

Elections Coordinating Committee-ECC Final Technical Observation Report of the 2017 Presidential and Legislative Elections

Released May, 2018



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List of Acronyms:

African Union	AU
All Liberian Party	ALP
Alternative National Congress	ANC
Board of Commissioners	BoC
Civic and Voter Education	CVE
Civic Education	CE
Civil Society Organization	CSO
Coalition for Democratic Change	CDC
Code of Conduct	CoC
Constitutional Review Committee	CRC
Economic Community of West African States	ECOWAS
ECOWAS peacekeeping mission	ECOMIL
Elections Coordinating Committee	ECC
Governance Commission	GC
House of Representatives	HoR
Identification	ID
International Foundation for Electoral System	IFES
Inter-Religious Council of Liberia	IRCL
Liberia National Police	LNP
Liberty Party	LP

Local Governance Act	LGA
National Democratic Institute	NDI
National Elections Commission	NEC
National Elections Commission Head Quarter	NEC HQ
National Initiative for Peaceful Elections	NIPEL
National Registry	NR
National Transitional Government of Liberia	NTGL
National Union for Democratic Progress	NUDP
New Electoral Law	NEL
Open Society Initiatives for West Africa	OSIWA
Optical Marked Recognition	OMR
Provisional Registration Roll	PRR
Special Senatorial Elections	SSE
Supreme Court	SC
United Nations	UN
United Nations Covenant on Civil and Political Rights	UNCPR
United Nations Development Program	UNDP
United Nations Mission in Liberia	UNMIL
Unity Party	UP
Universal Declaration of Human Rights	UDHR
Voter Education	VE

1. Executive Summary:

This overall observation report of the Elections Coordinating Committee (ECC) reveals that the 2017 Presidential and Legislative elections were held in a peaceful environment although marred by technical and administrative lapses or challenges but not substantial enough to have undermined the integrity and credibility of the process. This conclusion, as affirmed by other observation efforts, was reached as a result of ECC observing different components of the electoral cycle and the deployment of long and short term observers as well as priority observers in all of the 73 electoral districts across the country. At every stage of the cycle, the ECC released periodic statements on its observations.

On October 10, 2017 1,641,922 constituting 75.2% of the 2,183,629 registered voters of the Republic of Liberia voted in the Presidential and Legislative Elections through a simple majority system for the legislature and a two-round absolute majority system for the presidency. None of the 26 political parties that contested for the presidency received a clear mandate from the Liberian people because none of the parties got 50% plus one vote to win out rightly thereby setting the stage for a run-off between the Coalition for Democratic Change (CDC) with 38.4% and the Unity Party (UP) with 28.8% of the valid votes cast.

On December 26, 2017, the run-off was held between the CDC and UP and 55.8% of registered voters turned out to vote and the Coalition for Democratic Change (CDC) emerging victorious by obtaining 61.1% of the total votes cast. The first and second round of elections was generally in line with regional and international standards for democratic elections. The findings of this report are grouped into the following categories: Legal Framework, Election Management and System, Electoral Management Body, Formation and Regulation of Political Parties.

I. Legal Framework:

a. **Responsiveness of the laws:** One of the hallmarks of a credible election is a responsive and harmonized legal framework that sets the parameters, standards and procedures for the conduct of the National Elections Commission (NEC), political parties and candidates. The legal framework comprising the Constitution, NEL and Regulations is weak, irresponsive, not harmonized and in many instances lacks consistency in their application.

b. **Judicial power accorded to NEC:** Article 83 (c) of the Liberian Constitution that confers judicial power and authority to the NEC creates conflict of interest and does not reflect transparency and impartiality in adjudicating electoral grievances and petitions in cases wherein NEC is a respondent.

Recommendation 1: Long Term: Amend Provisions of the Constitution

Several provisions are required to be amended in the 1986 Constitution such as a change of election date, reduction in the tenure of the Presidency, Senate and House of Representatives and remove all judicial powers from the NEC and establish an Electoral Tribunal instead to adjudicate all electoral disputes. Because of the many provisions that require amendments, the ECC is opting for the writing of a new Constitution building on previous work done by the dissolved Constitutional Review Committee (CRC).

Recommendation 2: Medium Term: Harmonization of laws and amendment of NEL

The Constitutional review and amendments through a referendum will take some time. In the meantime, inconsistencies among the Constitution, Statute and Regulations need to be harmonized

especially around access to the voter roll. Other ambiguous and unenforceable provisions such as Section 4.5 1A within the NEL require legislative amendment.

II. Election Management Process and System:

a. Voter Registration:

Like the legal framework, a credible voter roll sets the foundation for conducting a credible election. The registration of voters, exhibition and finalization of the Final Registration Roll (FRR) posed a major challenge for the conduct of the 2017 elections and its credibility (FRR) was at the center of the legal petition at the Supreme Court. The challenge was due mainly to the combination of two problems: System management and Procurement. At the same time, citizens who turned eighteen in the year of voting were not accorded the opportunity to be registered.

Recommendation 1: Leverage the National Registry System during voter registration

Option 1: Given the cost required to establish a biometric voter registration system, NEC needs to engage the office of the National Registry (NR) to explore the opportunity to leverage the NR biometric identification card system for all Liberian citizens. Bio data information of citizens 18 years and above in the NR system could be extracted and made available to the NEC to facilitate the registration of voters.

Option 2: In the event where NEC cannot use the bio data from the NR for voter registration processes, NEC needs to engage other relevant government agencies, political parties, CSOs, and regional and international partners to establish a biometric voter registration system.

b. Ad-hoc Civic & Voter Education

Effective citizens' participation in any electoral process is greatly determined by the coverage and quality of Civic and Voter Education (CVE). The experience of CVE in Liberia is that it has been ad-hoc, done closer to election time, focuses largely on voting procedures, and not rooted in larger and longer term governance and democratic system and processes.

Recommendation: Amend NEL

Option 1: In consultation with NEC, political parties, and civil society, the NEL should be amended to give the legal authority to another institution like the Governance Commission (GC) or establish a new one that will serve as the driver of a comprehensive CVE program, deepening its contents and making it a continuous process. NEC can play a monitoring role by ensuring quality and consistency of the messages.

Option 2: The current NEL gives legal authority and responsibility to NEC to lead, conduct, and facilitate all CVE programs in Liberia. At the same time, to deepen the quality of CVE program there is a need for amendment to the NEL, which should stipulate a start date for the program sufficiently in advance of the election.

Recommendation: Amend Voter Registration Regulation: Voter Registration Regulation should be amended so that citizens who can provide proof that they will turn eighteen years during the year of voting could be allowed to register thereby creating the opportunity for more citizens to participate in choosing their leaders.

c. Election date poses logistical challenges for NEC and constraints for campaigning:

The date set for voting takes place at the peak of the rainy season and this poses serious logistical challenges for the NEC in distributing election materials. It also poses financial constraints on political parties and independent candidates during the campaign period and to avoid Constitutional challenges in the event of a national crisis.

Recommendation: Amend Article 83 (a) of the Liberian Constitution: This provision should be amended and the date for holding election is set in the NEL that responds to the weather condition and can be easily amended to respond to prevailing national economic constraint, calamity or crisis.

III. Election Management Body:

a. Autonomy of NEC:

The Constitution provides for the autonomy of NEC. However, the President has substantial power in the appointment of members of the Board of Commissioners (BoC) even though their appointment is subject to the consent of or confirmation by the Senate. The influence of the President in the appointment of the BoC has the potential to undermine the independence of the NEC.

Recommendation 1: Vet the appointment of BoC and set tenure limit

The independence of NEC is not restricted to autonomy of budgetary allocation. Public vetting in the appointment of Commissioners or consultative process involving political parties and Civil Society Organizations (CSOs) is a way of engendering independence of the NEC. In addition to public vetting, the appointment of the Commissioners should be set to two terms limit.

b. Power and authority of the Office of the Chairperson of NEC:

Too much power and authority is vested in the office of the Chairperson. A quorum for decision-making purposes cannot be held without the presence of the Chairperson. This increases the risk of dictatorial tendency in leading and managing the institution.

Recommendation 2: Amend the NEL:

In order to reduce the power of the office of the Chairperson, there is a need to amend Section 2.4 of the NEL so that in the absence of the Chairperson, a quorum can be held with the Co-chairperson presiding over the meeting.

IV. Formation and Regulation of Political Parties:

a. Law governing formation and operation of political parties:

Unlike the voter registration exercise, political parties invested time and resources in the recruitment, training and deployment of agents to observe the voting and counting processes. This process needs to be sustained in all other future elections. At the same time, the Constitutional provisions on the formation of political parties are obsolete and spread at different levels of the current legal instruments. The Law should consolidate different aspects of the law into a single instrument. Some of the political parties and independent candidates did not meet the requirements contained under the Party Results Section contained in the NEL. NEC lacks the capacity to monitor the campaign finances of political parties. Most of the provisions in the NEL and Guidelines do not contain sanctions in the event where there are violations.

Recommendation 1: Enact Political Parties Law:

The Legislature should draft a comprehensive Political Parties Law in consultation with political parties, civil society, the NEC and other stakeholders. The respective constitutional provisions should be changed and limited to define the basic requirements operationalizing the parties and should be addressed by the Parties Law. Most provisions of the “Guidelines Relating to the Registration of Political Parties and Independent Candidates” should be integrated into the proposed law with appropriate sanctions in case of non-compliance by political parties.

Recommendation 2: Enforce the provision on Party Results Review:

NEC should enforce the provision on party results review. This would help to limit the number of political parties and independent candidates submitting applications to be registered during election year.

Recommendation 3: Strengthen Political Party Unit at NEC:

NEC’s Political Party Unit should be substantially upgraded, strengthened and enlarged to be fully able to discharge its duties and functions, particularly with regard to the auditing of the accounts of political parties and independent candidates, their financial transactions and campaign financing.

2. Political Context:

Despite holding three successive elections since the end of the civil war in 2003, Liberia's multi-party democracy is new, emerging and fragile. The Liberia's 2017 elections were considered to be critical because for the first time in more than five decades one democratically elected government would hand political power and authority to another democratically elected government. The political transition that took place in 1944 when President Barclay handed power over to President Tubman was not done through a multi-party democratic political process but power handed over from one person to another from the same party. The transition was also critical because the elections were held at the time when the United Nations Mission in Liberia (UNMIL) was initiating its final drawdown.

Since the formation of the State, political power has been in the hands of the Americo-Liberians. During the 1970s, there was a shift in the political development of the country with a struggle of power between the small class elite of the Americo-Liberians and the broad indigenous majority. This struggle for power culminated in the 1980 military coup that brought Americo-Liberians hegemony to an end. Many Liberians greeted the coup and there were high expectations for change.

The euphoria with which the coup was welcomed soon faded away based on an extensive patronage network under Doe regime where power was concentrated in the hands of his Krahn people from the south-east of the country. Doe suspended the 1847 Constitution and set up a 25-member National Constitution Drafting Commission, headed by Dr. Amos Sawyer. A draft was submitted in 1983 and subsequently significantly changed by a 59-member Constitution Advisory Assembly before it was presented in 1984 to the electorate in a referendum for approval (2/3 majority of votes required) where it was passed with 78.3%. The Constitution came into force after the 1985 elections and is still the country's main law.

Pressured by Western powers to return the country to civilian rule, Doe organized election in 1985 which was considered as manipulated and fraudulent and contributed to the erosion of the Doe's legitimacy marred by human rights violations that forced many Liberians into exile. In 1989 a rebel group led by Charles Taylor started a military insurgency. President Doe was tortured and killed by a break-away faction of Taylor's group, headed by Prince Y. Johnson, the current Senator of Nimba County.

The ensuing civil unrest that lasted for more than a decade destroyed state institutions and led to the collapse of the State. The war ended in 1996 when Taylor agreed to a peace accord leading to elections in 1997 which were won by Taylor fairly with over 70% of the votes but in a context of fear and intimidation that if Taylor did not win, there would be a restart of the civil war. Taylor ran the state as his personal property and did little to promote national reconciliation.

