engaged in the democratic process as an opportunity to make their voices heard. In particular, the delegations urge the NEC and Liberian political parties to continue including women as polling officers, candidates, and party representatives in future elections.
- The U.N. Mission in Liberia provided substantial technical, operational, and logistical support to the NEC, which increased the commission's capacity to conduct these elections. The delegation hopes that steps will be taken to further transfer skills and technological infrastructure to Liberians in a sustainable manner to ensure that future elections can be conducted credibly by Liberians themselves.
- The NEC and civil society organizations should mount massive voter education campaigns well in advance of future elections.
- To build public confidence in the impartiality of the electoral complaint process, the NEC should outline and publicize its methodology for resolving election-related complaints. The NEC timeline should establish specific deadlines for the filing of complaints to ensure that challenges are not used as a pretext to disrupt the electoral process. Sufficient resources should be dedicated to ensure that all complaints are processed impartially, on an expedited basis, and with adequate transparency in accordance with due process requirements and equality before the law.
- The complaints and appeals process could be improved to provide more transparency. For example, the times and locations of future hearings should be clearly communicated to all accredited parties and observers, with documentation readily available. Rulings should be announced as quickly as possible, with immediate redress and effective remedies provided as appropriate.
- Political leaders and candidates should refrain from inflammatory rhetoric that could undermine the country's nascent and thus fragile democratic institutions.
- The media should provide accurate and balanced reporting on the electoral process and should refrain from biased reporting that could be inflammatory or that may provoke violence.
- The international community should increase its support to Liberia in the medium to longer term to help consolidate nascent democratic institutions and practices.

### **2011**

#### **To the Political Parties:**

- Reconfirm their commitment to nonviolent participation in the electoral process, refrain from inflammatory rhetoric or other actions that could

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lead to violence, and ensure that the message of peaceful participation consistent with the law is communicated clearly and unequivocally to their partisans at all levels.

- Abide by the Code of Conduct for Political Parties and desist from placing posters on public buildings.
- Comply with the campaign finance regulations and report expenditures in a timely and transparent manner.
- Document and formally submit any complaints to the relevant legal authorities.

**To the NEC:**

- Redouble civic and voter education efforts, particularly in rural areas and in the Southeast of Liberia.
- Ensure a high standard for training polling personnel and give special emphasis to the rules for determining valid versus invalid ballots. Ensure that polling personnel are paid on time.
- Clarify the instructions to presiding officers to address underage voters in possession of a valid voter registration card whose name is on the final registration roll.

- Take quick and strong action on formal complaints submitted by political parties, independent candidates, and civil society groups.

**To the Government of Liberia:**

- Ensure that all government officials, including ministers, superintendents, and mayors, are aware of the portions of the elections law concerning access to public facilities and ensure that anyone found guilty of a violation is disciplined swiftly.
- Issue a clear public statement calling on all government officials and elected officers to respect the legal division between public and private resources, and take steps to address the use of public vehicles and other public property for campaigning purposes.
- Launch an investigation into the indefinite suspension of the managing director of Liberia Broadcasting System.

**To the International Community:**

- Continue to provide financial and technical assistance to the NEC.
- Closely monitor incidents of election-related violence and remain vigilant in assessing the security situation throughout Liberia and along its borders.



# **| The Carter Center at a Glance**

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 80

countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.







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