A new civil war led to Taylor's final forced resignation in August 2003 paving the way for a 2 year National Transitional Government of Liberia (NTGL) under the Accra Comprehensive Peace Agreement. UNMIL integrating the ECOWAS peacekeeping mission (ECOMIL), assumed the responsibility for security in October 2003.

With the disarmament of the defunct warring factions, multi-party elections were held in October 2005 with a number of clauses of the 1986 Constitution and of the 1985 NEL suspended. With no Presidential candidate enjoying the benefits of incumbency the playing field was relatively even. With a crowded field of 22 Presidential candidates, the Congress for Democratic Change (CDC) won with 28.3% against Ellen Johnson-Sirleaf of Unity Party (UP) as the closest challenger with 19.8%. Fierce protest by CDC erupted after the poll as the party claimed to have been denied their

rightful victory. The run-off in November 2005 saw Mrs. Johnson-Sirleaf elected as the first female African President with 59.4% of the valid votes against Mr. Weah's 40.6%.

The elections, organized to a large extent by the UN, were generally hailed by international and domestic observers as credible and transparent. The 2011 elections were, thus, the second consecutive multi-party elections after the end of the civil war. The UP won the first round but not sufficient enough for an outright victory. The second round took place between the UP and CDC but the CDC did not participate in the run-off and Ellen Johnson Sirleaf was declared the winner.

The 2017 Presidential and Legislative elections were the third consecutive multi-party election. The Coalition for Democratic Change (CDC) won the first round by 39% of the valid votes followed by the UP with 28%. For the first time in Liberia's political history, the run-off was contested by candidates from two of the indigenous ethnic groups signaling an end to an Americo-Liberian presidency. These three consecutive multi-party elections and particularly the 2017 election that led to a peaceful democratic transition have provided the opportunity for the country to consolidate its fragile democracy.

3. Legal Context:

The legal framework for the 2017 elections was comprised of the 1986 Constitution, the 1986 New Elections Law amended in 2003, 2004 and 2014, a set of Regulations¹ even though the National Elections Commission (NEC) used regulations and guidelines interchangeably, Codes of Conduct for political parties, media and national and international observation groups. Although it is broadly in compliance with the principle of Universal Suffrage contained in the Universal Declaration of Human Rights (UDHR) and the United Nations Convention on Civil and Political Rights (UNCPR) the legal framework for elections is weak, inconsistent and in some instances certain provisions contradict each other.

The overall framework lacks key laws to address the electoral process such as the conduct of political parties; however, the NEC has fully availed its rights to issue regulations according to Chapter 2.9 (h) of NEL to fill legal gaps. While the regulatory power has enabled the NEC to fulfill its mandate in the absence of a revised and comprehensive legal framework for the elections, the use of secondary instruments for key issues of the electoral process requiring the strength of law increased the risk of undermining the credibility of the process as addressing key actions required the strength of laws for enforceability.

3.1 The Constitution:

There needs to be a fine balance among the legal instruments: Constitution, NEL and regulation that allows for flexibility but at the same time that does not undermine election legislation. For instance, the Constitution with regard to the setting of Election Day is very specific (second Tuesday in October every 6 years)² and does not give the NEC the needed flexibility to adjust to changing conditions. Also, the rainy season is still on during the month of October and this poses serious logistical challenges for the NEC in moving election materials given the poor infrastructure in most of the country.

At the same time, the Constitution contains electoral provisions that are usually dealt with at the statute level such as voting procedures and party requirements.³ Additionally, Article 83 of the Constitution is heavily loaded. As already stated, it contains provisions for election date, electoral system, election results, confers judicial functions to the NEC in handling electoral petitions⁴, and deals with political parties' declaration of assets and liabilities (Article 83D)

These are issues that are subjected to changes to reflect political developments and therefore should be reflected in a legal instrument such as the NEL that can be amended with a normal parliamentary procedure rather than having to undergo a lengthy constitutional amendment process. Moreover, provisions for the election date should establish a time range rather than a fix date. Detailed provisions for thresholds of electoral boundaries of Art.80 are also not constitutional material as they are subjected to changes according to the population growth and might require frequent amendments.

Articles 77B and 84 of the Liberian Constitution instruct the Legislature to enact laws on the formation of political parties. Except for certain provisions within the NEL and regulations, there is no statute guiding the operations of political parties. The Constitutional provision for defining and configuring what a political party is obsolete. Article 78 States: "A political party shall be an

¹ The election was guided by 8 regulations.

² Liberian Constitution Article 83A

³ Chapter Eight of the Constitution

⁴ Article 83C of the Constitution

association with a membership of not less than 500 (five hundred) qualified voters in each of at least six counties”. At the time of framing the Constitution, Liberia’s population was around 1.5 Million and there were (9) nine counties as compared to the 4.5 Million persons and (15) fifteen counties, respectively.

In an election like the one of 2017 that was characterized by long and complicated legal challenges that have implications and uncertainty for political transitions, the Constitution is silent on how the succession should proceed while a legal challenge is being adjudicated. Article 64 of the Constitution lays out the conditions for succession to the Presidency (removal, death, resignation, inability, or other disability) and the procedures but not for electoral disputes that affect the succession. The framer of the Constitution at the time did not perceive that legal challenges on the outcomes of elections could drag on and run on for months that could create a vacancy in the Presidency.

3.2 New Elections Law:

The New Election Law of 1986 (NEL), describes the functions, duties and mandate of the NEC and the different steps of the electoral cycle. This includes all aspects of the process from voter registration to the conduct of elections, nomination and registration of candidates, campaign finance, voting, provisions for merger consolidation, alliance, coalition and dissolution of parties, complaints and appeals and a comprehensive list of election offenses.

The President appoints the Commissioners and with the consent of the Senate, they are confirmed. This is too much power given to the President to appoint members of a democratic institution without consultation with political parties and civil society or without going through a vetting process. There are seven members of the Board of Commissioners and for a country of less than 2.5 Million registered voters, this is relatively high. Moreover, there is no limitation on how many times they can be reappointed or age limit for retirement (Section 2.2). The NEC has an imperial Chairperson (Sections 2.4 and 2.10) rendering the Co-Chairperson and other Commissioners irrelevant.

Despite these shortcomings, there were some positive amendments in the NEL. The 2014 amendment to the NEL gives independence to some of the administrative and organs of the Commission. Until this time, the Legal Counsels and Research Assistants were appointed by the President of the Republic but with the amendment, these positions are appointed by the Commission in consultation with the Chief Justice and Minister of Justice with the consent of the President (Section 2.15). Similarly, the Executive Director, until the amendment was appointed by the President but with the amendment, the Commissioners appoint the Executive Director by an open and transparent process and endorsed by a vote of not less than two-thirds of the Commissioners voting (Section 2.19). The 2014 amendment also recognizes the rights of registered voters to file a complaint with the Commission alleging that laws and regulations governing the administration of the elections have been breached (Section 5.9). At the same time, several provisions within the NEL will require revision and amendments.

3.3 Regulations:

A number of Regulations and Guidelines were enacted by the NEC in accordance to its regulatory power provided for in Chapter 2.9 (h) of NEL. The list includes: Voter Registration, Exhibition and Claims and Objections, Nomination and Registration of political parties, Campaign Finance, Voting, Polling and Counting, and Complaints Handling. It appears that the NEC has used the definition of Regulations and Guidelines inter-changeably. However, this should be differentiated as

Guidelines are usually not published like the Regulations and their legal strength is lower than Regulations.

3.4 Code of Conduct:

Several Code of Conducts were issued by NEC namely for Political Parties, Non-Governmental Organizations, Observers, Press and NEC Personnel. The Code of Conduct for National Observers included the accreditation procedure. Rather than accrediting institutions the accreditation was done with a combination of institution and individual by which process proved lengthy and complicated. In the case of ECC, it was observed that the names of observers sent for accreditation were duplicated on NEC's accreditation cards. ECC recruited over 2,000 observers, whose names were sent to the NEC to be accredited, and although the number of ECC observers accredited by NEC was accurate the names of these observers were not, as a single name repeated multiple times on the accreditation tags thus leaving out a lot of other observers names. This proved a serious challenge for ECC on Election Day because NEC polling staff was denied ECC observers from accessing the polling centers due to the fact that the name on the accreditation tags did not match with the ones on their voter registration cards. This problem was rectified at the polling stations where the incidents occurred after ECC reported the issue to NEC and observers with accreditation tags were allowed to observe the election. According to international standards the Code grants access to all stages of the electoral process. The Code also contains all the internationally accepted principles of election observation namely: non-interference with the electoral process; respect for the sovereignty of the recipient country and respect of national laws; knowledge of the overall electoral legal framework; and professionalism and accuracy.

3.5 Legal Framework for Political Parties and Independent Candidates:

Provisions for the conduct of political parties and independent candidates are scattered throughout the legal and regulatory framework including the Constitution and NEL. They should be included in a single comprehensive law for Political Parties and Independent Candidates.

Article 78 of the Constitution spells out the requirements for the registration of political parties and provides generally for independent candidates to compete in elections. In the absence of a statute, more detailed provisions for party registration are contained in Articles 18 & 19 of the NEC Regulations called the 'Guidelines Relating to the Registration of Political Parties and Independent Candidates'. Provisions for merger, coalition and dissolution of political parties are listed in articles 8 and 9, respectively of NEL.

As already stated, for a political party to become registered, it needs to provide 500 signatures of a person qualified to vote from each of at least 6 Counties (Constitution; Art. 78). This provision hails from a time when the country had 9 (instead of the current 15) counties and is clearly outdated. The authority to register political parties is vested in the NEC according to Art.79 of the Constitution. For Independent Presidential candidates, 500 signatures of qualified voters from each of at least 6 counties are also required. For the Senatorial election an independent candidate needs 500 signatures from within the respective county; for the House of Representatives it is 300 signatures from within the Electoral District (Sec 8.1b, Guidelines for Political Parties). Political Parties nominating candidates at National and Local Conventions respectively have to submit the list of candidates to the NEC. NEC has to be invited to the nomination convention, but NEC has no supervisory or regulatory role to play with regard to the nomination process.

The nomination procedures provides for the possibility to withdraw not later than 72 hours prior to the publication of the final list of candidates. This provision appears in contrast with article 10.16 of the NEL which provides for the possibility of withdrawing only prior to the printing of ballots. However, the latter provision is undefined in itself as it only provides for *before the ballot papers are printed* without specifying an exact date. Under Section 4.5 (1A) of the NEL, the list of candidates sent by a political party to the Commission for an election must include a candidate for at least half of all the constituencies in the election. There were at least seven political parties that did not meet this legal requirement. Similarly, Section 4.5 (1C) requires that the list of candidates submitted to the Commission for an election should endeavor to have not less than 30% of the candidates on the list from each gender. Like the previous provision, most of the political parties failed to meet this requirement. In breach of these provisions, no action was taken by NEC either due to the lack of will or the lack of sanctions in the law or a combination of both. Ambiguity in language coupled with the lack of sanctions makes enforcement of laws difficult.

3.6 Electoral System:

For the Presidential Elections the Two-Round-Systems is applied if no candidate wins 50% plus 1 vote in the first round. A run-off is to be conducted between the two front-runners on the second Tuesday following the 15 days after announcement of the final result of the first round. These Constitutional provisions are rather unclear. The election of members of the House of Representatives with 73 seats applies the simple majority rule.

The Constitution provides also for the election of Paramount, Clan and Town Chiefs (Article 56b). However, no local elections have been held since 1985. In January 2008 the Supreme Court issued a controversial ruling, reaffirming the validity of the government's line of argument that it cannot afford the holding of local elections due to budget constraints. Since then no election has been held. Liberia's democracy is incomplete without the holding of chieftaincy elections wherein citizens are closer to their leaders. In the absence of locally elected officials the President's appointees (Superintendents) influence the appointments of chiefs which is not in line with the development of a democratic culture. The UP led government did not invest in the holding of local elections but was pushing for the passage of a Local Governance Act (LGA) to support decentralization of political power and authority.

3.7 Election Administration:

Article 89b of the Constitution provides for the establishment of the NEC as an Autonomous Public Commission, thus in line with the AU's African Charter on Democracy, Elections and Governance (Chapter 8, Article 15.1) and international standards for democratic elections. The New Elections Law repeats the autonomous character of the Commission and qualifies "autonomous" further as "independent of any branch of government" (NEL: 2.9). This description is, however, not supported by the legal provisions with regard to the appointment process as contrary to international best practices regarding the appointment of the Commissioners.

The NEL (2:2) states that Commissioners of the NEC can "be removed upon proof of misconduct" which contradicts the independence or autonomous character of the NEC. There are, however, no procedures spelled out for the dismissal of Commissioners although there is a provision that lays out how the Executive Director can be dismissed NEL (2.19:2). The Executive Director serves as the administrative arm somehow as a Secretariat, of the NEC but there is a gray line between the functions that are to be managed by the Secretariat and those of the Commissioners. The appointment of the Commissioners is regulated not by the Constitution but by the New Elections Law (NEL: 2.2), making it more easily subject to change which is a positive step. Commissioners cannot be citizens of another country (NEL 2:3). In the midst of addressing challenges related to the

Voter Roll, the Chairperson of the NEC was accused by some citizens of possessing an American Passport in contradiction to 2:3 of the NEL. The issue was taken to court but the complainants dropped the case. The allegation resurfaced during a press statement issued by the Presidential candidate of the UP during the peak of the legal battle.

At county level the NEC offices are led by Magistrates of Elections, who are permanent staff and appointed by the Commission upon consultation of the President (NEL: 2.9.i & 2.24). Due to size four counties (Montserrado, Lofa, Nimba and Bong) have two Magistrates bringing the total up to 19. The Magistrates are responsible for managing elections in the counties. Despite having county structures, all activities related to election administration are heavily centralized because of the way the NEL is constructed but also due apparently to the country's highly centralized governance structure.

Communication plays an important role in election management. The NEC has a Communication Department but it was not clear whether the Department developed a communication strategy due to the inadequate management of information during the early stages of the electoral process particularly the challenges linked to the Voter Registration Roll. The Communication Department served more as a public relation arm of the NEC rather than developing strategies for communicating effectively with the public.

4. Voter Registration:

Credible elections, to a large extent, are bordered on credible voter roll. Like the 2005 and 2011 general elections, NEC undertook a new Voter Registration exercise for the conduct of the 2017 Presidential and Legislative elections using a manual processing system to record bio-data. The registration took place between February 1 to March 14, 2017 including an extension of 7 days due to what many believed was a low turnout. Voter registration is mandated by a Constitutional requirement. Article 77b states: “Every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution”. From this provision, all citizens who were born in 1999 turned 18 years by October 7, 2017 and upon submission of a proof should have been qualified to register but this category of people were not considered. This means a significant number of young people under this category were not registered and therefore were disenfranchised.

The New Elections Law (NEL) in Chapter 3 caters for the registration of voters. Every citizen of 18 years or older has the right to register unless he or she has lost the citizenship for having been convicted of any capital or infamous crime or has been judicially declared “incompetent or of unsound mind” (NEL: 3.1). This provision adds a further layer of requirement to qualify as a registered voter: “A person must register to vote at a voter registration center established by the NEC for the place where he or she ordinarily resides and must vote at the polling place established by the NEC”. This provision was included in the 2014 amendment to the NEL to stop or reduce the trucking of voters during voter registration. NEC did not have the capacity to enforce this provision as there was anecdote evidence that showed candidates trucked voters mainly from Monrovia to other counties to register.

The NEL offers 5 different forms of establishing the eligibility of a person to register (Valid Liberian Passport, birth certificate, certificate of naturalization; sworn statements by two other registered voters; and confirmation by a Liberian Traditional Leader (Voter Registration Regulation of 2017). In the wide absence of Liberian passports, birth certificates and a National Identification Card, most citizens in the rural parts of the country do not have access to passports or birth certificates and with no national ID system instituted at the time of the registration process, people were identified as Liberians particularly in bordering communities with Guinea and Sierra Leone, by their local traditional leaders. ECC observed that the requirements for establishing proof of eligibility were inconsistently applied by NEC poll workers at polling centers across the country. Observers reported that at 371 of the 822 of observed registration centers, every applicant was asked by NEC registration staff to show proof of his/her eligibility; and at 477 of 821 registration centers, applicants were asked to provide any evidence that they ordinarily resided in the community. These inconsistencies are matters of concern because the stringent requirements for proof of eligibility and the inconsistency in their application opened the door for discrimination against or disenfranchisement of certain groups.

Prior to the conduct of the registration exercise, NEC had announced to the public that its target was to register 2.5 Million persons based on projections from the 2008 Census Report. By the end of the process, NEC registered a total of 2,183,629 citizens with women representing 49% and 51% males, reflecting a significant drop in the estimation by almost 400,000. In 2011, NEC registered 1,798,930 voters and in 2014 during the voter roll update, 1,903,229 voters were registered for the Special Senatorial Elections (SSE) conducted nationwide. So the most recent voter roll prior to the 2017 election was the one used to conduct the SSE. The Final Registration Roll showed that was about 280,400 more registered voters than in 2014.

The voter registration started with initial logistical challenges including the malfunctioning of cameras at some registration centers across the country. Initially, the NEC was slow to bring the situation to the attention of the public until after the media heightened the situation then the NEC issued a public statement indicating the scale of the problem and corrective measures taken to address the situation. ECC observers reported the scale of the challenge of the malfunctioning of cameras which was observed at the beginning of the voter registration process. At 45 of 822 of observed registration centers, the camera did not work throughout the day; and at 11 of 822 registration centers, the cameras did not take good quality photographs. At the peak of the registration, the NEC announced that an individual who worked in the office of former President Sirleaf was arrested for allegedly in position of cameras and other NEC materials associated with the voter registration. He was turned over to the Ministry of Justice for prosecution but the outcome of the investigation was never made known to the public despite calls by the ECC to make the investigation report public. The overall saga created some level of suspicion about the process.

Having observed the registration process, the ECC issued a statement indicating that the process on the overall went smoothly and that it did not observe any systematic attempt on the part of the NEC to exclude certain or any ethnic, social or political groupings from the process.⁵ Some of ECC key findings during the voter registration process was the huge gender disparity amongst NEC polling staff. This number is proportionally low as compared to male registrars given that there were only 64 voter registration centers that had female registrars of the 237 registration centers observed by ECC. ECC also noted that there was low participation of political parties at the polling centers during voter registration. A total of 68 registration centers had a political party representative present of the 231 registration centers observed by ECC during the voter registration period.

The Provisional Registration Roll (PRR) was released by the middle of March 2017 including the Exhibition process. At the exhibition centers where ECC observers were deployed, 9,258 people visited to check their information on the PRR, an average of 56 people per center based on 206 reports. A total of 3,982 of these visitors were women, representing 43 percent of visitors to the observed exhibition centers. The number of visitors was lowest at the beginning of the exhibition period (Monday, June 12) and highest at the end of the exhibition period. The Exhibition exercise provided the opportunity for individuals to vet the PRR in order to produce a Final Registration Roll (FRR) that is credible and reliable.

However, the exercise showed that at several registration centers in different counties, either names or photos of voters or the combination of both were missing for the PRR. This further raised some doubt among citizens on the credibility of the PRR. The media also alarmed the situation and in a hurriedly arranged press conference to address the situation, the Chairperson of NEC on June 14, 2017 announced that individuals with Voter Cards who are not captured or listed on the FRR will be permitted to vote during the October 10, 2017 Elections. This statement further created confusion and public debate among the population on who could or could not vote. The statement from the NEC begs a question: Why organized an Exhibition period and spend resources when individuals whose names were omitted from the PRR can vote anyway during the day of the election?"

No one actually knew the cause (s) and magnitude of the omission or duplication of the profiles of voters. In response to the Chairperson's statement, the ECC issued its own statement calling on the NEC to provide information to the public on what went wrong, the scale of the problem, how it will

⁵ <https://eccliberia.com/eccs-voter-registration-observation-final-report/>

be addressed and to hold individuals to account for the problem (See annex H for statement). In the same statement, the ECC disagreed with the Chairperson's statement indicating that it could open a flood gate for election manipulation because a reliable and credible FFR is a pre-condition for holding free, fair and transparent election. Despite holding a different view from the NEC's Chairperson on the challenges associated with the PRR, the ECC was of the view that there was no calculated intent on the part of the NEC to exclude names of photos of voters but that the problem was both administrative (logistics) and technical (a dysfunctional system).

A few days after the ECC issued its counter statement on the PRR, the longest serving Commissioner at the NEC organized a press conference disassociating himself from the pronouncement made by the Chairperson of NEC relating to the possibility of huge number of individuals with voter cards being permitted to vote when their names, photos, and other particulars are not on the (FRR). In his statement he recalled that the Election Magistrates in his oversight Counties of Nimba and Bong confirmed to him that there was an unprecedented and alarming situation of omission of names from the roll and other associated problems. He further indicated that while at the press conference organized by the Chairperson, he was shocked when Chairman Korkoya announced the above mentioned policy decision that left him with no alternative but to clarify his position to the Liberian people.⁶

This statement coming from a highly placed individual from within the NEC shed further doubt and suspicion on the reliability and credibility of the PRR. Following this statement, the Liberian Senate summoned the Board of Commissioners of NEC to provide clarity on the issues associated with the PRR. In that encounter, the Chairperson of NEC informed the Senate that the issue of missing profiles of voters amounted to 12, 000 nationwide and that measures were being taken to address the situation but he did not provide the specifics or the counties that were deeply affected.

Following the Senate's hearing, the NEC extended the Exhibition period for another week to allow for the process of inclusion, meaning voters whose names were omitted from the PRR could use this period to have their names included on the FRR. In the midst of these critical issues linked to the voter roll, the political parties, particularly the opposition, were un-usually and conspicuously silent on the matter and made no public statement of their position on it.

The NEC took several months to rectify the issues with the PRR indicating the severity of the problem. There are reports that Optical Marked Recognition (OMR) forms from across the country were recalled from the various magisterial offices across the country to the Head Quarters of the NEC for re-processing using a manual system. In the process of fixing the problem, a renowned Liberian economist and politician, Dr. Togba-Na Tipoteh, wrote the Chairman of ECOWAS Authority cautioning the body of potential elections violence in Liberia, and therefore appealed to ECOWAS to intervene by replacing the Chairman of the NEC and postponing the elections. The postponement of elections, he argued was necessary because there was not sufficient time to make the adequate adjustments for the holding of fair elections and that violence may erupt due to the failure by the NEC to release an updated voters roll to the public. He stated: "I make this appeal mainly because of the fact that there is no Voters Registration Roll and it is impossible to have fair elections without a Voters Registration Roll."⁷ Few weeks to the election, NEC announced that the

⁶ <http://www.theperspective.org/2017/0915201705.php>

⁷ <https://www.frontpageafricaonline.com/index.php/politics/5248-dr-tipoteh-writes-ecowas-to-postpone-liberia-s-2017-elections>

FRR was completed and problems associated with the PRR had been resolved. Following this pronouncement, the ECC issued a statement urging the NEC to publish the FRR for an independent public scrutiny and to make it available to stakeholders in keeping with law and international best practices. This was intended to build or restore public confidence in the process going to election. Once more, the political parties were silent on the publication of the FRR. Approximately ten days to the election, the NEC gave the FRR to the political parties on a disc drive or memory chip. Overwhelmed with the campaigning, limited time and lack of technical capacity, the parties did not conduct an analysis of the FRR and went to the election on October 10, 2017.

5. Civic & Voter Education

What is termed as Civic and Voter Education (CVE) in Liberia is actually Voter Education (VE) and not educating citizens within the broader context of their rights and responsibilities in the democratization of the country. The amendment to the NEL of 2014 adds a subsection 2.9(y) that gives legal authority to the NEC to conduct programs to educate the citizens of Liberia about elections and referenda and their democratic rights related to them; and to inform them about voter registration events and election and referendum events.

The provision is restricted in educating citizens about elections and not the broader concept of civic education that encompasses voter education. While it may be true that the law gives NEC the authority to lead programs to educate citizens on voting and referenda, the provision also does not state that NEC should do this exclusive of other stakeholders such as political parties and civil society organizations (CSOs).

NEC conducted voter education in addition to the efforts of other international groups such as the National Democratic Institute (NDI) and national CSOs. NEC directly implemented some aspects of the voter registration and like NDI, contracted the services of national CSOs to conduct voter education awareness in counties across the country. It is not clear how many CSOs collectively were hired by IFES, NEC, NDI and UNDP to conduct VE and which portions of the population were engaged in which counties particularly given the country's infrastructure that is marred by poor road conditions and a limited road network. Furthermore, supervision of the CSOs and quality control of their work below the Magistrates' level remained almost impossible.

The NEC should not be taking on additional responsibility of managing and implementing CVE programs in addition to its core function of election management. The responsibility of long term CVE should be placed on the shoulder of another government institution and NEC can work with that institution during the election year on specific voter education information that needs to be included in the CVE program. With this task delegated to another institution, NEC can then focus on supervision and coordination of VE rather than implementing CE interventions.

6. Political Parties Regulation and Candidates Nomination

The Liberian political landscape has been marked by the proliferation of political parties, the formation of which is guaranteed by the 1986 Liberian Constitution. Article 78 lays out the basic requirements for the registration of political parties and independent candidates to take part in elections. To register as a political party, an association should have a membership of no less than five hundred qualified voters in each of at least six counties. For Independent Candidates, 500 names of qualified voters are required from each of at least six counties. At the time of the passage of these laws, there were nine counties as compared to the fifteen there are today meaning that this law is not relevant to the prevailing geo-political context. Moreover, NEC has no means of verifying whether or not the 500 names are qualified voters.

The registration of Political Parties and Independent Candidates is guided by the February 13, 2017 Guidelines for the Registration of Political Parties and Independent Candidates. A political party shall be registered in accordance with this guideline and shall pay in respect of the registration a nonrefundable processing fee of One Thousand Eight Hundred United States Dollar (US\$1,800.00) or its equivalent in Liberian Dollars to the Commission.⁸

Details on party registration are contained in Articles 18 and 19 of the Guidelines. There are other portions of the Registration Guidelines that call for a functional office in each of the 15 Counties and a bank account of US\$10,000.00 for legislative candidates.

Chapter 3, Section 3.1 lays out some basic requirements for the operations of political parties. It states: “All registered political parties shall be required to establish and maintain at all times a functioning and standardized national headquarters in the capitol of the Republic, and one functioning and furnished local office in the capital of each of the counties at all times”. A party’s failure to establish and maintain an office in the capitol of the Republic, or in the capital of each county shall each constitute ground for revocation of the party’s registration and accreditation as a political party. The National Headquarters of a political party must meet the following minimum requirements:

- i. Have a spacious building located on a land space that is not less than one city lot if the headquarters is in a stand-alone building; ie not located in a high rise building;
- ii. Contain not less than four offices, at least two bathrooms, a conference room, and have furniture, equipment and shall not be a residence;
- iii. Be easily accessible;
- iv. Be conspicuous; and
- v. Have water facility

In the case of political party offices within the counties and constituencies, the minimum requirements shall be:

- i. A non-residence;
- ii. Contain not less than two rooms and a bathroom;
- iii. Visible, cleaned, and easily accessible.

The mere physical structures and locations of some of the political parties cannot stand the test of these minimum requirements. It is unsure whether NEC has the time to carry out inspection of the facilities of the parties when it is usually overwhelmed by planning to administer elections.

⁸ Section 1.6A of the Regulation and Guidelines

However, the NEC certified 26 political parties to contest for the Presidential election even though 19 parties fielded presidential candidates along with hundreds of legislative aspirants who were also certificated. The NEL or guideline is weak in terms of the timeframe provided under which a political party or independent candidate apply for certification. Six months prior to the elections, parties and independent candidates were certificated by the NEC.

Political parties are also required to establish and maintain a bank account with a minimum balance of Ten Thousand United States Dollars (US\$10,000.00) or its equivalent in Liberian dollars at all times. A party's failure to maintain said minimum bank balance shall constitute ground for revocation of the party's registration and accreditation as a political party (Section 3.2b). It is practically impossible for the parties to meet these financial requirements. Firstly, the operations of political parties are not institutionalized. Second, to a large extent, the financial expenses of political parties are shouldered by the Presidential Candidates and a few persons. Finally, members do not pay dues to cover operational cost for running of the parties. At the same time, there is no document from NEC accessible to be public to show whether or not all of the political parties met these requirements.

There are provisions in the law which refers to the declaration of assets and liabilities of political parties and independent candidates. According to Article 83 (d) of the 1986 Constitution, every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of election in which he is a candidate, publish and submit to NEC detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. The ECC observed that the 16 certificated candidates violated this provision and NEC lacked the ability or political will to act.

Part of NEC's inability to act could be attributed to the lack of authority in terms of the legal framework. Article 84 of the Liberian 1986 Constitution gives the Legislature the power to enact laws that provide penalties for any violations of the relevant provisions of Chapter VII of the Constitution and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provision of the Constitution. Such a law is yet to be enacted into law.

The political parties' Code of Conduct (CoC) has a dispute resolution mechanism as contained under Section VII.2: Enforcement. It states: "Where a dispute arising out of a breach of the provision of this Code is not amicably resolved, it may be reported to the Inter-Party Consultative Committee (IPCC) which shall give a fair and expeditious hearing to the political parties involved and where appropriate, forward its findings to the NEC for further consideration. Repeated violations will be reported to the proper authorities including but not limited to the Supreme Court". It is difficult to see how this clause can be enforced given the fact that the CoC is a voluntary arrangement and has no legal obligation on any of the parties. Taking offenders to the Supreme Court therefore seems impractical.

ECC was the only observer group to observe the political parties primaries and unlike the 2011 primaries of most of the parties that were largely undemocratic and marred by manipulations and interference that caused division and anger among partisans, most of the primaries of the 2017 election had some democratic semblances. This was contributed to better organization within the parties and compliance to the internal rules and procedures for holding primaries. ECC observers reported that generally, the primary events observed were well organized. Observers' reports show that list of persons attending the events and documents detailing the rules and procedures for the

conduct of the primary were present at the event. Also, the candidates, attendees, and the people in charge of the primary appeared to know the rules and procedures for the conduct of the primary event. However, the attendees were not systematically asked to show identification to attend the primary event.

Of all the political parties, the UP and CDC were the parties that appeared to have set up a well-organized campaign structure. These parties recruited, trained and deployed poll observers across the country. Both parties established situation rooms similar to the ECC where their observers were texting results to the command center so the party had an up-to-date idea on the outcome of the elections. A few days into the tallying and pronouncement of results, the parties knew that a second round was imminent even though some leaders of the CDC were claiming outright victory.⁹

The candidate nomination took place between June 19 and July 2017 with an additional ten days extension. According to the NEC's regulation on candidate nomination, all applicants were to appear in person during the nomination process. The basic requirements included:

- ❖ Aspirant MUST be a Liberian.
- ❖ Aspirant MUST attained the age of 25 years for Representative and 35 years for President and Vice President.
- ❖ Aspirant for Representative MUST be domiciled in the constituency one year prior to the elections.
- ❖ Aspirants for President and Vice President MUST be resident in Liberia for not less than 10 years prior to the elections. And
- ❖ Aspirant MUST be a tax payer.

In a press statement, the NEC gave reasons for the ten days extension. It stated that due to the astuteness of the Commission, and considering the level of enthusiasm on the part of political parties and aspirants, coupled with the statutory demands relating to the 50% candidate requirement and the 30% gender requirement for each party.

6.1 Review of Parties Results:

Chapter 5A of the NEL deals with conditions under which a Political Party or Independent Candidate may be suspended.

Section 5A (1) states: "A Political Party or Independent Candidate shall be suspended if the candidate(s) nominated in an election for Presidency or a seat in the Legislature receives insufficient support in that election thereby resulting into:

- a) None of the Party's candidates is elected, and
- b) The total of all valid votes cast for the candidates nominated by the party is less than two percent (2%) of the total of all valid votes cast for all candidates in the constituencies in which the party contested, the Commission shall suspend the party's right to nominate candidates for the next two (2) elections for the same office.

⁹ The Vice Chairperson for Mobilization of CDC was on radio claiming an out-right victory while the results were being announced by NEC.

Similarly, Section 5A (2) states: “If an independent candidate has contested an election for a President or a seat in the Legislature, and in that election:

- a) The candidate is not elected, and
- b) The total of all valid votes cast for the candidate is less than two percent (2%) of the total of all valid votes cast for all candidates in the constituency that the candidate contested, the Commission shall suspend the candidate’s right to be a candidate in the next two elections for the same office.

Paragraph 5A (1), however, does not apply to a political party that, at the time of the election had a member continuing to hold office as President or as a member of the Legislature. This provision is not even handed across all parties. At the same time, NEC needs to do an analysis that will show which of the parties did not meet the conditions under 5A (1), (a) and (b) and based on the analysis and enforce the sanction as contained in the NEL.

7. Campaign:

On October 8, 2017 at 12.00 pm, the three months long campaign period which started off on July 31 2017 came to a close. In a political democratic transitional period, the stakes can be high and abound by fears of electoral violence. Except for several minor incidences of violence in Sanniquellie (Nimba), Kakata (Margibi) and Monrovia, all parties were able to campaign freely. There was no widespread denial of political parties' access to public facilities, and the campaign period was generally peaceful. In many instances, supporters of different political parties moved about in the same environment and without any trouble. This is a demonstration of the growing maturity of the country's democracy. At the same time, forms of electoral violence were investigated by the Liberian National Police (LNP). However, no reports were released to the public pointing to violators or whether an electoral offense was committed that required prosecution or a fine as stipulated in the NEL.

At the peak of the campaign, the United Nations Mission in Liberia (UNMIL) and the office of ECOWAS based in Monrovia organized several meetings with the presidential candidates and undertook several shuttle diplomacy with the candidates to galvanize their commitment to conduct themselves peacefully during the campaign and on polling day and after election day. ECOWAS and UNMIL in partnership with the Inter-Religious Council of Liberia (IRCL) facilitated series of dialogues with the parties that culminated in the signing of the Farmington Declaration on June 4, in Margibi County, by the political parties committing to peaceful elections and judicial resolution of electoral disputes. The declaration was signed during the 51st Summit of Heads of State and Government of ECOWAS.

Despite, the signing of the Farmington Declaration, the rhetoric and tone of the campaign were inflammatory particularly from some leaders and members of the CDC, but did not reach the level of hate speeches. Throughout the campaign period, most CDC supporters maintained that they were cheated in the 2005 and 2011 Presidential and Legislative Elections but later decided to accept the results for the sake of peace. Specifically in 2011 after the first round, it boycotted the run-off election for similar complaint, allowing the Unity Party (UP) to run unopposed. These views were apparently reinforced by George Weah in his acceptance speech as the standard bearer of the CDC when he sounded a warning to the public and attention to the international community that the CDC this time around will not accept a rigged result or allow its rights to be violated.

Liberia's political campaigns have not been based on issues but driven by personalities. In order to shift from personalities to issues-based campaign, the Deepening Democracy Coalition (DDC) comprising several civil society organizations organized presidential debates. On August 18, the first one was held with four presidential candidates appearing: Alexander Cummings, Joseph Boakai, Benoni Urey and Charles Brumskine. The main opposition at the time, led by George Weah did not show up.

The second round of debate for another batch of presidential candidates took place and again the presidential candidate of the CDC did not appear. Both of the debates were broadcasted live on several radio and television stations. While it is true that debates are an inherent part of political campaigning process intended to help citizens make informed decisions based on the political manifestos of the parties, the debates did not have any significant impact on the outcome. This is because George Weah, the candidate at the time of the CDC became victorious despite not appearing at any of the debates. It can be implied that citizens voted on personality rather than on the vision, ideology and policy issues proffered by the candidates or political parties.

The candidate of the UP ran a campaign on his integrity and plans to construct roads across the country as a means to accelerate development interventions. The opposition parties criticized the UP for failure to fight corruption, high poverty level, waste of resources and failure to improve access to social services and lack of employment opportunities particularly for young people. Almost all of the bigger opposition parties capitalized on the declining economic situation in the country and carved their campaign messages on the need for “change”. The CDC campaign slogan was “Hope for Change” and a “Pro-Poor” Government, that of the Liberty Party (LP) was “Change is Real” and for the Alternative National Congress (ANC) it was “Time of Change”. Collectively, these parties hammered home the message that there was a need for a change of government after 12 years rule by the UP rather than offering any clear distinguishable policy alternatives or differences to the UP.

Apart from holding political rallies, there are provisions in the Constitution, NEL and Regulations to guide the campaign process. Article 83(d) of the 1986 Constitution further lays out the legal framework by which Political Parties and independent candidates publish and submit detailed statements to NEC on their assets and liability. The ECC issued a statement urging Political Parties and Independent Candidates to comply with this Constitutional provision as well as calling on NEC to enforce it. Some of the Political Parties submitted statements to the NEC but that was in partial compliance because the law calls for submission and publication. At the time of the election, it was unclear whether all of the Political Parties and Independent Candidates complied with the law and any action taken by NEC to enforce the law.

Political campaigning also goes with access to financial resources. Chapter 7 of the NEL outlines a wide range of conditions on who can contribute to political campaigns and what are the limitations on contributions and spending. Section 7.1 clearly states that only Liberian citizens shall have the right to contribute to funds and election expenses of political parties and independent candidates. Section 7.3(1) gives categories of expenses that can be incurred by the presidential and vice presidential candidates, independent candidates, as well as candidates for the Senate and House of Representatives.

For the presidential candidates, which is of interest to the ECC, election campaign expenses cannot exceed US\$2,000,000 or its equivalent in Liberians Dollars. Furthermore, Section 7.5 (1) states that no article person (meaning a corporation) shall contribute more than US\$100,000.00 or its equivalent in Liberian Dollars to political parties and independent candidates for use in an election campaign.

The financial resource capacity varies among the political parties and independent candidates. Due to the duration of the campaign period, most of the smaller political parties and independent candidates experience financial challenges by the time the campaign reaches its peak. The vehicles possessed by the bigger parties like the CDC, UP, LP, and ANC and their outreach campaign activities demonstrated that they had access to financial resources even though some had more than others. Without the publication and submission of assets and liabilities statements by political parties and independent candidates prior to the start of the campaign, it makes it difficult to assess the financial standings of the political parties and independent candidates.

At the same time, NEC lacks the internal institutional capacity to monitor how the campaigns of political parties and independent candidates are funded and if there are breaches, to enforce the campaign finance regulations. Like NEC, CSOs equally have not developed the capacity (knowledge, skills, and tools) to systematically track the flow of resources to political parties and independent candidates as well as to document their sources. These combined challenges make it extremely difficult for CSOs to hold political parties or independent candidates to account or for

NEC to ensure that the parties and candidates comply with the law. The lack of enforceability of laws makes them irrelevant.

8. Gender:

Despite being the first African country to be governed by an elected woman President, Liberia has a rather low participation of female citizens in political life. The legal framework and the electoral system are weak in terms of gender quota system. This has translated into seats being overwhelmingly won by male candidates. Going to the elections, the percentage of women in the Senate and House of Representatives (HoR) was 12%. In addition, the number of women in public offices in the other two branches of government also reduced from 2012 to 2017.

There were several attempts made to address the issue of gender gap in the electoral law. The first was an amendment in 2014 of the NEL. The amendment is under Section 4.5 (1b) which states that: “A political party or coalition in its submission to the Commission, of its list of candidates for an election should endeavor to ensure that the governing body and its list of candidates has no less than 30% of its members from both gender”. The controlling phrase in this provision is “endeavor to ensure” and it is ambiguous and has no yardstick for legal compliance. As a result of this, most of the political parties were not in compliance with this provision and nothing was done to the parties that did not comply. This is because, to a large extent, the law has no provision on what sanctions the NEC can invoke to punish parties that are in non-compliance.

The second was an Affirmative Action Bill in 2016 to allocate certain seats for women, youth and People with Disabilities, did not get passed through the HoR in 2017 even though the Senate approved it. The majority block who opposed the passage of the Bill relied on Article 18 of the Liberian Constitution that focuses on equal opportunity for work and employment regardless of sex, creed, religion and ethnic background. Others cited that allocation of certain seats for women would be in violation of Article 80(d) which states legislative representation is based on constituency in keeping with population growth revealed by a national census. Relying on this provision, the opponents of the Bill further argued that which of the 73 constituencies would the women represent if certain seats were allocated to them?

From among the 1,024 candidates (Presidential, Vice running mates and HoR) only 163 were women. For the HoR, 984 were certificated to contest for the 73 seats and of this number, 156 were women. Only nine women were elected, representing 6% of the total number of seats. With the election of Jewel Taylor on the ticket of the CDC, the number of women senators is two. Liberia has a bi-camera legislature comprising the HoR and the Senate so the total number of women in the legislature is eight.

This number is proportionally low as compared to men given that women made up 49% of the total registered voters in the just ended elections. After the voter registration process Women civil organizations used ECC’s findings of women’s participation during the voter registration to improve their gender mobilization strategy in order to improve the participation of women in politics and elections.

In the meantime, amendments to the NEL to increase women’s participation in elected offices do not reflect gender consideration in the NEC. Although the Board of Commissioners (BoC) of NEC has three women of the seven, below this layer, women are less well represented within the NEC leadership structure. For instance, almost all of the Electoral Magistrates are men.

9. First Round Elections: Voting, Counting, Tallying & Results

9.1 Voting:

By law, voting starts 8.00am and ends by 6.00pm with the counting taking place immediately after closing at polling place level. On October 10, voters demonstrated enthusiasm to vote by showing up as early as 5am. ECC observers reported that voting generally commenced on time in most of the observed polling places. By 8:30am, 80% of polling places where ECC observers were assigned had opened. Another 19% had opened by 10:00am.

While voting was relatively peaceful across the country, there were reports including those from ECC observers of confusion and poor management of queues by poll workers at some polling stations in Monrovia and other parts of the country. The poorly managed queues did not lead to violence but voting at some polling places was interrupted¹⁰ and in other instances led to prolonged delay in casting of ballots. The polling staff notably queue managers was generally not knowledgeable of the process due to incompetence, inadequate training or the combination of both. In other instances, queue controllers did not appear at polling precincts in time to assist voters, who had assembled as early as 5am, to identify their correct polling places to vote.

Apart from the poorly managed queues, ECC observers noted that some voters who had valid voter registration cards but whose names were not on the FRR were not allowed to vote. The ECC documented the number of voters who fell in this category (See ECC statement attached). In other instances, some voters whose names were not on the FRR but had valid voter cards were allowed to vote by recording their names on what was termed as an addendum list. The legal reliance to carry out these two practices by poll staff was not clear at the time but what was certain is that there was a lack of consistency in the application of the law or regulation on voting procedures.

Technically a voter could mark the ballot either with a pen by marking an “X” or making a check mark or with an ink thumb print. The latter led to spills on the ballot paper, sometimes resulting in the invalidation of the vote. Out of the 1,641,922 votes cast across the country, 88,574 accounted for invalid votes. This is a relatively high number of invalid votes having organized a series of elections since the end of the war in 2003 it is an issue worth looking into by the NEC. In response to the high number of invalid votes, the Chairperson of NEC blamed indiscipline and wickedness on the part of voters.¹¹

The Chairperson further claimed that many voters deliberately caused invalid votes because they did not do it out of ignorance or illiteracy as it appeared. Without assessing the merits or de-merits of these assertions by the Chairperson of the NEC, comments from citizens in newspapers and on radio and other media sources suggest that CVE was not substantially implemented across the country. AU audit of the CVE contents and strategy adopted by the NEC and its partners needs to be performed to reduce the number of invalid votes in future elections.

¹⁰ For instance, in Suacoco town, Suacoco District, as reported by ECC observer, some youth set up road block and disrupted voting at a polling center alleging that they were not allowed to vote because their names were not on the FRR.

¹¹ <https://www.liberianobserver.com/news/invalid-votes-deliberate-korkoya-claims/>

9.2 Counting

By law, counting commences after every voter in queue by 6:00pm had voted. Unlike the voter registration wherein political parties did not invest time and resources, agents of political parties were generally present during the counting process. ECC observers reported the presence of at least one party agent at 99% of observed polling places during the voting and counting processes. This contributed to a level of transparency in the process. In only 16% of observed polling places, party agents filed a complaint. This demonstrates that the party agents did not challenge the counting process in most polling places. The ECC observers noted this and it was confirmed by other observation missions. Domestic and international observation missions were also present during the reconciliation and counting of the ballots allowing for a good degree of transparency of the voting & counting process.

However, counting started late in some polling centers due to the delay in voting and this contributed to fatigue among polling staff coupled with inadequate lighting system increased the risk of errors. For instance, there were technical deficiencies particularly with regard to filling of the result forms but there were no deliberate manipulations or fraudulent alterations. The turnout of 75.2% of the registered voters in the first round was slightly higher than in 2011 (71.6%). A significant number of polling places remained open past the designated closing time (6:00pm). ECC observes reported that 41% of observed polling places closed after 6:30pm, with many remaining open late into the evening to allow voters to cast their ballot. In 88% of observed polling places there were still voters in the queue at 6:00pm. In 93% of these polling places, voters in the queue at 6:00pm were allowed to vote. However, in 7% of these polling places, voters still in the queue were denied the right to vote.

9.3 Tallying

Tallying and posting of results start at polling centers and these results are aggregated at the tallying centers at the magisterial level. Cumulative results were calculated at the national tallying center at the Samuel Kanyon Doe Stadium in Monrovia. Results from the polling precincts are transported to the magisterial level by vehicles. Aggregated results from the county and district results are transmitted electronically to the national tallying center and the cumulative results are transmitted to the office of NEC for pronouncement to the public.

At the magisterial tallying center, observers could only observe the entry of data by data operators but this process is not very transparent because it is practically impossible to verify figures that are entered as compared to the outputs (aggregate figures) per precinct. At the magisterial tallying centers, ECC observers were present but they did not observe the presence of agents of political parties. There were no electronic screens that could reflect the in-flow and out-flow of data to enable observers make an independent judgment on the accuracy of the analysis of results. Similarly, domestic and international observers as well as party agents were present at the national tallying center to observe the process. As noted above, the national tallying center lacked electronic screens facility and it made it impossible to cross check or verify cumulative results per candidate as against results announced by the NEC.

The tallying process was done with the publication of results on the NEC website especially the publication of the results down to the polling place level was commended. This is in line with

international best practices and allows parties/candidates, observers, the media and voters to track the results of their own and any other polling place. However, the NEC could have pursued a more robust strategy that could have increased more transparency in the tallying, transmission and announcement of results.

9.4 Release of progressive provisional results

The NEC started holding its well-attended daily press conferences and releasing progressive partial results a few days after the October 10 elections. Progressive results were announced on a 20% basis of the total votes cast. It concluded its series of press conferences with the declaration of the final result on October 19, 2017 within the constitutionally allowed time frame of 15 days after the election. The date for the run-off was set for November 7, 2017.

9.5 Presidential Results:

George Weah of the CDC received the most votes in the first round with 38.4% of valid votes, but fell short of the constitutionally required 50% plus 1 vote. Runner-up and qualified for the run-off was Mr. Joseph Boakai from the UP with 28.8%. Liberty Party (LP) led by a renowned lawyer, Charles Brumskine came third with 9.6% of the votes. The result was a reversal of the 2011 first round where the UP received the highest number of votes, followed by CDC and then Senator Prince Johnson National Union for Democratic Progress (NUDP). George Weah won more than 10 of the 15 Counties but secured more votes in the Southeast where he originally hailed while Joseph Boakai and Charles Brumskine got substantial votes in their Home Counties, Lofa and Bassa, respectively. The results from the first round showed that citizens voted to a large extent on ethnic lines. The remaining about 9% of the valid votes was shared by the other 16 presidential candidates. Prior to announcement by the CDC that it had won the first round, the ECC data received from its 700 priority observers across the country showed that none of the single parties would have won out-rightly during the first round.

9.6 Legislative Results:

On October 10, all 73 members for the House of Representatives (HoR) were newly elected. As in 2011 the Legislature remains strongly fragmented with no party winning an overall majority of seats. President George Weah's CDC became the strongest party in the HoR with 21 seats of the 73 seats, followed by UP with 19 seats and Independent Candidates with 13. This is an increase in the number of persons winning as Independent Candidates (7 won in 2005 and 2011).

Only 9 female candidates (6.5%) were elected to the HoR, a decrease from 11% in 2011. This is well below the internationally common and continental target of at least 30%. The election twice of Ellen Sirleaf as President, has not translated into any higher female representation in the Legislature.

9.7 Developments between the First and Second Round Elections:

A few days after the voting of October 10, the ECC released its preliminary statement in which it concluded that though the elections were marred by technical and administrative lapses, they were not grave enough to undermine the integrity of the process.¹² Other observation groups including the NDI, Carter Center and ECOWAS, affirmed the view of the ECC. The ECC further called on any political party or independent candidate who had electoral petitions or grievances to adhere to the rule of law and seek remedy through the court.

¹² <https://eccliberia.com/>

However, a few days after the official announcement of the results, the All Liberian Party (ALP) through a press conference was the first to raise allegations of fraud and irregularities and filed a formal complaint with the NEC. Similarly, the Alternative National Congress (ANC) issued a statement alleging irregularities but the Party did not file a formal complaint. On October 23, the LP filed a complaint with NEC.

In its complaint, the LP alleged various problems ranging from the late opening of polls to the absence of queue controllers but also included fraud allegations, including being undertaken by NEC officials. The complaint further alleged that a NEC officer had pre-marked ballots in his possession and an official misrepresented the number of ballots for the party's candidate. The LP also alleged that the elections were characterized by gross irregularities and fraud, which undermined the integrity of the elections and deprived thousands of Liberians of their constitutional right to vote. The LP claimed it had enough evidence in its possession to prove its allegations.

To form a concerted effort, the ANC, ALP, and UP joined the LP and backed the party in its allegations of electoral fraud and irregularities during the first round of the presidential and legislative elections. In the joint statement read by the Chairperson of the UP, the Parties declared a total lack of confidence in the NEC's Chair and its capacity to conduct the run-off. The statement further accused President Ellen Sirleaf of electoral 'interference and manipulation' and vowed to seek legal redress.

The statement also alleged that the elections were marred by anomalies which included widespread and systematic fraud, incompetence, inefficiencies and deliberate actions and/or inactions on the part of the National Elections Commission (NEC) that prevented thousands of Liberians from voting. Unlike the 2011 elections wherein the CDC was claiming vote rigging, it was the ruling UP that was alleging electoral fraud. All of the allegations were levied against the NEC.

While the LP's case was under review by the NEC, the UP filed an application with the NEC to be joined to the LP's case. The lawyers of NEC objected to the application but this was overruled and UP became a joiner to the suit. While the LP's complaint was being heard, the NEC was at the same time moving ahead with preparation to conduct the run-off. This angered the LP and it filed an application with the Supreme Court (SC) to stop the NEC from proceeding with the run-off until its complaint was adjudicated by the NEC.

The SC granted LP's petition and issued the writ of prohibition against the NEC and a stay order on any and all actions in respect to the pending run-off Election scheduled for November 7, 2017, pending the disposition by the Supreme Court of the Petitioners Petition. Given the Constitutional nature of the case, the full bench sat on it. After legal arguments, the SC on November 6, 2017 ruled in favor of the LP. In his ruling, Chief Justice Francis Korkpor said the NEC should have investigated the LP's complaint before it reached the SC. He therefore ordered the elections commission to investigate the case in one week's time. If the decision to be reached by the NEC did not meet the consent of the LP, it could file an appeal to the SC. The Court's ruling meant that the runoff election, which should have been conducted on Tuesday, November 7, was suspended without a definite date reached.

NEC resumed jurisdiction over the case with UP as a joinder, and due to legal technicalities the proceeding was becoming cumbersome and this created a lot of panic, fear and uncertainty among the population whether there would be a re-run, a run-off or the formation of an interim government. Following legal arguments by the NEC and the two parties, the Hearing Officer of NEC, on November 21, gave his ruling that dismissed the complaint of electoral irregularities and fraud filed by the opposition LP and the ruling UP. The two parties took exception to the ruling and filed an appeal with the Board of Commissioners (BoC) of NEC.

During the hearing before the BoC the lawyers of UP and LP on November 23, filed a motion requesting that the Chairperson of NEC recuse himself from sitting over the case because he had earlier made a public statement that the parties had no case and their actions were politically motivated. This statement according to the parties was prejudicial and therefore the Chairperson cannot be seen as neutral in the matter. This motion was dismissed by the BoC. The parties took an exception to this ruling and proceeded with the case.

Following final arguments by the lawyers of both parties, the BoC ruled affirming the judgment of the Hearing Officer that UP and LP did not prove their allegations of electoral fraud and irregularities. The UP and LP made exceptions to the ruling. Despite calls by some national, religious, and traditional leaders for the Parties to drop their case, they perfected their appeal with the SC. At this stage of the process there was increasing uncertainty among citizens whether there would be re-run or a run-off election. From discussions on different radio stations, citizens were divided on the matter. There were some who hailed the LP for pursuing its case through the legal means while others blamed the LP for undermining the country's transition process and causing hardship on the country because the uncertainty was scaring away investors.

Despite the political uncertainty and divided opinions held by citizens, the ECC maintained its position throughout the legal proceedings that allegations of electoral fraud must be adjudicated through the rule of law. This would help to set precedent on handling allegations of electoral fraud but to also allow state institutions such as the Court to perform their Constitutional mandate thereby strengthening the democracy process. While the case was under review by the SC and in the midst of the uncertainty, the State Department of the United States released a statement calling on the CDC and UP to prepare for the run-off.

The statement also contained links of various national and international observation reports wherein their reports did not indicate electoral fraud and called on the Political Parties to go through the legal proceedings with good faith. Given the influential role the US has played in the country's political history, there were mixed reactions to the statement. Some Liberians terming it

undue influence over the legal process and that the US Government had prior knowledge on how the SC would rule.

In keeping with Constitutional requirement, the SC on December 7, came down with its ruling that affirmed the decision of NEC but with modifications. One of the SC's Judges had a dissenting opinion to the majority's views. Justice Phillip A. Z. Banks III who read the lengthy opinion and concluded by saying: "The stay order issued on November 6 is hereby lifted and the NEC is hereby ordered to proceed with the schedule of the run-off election in accordance with the Constitution of Liberia and the New Election Law and in conformity with the rule set forth in this opinion".

Prior to the conclusion mentioned above, Justice Banks further read: "That notwithstanding our findings that indeed there were some irregularities, fraud, and violations of the New Electoral Law, as well as Rules and Regulations of the NEC, we hold that there is no evidence to show that those violations were in such magnitude that they rose to such level to warrant setting aside the results of the Presidential and Representative Election held on October 10, 2017 and ordering a rerun".

The Court, in its judgment, laid down several preconditions and instructions that the NEC needed to fulfill before proceeding with the runoff election.

- NEC was mandated and ordered to fully comply with the standards of publications of the Final Register Roll (FRR) as in keeping with law.
- The NEC has also been ordered to conduct a full cleanup of the FRR to have it comply with the provision of the law.
- The FRR is to be available in published hard copies to all Election Magistrates and polling places across the country in accordance with law prior to the conduct of the runoff election.
- Contentiously, the NEC has also been mandated not to allow anyone whose name is not in the FRR to vote during the runoff, noting that the FRR is the only electoral document that speaks to the eligibility of voters.
- Poll watchers, who did not register at their places of assignment and those whose names are not in the FRR should not be allowed to vote.
- The Chairman and members of the Board of Commissioners of the NEC and other staffs of NEC have been prohibited by the Supreme Court from public utterances and pronouncements relating to any matter that may emanate from the runoff.

The SC's ruling raised the standard of proving electoral fraud and irregularities. In the view of the SC, the mere fact that fraud and irregularities took place on a few polling centers, the evidence must be of a

magnitude to prove that such fraud and irregularities were wide spread. This view is similar to that of the doctrine of “substantial effect” which implies that fraud and irregularities must be substantial to have an effect on the overall results. However, the Court failed to define the scale of the evidence that would constitute magnitude to prove widespread fraud. Since there are no laws to define the scale of evidence that needs to be presented, the determination whether or not pieces of evidence presented by an aggrieved party amount to fraud rests solely with the Court. Aggrieved parties are squarely left at the mercy of the Court when challenging electoral disputes.

At the same time, some of the instructions mentioned above to the NEC were not clear such as what the Court meant by publications of the FRR and full cleanup of the FRR. The ECC in a statement asked the Court to provide clarity to these instructions.¹³ The ECC also flagged the issue that if the instruction (See fourth bullet point above) is implemented, the rights of some citizens would be violated (Article 77b of the Liberian Constitution) because citizens will be punished due to the negligence of the NEC.

In his dissenting view, Justice Janeh asserted that his colleagues ignored the glaring discrepancies and evidence of gross irregularities during the October 10 polls that required a rerun of the elections. Associate Justice Ja’neh opined, however, that the conclusions reached by his colleagues that irregularities established by the UP and LP were not sufficient to invalidate the outcome of the October 10 polls is deeply disconcerting and frustrating. He averred: “This position by my colleagues ignores undeniable truth, most especially after one of NEC’s Senior Employee, Lamin Lighe, admitted to errors (irregularities), but did not present evidence that demonstrated that these errors were corrected during the conduct of the elections.

He further stated: “Also, the majority fully concedes, recognizes and accepts that there is a need to do a complete cleansing of the elections system which appellants complained were one of the reasons for irregularities and fraud, but opted not to go for a rerun. He went on: “And after the majority acknowledged that some fraud did occur and that NEC has a dirty voter roll, they convincingly ignored the size of the dirt that needs to be cleaned and disregard the impact, now recognized to exist, that it had on the elections”.

Taking clue from the above statement, no one actually knew the scale or magnitude of the problems with the FRR given that it was never subjected to independent public scrutiny. The ECC called on the NEC to publish the FRR but on a radio talk show where the Chairperson of the ECC was a panelist, the Executive Director of NEC called and said that there was no law that requires the NEC to publish the FRR. The judgment of the SC (See first bullet point above) contradicts the statement of the Executive Director.

¹³ <https://www.liberianobserver.com> ›

In an attempt to fix the FRR, NEC sought the assistance of a technical team sponsored by ECOWAS. Having inspected the FRR from November 26 to December 6, 2017 the team observed the following relevant to this report:

- i. **Procurement Process:** That the procurement of the Optical Mark Registration (OMR) forms was done late. Due to the late awarding of the contract. The contractor sub-contracted the job to two other companies which created discrepancies in the OMR forms supplied.
- ii. **OMR distribution process:** OMR forms arrived late and were supplied in batches in the middle of the voter registration process. The supply of OMR forms in batches distorted the usual practice of sending forms with contiguous Voter Identification Number and Serial Numbers to the same Centers.
- iii. **Data Processing:** Some of the OMR forms from the field were rejected by the scanners as they did not meet the specified conformity standard set by the program that drives the scanner.
- iv. **Conflicting figures:** The total figure viewed in the database was 2,045,483. This figure conflicts slightly with what NEC declared as the total number of registered voters at the time of the Exhibition which was 2,182,956. Between the time from the PRR to declaring the FRR, 138,146 records were added to the FRR.
- v. **Voters with no photographs:** A total of 1,328 voters on the roll did not have photographs because some of the OMR forms brought to the data center did not have photographs on them. The pictures may have fallen off in the course of the movement of forms from one location to the other.

In spite of these observations, the team concluded that the existing roll though was not perfect, could be sued for a credible election. The report further concluded that the non-biometric nature of the voter roll made it difficult to carry out de-duplication even though the team observed that multiple registrations were de-duplicated from the system. The team made seven recommendations that if implemented could set the basis for the use of the FRR for the run-off.

However, most of the recommendations were long term and future oriented such as the early commencement of procurement processes and the introduction of the biometric voter registration system. Other short term recommendations included improving the queue management process and the limited use of the SMS for voter verification. The assessment, technical in nature, laid out the framework for addressing the multiple issues associated with the FRR but the conclusion had a political undertone.

Run-Off Election:

On December 26, 2017, the run-off was held between the CDC and UP and 55.8% of registered voters turned out to vote. The Coalition for Democratic Change (CDC) became victorious with 61.1% of the votes. The process was peaceful, free, fair, and transparent and was generally in line with regional and international standards for democratic elections. As compared to the first, there were improvements in the management of queues and the provision of information on where voters could queue to vote. The UP did not raise any contention on the outcome of the results. The Standard Bearer of the UP, Joseph Bokai, conceded defeat, congratulated George Weah and that set the pace for a smooth political transition, the transfer of political power and authority from one democratically elected government to another.

ECC noted key findings between the October 10 presidential and legislative elections and the December 26 presidential run-off elections. During the October 10 elections, ECC observed that at least two NEC staff in 67% of observed polling places were women, however, only 22% of observed polling places had a woman as the presiding officer. However during the December 26 run-off, ECC observed that although 69% of observed polling places had at least two women NEC staff, in 5% of the observed polling places there were no women. ECC observed that political party representation at polling places was consistent for both the October 10 elections and the December 26, elections. For the October 10 elections, ECC observers reported the presence of at least one party agent at 99% of observed polling places during the voting and counting processes. On December 26, ECC observers reported the presence of party agents from both the Unity Party (UP) and the Coalition for Democratic Change (CDC) at 99% of observed polling places during the voting and counting processes. The presence of political party agents at almost all of the observed polling places contributed to a level of transparency in the process for both elections.

9.8 Complaints & Appeals

▪ Legal Framework

The legal framework provides for complaints and appeals in both the Constitution Art.83 (c) and Chapter 6 of the NEL. Accordingly, parties or candidates can file a complaint regarding the conduct and the results of the elections with NEC not later than 7 days after the announcement of results. The NEC shall conduct an investigation within 30 days and issue a decision. An appeal can be submitted to the Supreme Court by dissenting parties not later than 7 days after the NEC decision. NEC has 7 days to transmit the case file to the Court which should issue a decision 7 days thereafter. In cases where the Supreme Court nullifies the elections, new elections shall be held within 60 days from the Supreme Court's decision (Art. 83 (c) Constitution).

Therefore, until recently, there was no provision for complaints on the conduct of the elections; before the announcement of the results; and at the Magistrates level. Moreover, only parties and candidates were entitled to file complaints. To address this gap, the NEC issued a "Regulation on Challenges and Complaints Arising Before and During Elections". These regulations provided for a wider category of eligibility to complain, namely registered voters, party and candidates and their agents. The regulations also established detailed timeline for submitting a complaint.

The 30 days statutory period accorded the NEC to hear an electoral petition meant that a case could be under judicial review while at the same time, the NEC can be proceeding with preparatory work for the conduct of the second round. Any by the time an aggrieved party exhausts the appeal process, the second round of voting would have been over thereby making a party's complaint irrelevant. From the ruling handed down by the SC in the LP's Prohibition case, the SC has interpreted this provision to mean that due process must be accorded an aggrieved party and that party must have an opportunity to exhaust the appeal process before NEC can proceed with organizing a run-off election.

At the same time, there is another version of complaints and appeals contained in the Complaints Regulation issued by NEC. Decisions of the NEC Hearing Officer can be appealed to NEC Board of Commissioners within 48h after the determination (Art. 8.4 Complaints Regulations). Decisions of the Magistrates can be appealed to NEC Board of Commissioners within 72 h after the decision (Art. 8.3 Complaints Regulations). Decision of the NEC Board of Commissioners can be appealed to the Supreme Court within 48 h after the decision (Art. 8.5 Complaints Regulations). No deadline

is provided for the Supreme Court to issue a decision on complaints before, during and after elections as NEC issued regulations cannot establish deadlines for the SC.

There is certainly the lack of consistency in the complaints and appeals procedures in the Constitution, NEL and the Complaints Regulation but most importantly, the Constitution and NEL give judicial powers to the NEC to review electoral petitions that allege irregularities and fraud. Almost all of the petitions contained allegation against NEC but the law provides that NEC should review complaints against itself. This certainly does not create the platform for neutrality, independence and impartiality that are required in the adjudication of complaints under a legal or quasi-judicial process.

9.9 Complaints at the end of the first round:

In order to assist the Magistrate in the complaints process, the Complaints Regulation mandates the NEC to hire independent Hearing Officers (HOs) deployed in the Magistrates offices countrywide. It is not clear whether Chief Hearing Officers were deployed at each Magistrates office across the country. As approximately 50 cases were submitted at the field level and dealt or transmitted to NEC expeditiously. However, being independent from NEC, hearing officers on the field level were working according to an unclear supposed provision ‘to conduct the hearings and to issue determinations on matters which may be appealed to the Board of Commissioners’ (rt. 6.4 of the Complaints Regulations).

In the 2011 elections, there were 54 cases submitted during election-day and immediately after the announcement of results. In the 2017 elections, there were approximately 81 complaints filed with the NEC at both the Presidential and Legislative Elections. The complaints were mainly on contested results related to irregularities, frauds, ballot stuffing and breach of electoral laws. Most of the cases were resolved by NEC through hearing processes, some dismissed due to the lack of evidence, while others were withdrawn or abandoned by the complainants. Some of the cases were technical bordering on recount of votes for the HoR (Lower Bong and Lower Nimba). Two cases from the HoR were adjudicated by the SC and as of the time of this report, two cases were still pending at the SC. Of all the complaints, the LP case alleging fraud and calling for re-run was much followed and generated public interest nationwide. This case has already been discussed above.

The just ended election saw a rise in the number of electoral petitions and this is a positive sign that citizens are willing to use the rule of law in seeking redress. It can also be contributed to the inadequacies of NEC poll staffers in the proper application of the laws and regulations. Furthermore, it can be the unwillingness of some candidates to gracefully accept defeat.

Prior to the conduct of the run-off, LP and UP filed a petition with the SC alleging that NEC was not addressing the instructions of the SC as contained in its opinion discussed above. In the same petition, they challenged the legal authority of the NEC to set election-day as mandated by the SC’s ruling. The petition was subsequently dismissed by the Court. No complaint was field immediately after the announcement of the result of the second round. The Standard Bearer of the UP conceded defeat and there was no ground for submission of any complaint.

9.1.0 Petitions to the Supreme Court

The Constitution in Article 66 establishes that ‘The Supreme Court shall be the final arbiter of the constitutional issues and shall exercise final arbiter jurisdiction in all cases whether emanating from

courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact'. The SC resolved all appealed cases before it in keeping with statutory requirements. It is worth mentioning that the Supreme Court has in most cases issued decisions consistent with law and in other cases consistent with national interests rather than the reasoning of law. The CoC is an example wherein national interest and holding an inclusive election superseded the law.

10. Recommendations:

Scope of Recommended Reforms:

Two options for approaching the following individual recommendations can be considered

Option A: A comprehensive and participatory constitutional reform process is given priority by the political stakeholders, commencing as soon as practical and will be concluded not later than two years prior to the next elections in order to allow sufficient time for the drafting and enactment of the respective laws and the issuance of regulations with regard to the elections.

Option B: The recommendations are not addressed as part of an overall reform package, but as individual reforms on the NEL.

Given the failure of piecemeal constitutional reforms as evidenced by the 2011 Referendum and given the scope of reforms that are required, the ECC favors and recommends Option A. However, all of the following Recommendations with a legal and regulatory bearing could be either addressed as part of the recommended constitutional reform process or as individual reforms. The Recommendations are organized thematically and in three categories in terms of priorities. These categories are

- **Constitutional Reforms:** These are the reforms that are fundamental and decisive to provide the conditions and framework for future legally and administratively democratic electoral processes. Without these reforms in place reforms of the other two categories below would not be effective.
- **Statutory Reforms:** These are those reforms that improve the quality of the electoral process. They partly depend on the implementation of the Constitutional Reforms.
- **Regulatory Reforms:** These are reforms on the lower levels that partly help to fine tune and/or spell out in more detail reforms of the other two categories.

a. Legal Framework

i. Constitutional Reforms

The electoral legal framework is rooted in the Constitution, supported by the New Elections Law and regulations for implementation. These instruments need to be harmonized and repositioned with respect to the hierarchy of the law. This means the Constitution should only contain the general principles of the electoral system, electoral period, and eligibility criteria for candidates, the delimitation of electoral districts and allocations of constituencies, the registration of voters and the operations of the NEC. More specifically the Constitution and the election related legislation should be changed with regard to the following topics:

- **Complaints Handling Mechanism:** Article 83 (c) of the Constitution requires amendment in order to strip NEC of all judicial powers related to the adjudication of electoral disputes.
- **Timeline of elections:** Article 83 (a) of the Constitution requires amendment. The Constitution should not indicate a specific Election Day, but it should give a timeframe that allows for flexibility to react upon political developments, to respond to electoral petitions in a timely and impartial manner, and other emergencies such as the 2014 Ebola health crisis. The specifics of election timeline should be elaborated in the electoral law and ensure that

current inconsistencies and conflicting deadlines are eliminated (amendment of Art. 83 of the Constitution and Chapter 4 of the NEL).

- **Formation and Regulation of Political Parties:** There is a need to amend Chapter 8 of the Constitution but particularly Article 78.

- **Electoral System:**

The length of the Presidential and Legislative period should be reconsidered along regional and international best practice where terms for President should not exceed 4 years and for the House of Representatives not exceeding 4 years. Different provisions contained in the Constitution under specific Chapters from the Executive and Legislative Branches of Government require amendments.

ii. Statutory Reforms:

- **Composition and appointment of Commissioners:** The number of Commissioners should be reduced from 7 (seven) to 5 (five) because the conduct of election is managed by technicians and 5 persons are enough to implement laws, policies and regulations. Moreover, because of the nature of the work of NEC that has to do with citizens' participation, commissioners should be appointed through a public vetting process or in consultation with political parties and CSOs and not just solely by the President with consent by the Senate.
- **Tenure:** The tenure of all Commissioners should be reduced from 7 (seven) to 5 (five) years and limited to two consecutive terms.
- **Quorum:** Section 2.4 of the NEL requires amendment. Quorum should remain at 5 (five) persons. The Chairperson does not necessarily have to be present before a quorum can be reached. In the absence of the Chairperson, the Co-Chairperson should act.
- **Dismissal of Commissioners:** Board of Commissioners (BoC) can be dismissed for "cause" which is subject to interpretation. Clear criteria and procedures for dismissal of members of the BoC should be spelt out.
- **Appointment of Executive Director:** The appointment procedures of the Executive Director (ED) should be revised to ensure real and full independence from the Board of Commissioners.
- **Division of Labor:** A clear labor share between the BoC and the Administrative Division headed by the ED should be established through a regulation with the Commissioners being purely responsible for the policy decisions of the Electoral Management Body, while the Administrative Division should become a full Secretariat with the Head of the Secretariat being responsible for its day-to-day affairs and for the implementation of the broader policy decisions by the BoC.
- **Establish an electoral Tribunal:** The current complaint handling mechanism should be replaced with a Tribunal and the Supreme Court will remain the final arbiter of all election disputes. The main purpose of the reform is to avoid conflict of interest by the

NEC in instances where NEC is a respondent to a case and to ensure an independent, timely and impartial adjudicating process of all complaints and petitions.

iii. Regulatory Reforms:

This reform will harmonize and ensure consistency between and among the different legal instruments looking at the publication of the FRR as well as complaints and appeals.

- All the Guidelines should be renamed Regulations (Guidelines are merely instructions to staff and usually are not published).
- Complaints related to the conduct of elections. This type applies immediately before and until the election-day. Complaints should be submitted 48 h after the occurrence of the violation. Appeals should be submitted within 7 days after the first decision. Final decision should be issued 7 days after the complaints have been filed.
- Complaints related to the elections results. They should be submitted from the beginning of the tallying process and not later than 7 days after the announcement of the final results. Appeals should be submitted within 7 days after the first decision. Final decision by the Supreme Court should be issued 7 days after the complaints have been filed. The Supreme Court is the only body authorized to annul election results and ordering the conduct of a new election.
- **Performance Review:** The performance of NEC staff at all levels should be evaluated through an independent audit. Professionalism should be rewarded, underperformance and lack of commitment be sanctioned in keeping with law and human resource policy. Possible cases of electoral offences should be forwarded to the Ministry of Justice for prosecution.

A brief background of ECC:

The ECC fielded over 2,000 observers across the country. It was the largest number of domestic observers deployed and observed half of the total number of polling stations identified by the National Elections Commission (NEC). The ECC observed that some technical and administrative errors were present in the electoral process but these were deemed not substantial enough to indicate any systematic attempt by NEC to undermine the credibility and integrity of its outcome.

The ECC worked in partnership with the National Democratic Institute (NDI) and the Open Society Initiatives for West Africa (OSIWA). In these partnerships, the ECC drove the agenda while NDI and OSIWA provided funding and technical assistance in the development of tools and processes for the implementation of activities. The ECC also partnered with the National Initiative for Peaceful Elections (NIPEL)¹⁴ in promoting a violence-free election, and engaged in shuttle diplomacy between the NEC and political parties who had grievances to air, particularly after the end of the first round.

Prior to observing the elections and run-off, the ECC had monitored several other key electoral exercises, the voters' registration, claims and objections, political parties' primaries and campaign.

The mission of the ECC is to build a network of civil society organizations to support a credible and sustainable democratic and governance process in Liberia. The ECC is comprised of two pro-democracy and peace building coalitions: National Coalition of Election Monitors (NACEM), Civil Society Organizations National Committee for Elections Coalition (CSO-NEC) and the Center for Democratic Governance as chair of the coalition. These coalitions have membership across the country. The ECC was founded in 2010 and monitored the 2011 general presidential and Legislative Elections processes and the Referendum and the 2014 Special Senatorial Elections. The ECC is made up of a Steering Committee and a Secretariat. Though both are distinct, they are inter-related.

Steering Committee: The Executive/Steering Committee is comprised of eight members' organizations from both coalitions: NACEM and CSO-NEC. Organizations that make-up the ECC steering committee are:

- ✓ Action for Genuine Democratic Alternatives (AGENDA)
- ✓ Center for Democratic Governance (CDG)
- ✓ Center for Media Studies and Peace Building (CEMESP)
- ✓ Institute for Research and Democratic Development (IREDD)
- ✓ Inter-Religious Council of Liberia (IRCL)

¹⁴ NIPEL was formed by a group of eminent citizens during the weeks closer to the elections when the tone and utterances of leaders of some political parties were inflammatory and reflected threats of violence.

- ✓ Naymote-Partners for Democratic Development (NAYMOTE-PADD)
- ✓ West Africa Network for Peace Building (WANEP)
- ✓ Women NGO Secretariat of Liberia (WONGOSOL)

Heads of the organizations that make up the coalition are mostly men, so the Executive Committee ended up with five men and 3 woman thereby making it gender-insensitive. The committee makes all administrative, policy and programmatic decisions of the ECC and its decision-making process is participatory and consultative, guided and informed by a Memorandum of Understanding.

Secretariat: The secretariat manages the day to day affairs of the ECC and is responsible for implementing programmatic decisions made by the ECC. It also serves as a response mechanism to election related issues that require the attention and response of the ECC. The secretariat team is headed by a Coordinator. Other members of the team include an IT officer and Program Assistant.

County Coordinators: County Coordinators were in charge of coordinating the supervisors and observers in their counties. In addition to their coordinating role, the supervisors were also involved in conducting step-down trainings for observers at the county level.

District Supervisors: To ensure the effective coordination and implementation of activities at the county level, supervisors were recruited, trained and deployed at level of electoral districts.

Observers: The ECC had two groups of observers; rapid response observers and regular observers. All observers were selected based on the following criteria: non-partisanship, a high school graduate as a minimum academic requirement, a registered voter, willingness to serve, and a resident of the community. Unlike Monrovia, it was a challenge in most of the other counties to identify females who had completed high school. The supervisors had direct oversight supervision of the observers.

11. Annexes:

Annex A:

For Immediate Release

The Elections Coordinating Committee-ECC Prepares to Observe the Voter Registration

In preparation to observe the Voter Registration Process, the Elections Coordinating Committee (ECC) organized two stakeholders' engagement to validate its observation deployment and communication strategies on December 28 and 29, 2016 respectively. The forum for the first day included representatives from Civil Society Organizations and the National Elections Commission while the second engagement included Executives from both the print and electronic media.

The objective of the Deployment Strategy is to guide ECC in observing the voter registration exercise to be conducted by the National Elections Commission (NEC). On the other hand, the objective of the Communication Strategy is to lay the framework for engaging the media and other electoral stakeholders. The ECC will recruit, train and deploy 73 long term observers and 16 County Coordinators. The observation will cover all of the 73 Electoral Districts in the country. Each Observer will be assigned to an electoral district. The Coordinators will serve as supervisors for the observers who will cover specific Registration Centers during the voter registration period by gathering quality information about the process and reporting directly to the ECC Secretariat.

The observation will also include the Exhibition Period of preliminary voters list as well as the process of rejection of particular individuals if any, and complaint hearing emanating from the rejection. The observation will be done in phases and will cover 15 of the total number of days stipulated by the NEC. Phase one will target 5 days of the first week, phase two 5 days during the middle of the process and phase three 5 days during the last week. Periodic and provisional statements will be released at the end of every phase of the observation and a comprehensive report at the end of the third and final phase.

During the observation, the ECC will be looking out for easy access to Registration Centers by citizens particularly the elderly, pregnant women and people who are physically and visually impaired. The observation will also include the extent to which NEC is in compliance with the Voter Registration Regulation and Elections Law, identifying obstacles and challenges that could impede the registration process and assessing whether there are patterns and trends in denying particular groups of potential voters from registering.

To improve the quality of data that will be collected, the Observers will be trained in the use of checklist and critical incident forms that will be developed by the ECC. The checklist and critical incident forms will be the instruments by which information will be gathered. As the nation prepares for the Voter Registration period the ECC is calling on the NEC to hold political parties and candidates accountable for using other forms of gatherings as a pretext to engage in political campaigning outside of the stipulated time set by the NEC.

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Annex B:

For Immediate Release

ECC Voter Registration Update #1 (February 1, 2017)

The Elections Coordinating Committee (ECC) is a civil society platform organized to observe all aspects of the electoral process, including the 2017 Presidential and Legislative elections. The ECC has a six organization steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for Media Studies and Peace

Building (CEMESP); Institute for Research and Democratic Development (IREDD); National Youth

Movement for Transparent Elections – Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG currently serves as the chair of ECC.
 ECC Trains and Deploys 89 Observers for Voter Registration who will report via Code Text Messages using Mobile Phone

Table 1. Distribution of ECC Observers and NEC Registration Centers by County

County	ECC Observers	Registration Centers
Bomi	4	85
Bong	8	183
Gbarpolu	4	75
Grand Bassa	6	197
Grand Cape Mount	4	76
Grand Gedeh	4	78
Grand Kru	3	57
Lofa	6	146
Margibi	6	150
Maryland	4	83
Montserrado	19	495
Nimba	10	262
River Gee	4	56
Rivercess	3	55
Sinoe	4	82
Total	89	2,080

The Elections Coordinating Committee (ECC) has trained and deployed 89 observers across the country to observe throughout the voter registration exercise. Observers will send their observation reports via coded text messages using their mobile phones to the ECC’s National Information Center located in Monrovia in near real time.

Of the 89 ECC observers has deployed across the country, 16 are county coordinators – one per county with two for Montserrado County – and 73 are electoral district observers– one per electoral district (Table 1 provides a distribution of the ECC’s observers for voter registration centers by county).

Overall, 37 or 41.6% of the ECC observers are women.

The ECC conducted a Training of Trainers (ToT) in Monrovia for its training teams on January 23 and 24. The training teams then deployed to conduct four, oneday cluster trainings held across the country in advance of the start of voter registration on February

1. All ECC observers were trained on the registration procedures, how to complete the observation checklist, and how to format and send in their observation reports via coded text messages using their mobile phones. At the workshops, ECC observers participated in a simulation exercise where Elections Coordinating Committee (ECC) 2017 they practiced formulating and sending observation reports via coded text messages using their mobile phones.

Critical Voter Education Messages for 2017 Voter Registration

If You Want to Vote in 2017 You MUST Register in 2017

The last voter registration exercise in 2014 was an update. Only newly eligible individuals or already registered Liberians who had moved were required to register to vote. As in 2005 and 2011, all eligible Liberians who want to vote in 2017 must register in 2017.

ECC Reviews NEC List of Registration Centers

Starting on Wednesday, January 18, 2017, the National Elections Commission (NEC) began publishing the List of Registration Centers in local newspapers with 2,080 registration centers, of which 300 were new.

Findings from the ECC review of the NEC’s initial list showed a small number of potential errors – registration centers that appeared to have been removed from the list (21); registration centers that appeared to have moved electoral district (9); and registration centers that appeared to have wrong codes (4). These potential errors, however, affected only 1.6% of the total registration centers.

However, the ECC’s review of the initial list also showed that out of the existing 1,780 registration centers from 2011/14, 1,048 (59.6%) had a different locality than in 2017 and 1,118 (63.6%) had a different name.

This suggested that nearly two-thirds of the existing centers had been moved to a new location for 2017. The ECC shared these issues with the NEC who informed the ECC that they were aware of these concerns and were working to address them.

The NEC subsequently released a revised List of Registration Centers on Saturday January 28, 2017, just four days before voter registration was scheduled to commence. This revised list corrected all of the potential errors raised by the ECC about the initial list. Also, the existing 1,780 registration centers from 2011/14 now all had the same locality and name in 2017 as they did in 2011/14, suggesting they had not been moved after all. As with the initial list the revised list also had 2,080 registration centers of which 300 were new.

The largest number of new centers were established in Nimba County (48).

The fewest number of new centers were established in Maryland County (5).

The largest percentage of new centers were established in River Gee County (80.6%) The smallest percentage of new centers were established in Maryland County (6.4%).

Table 2: Distribution of NEC Registration Centers by County (2011/14 compared to 2017 Revised)

County	2011/14 Registration Centers		2017 Registration Centers (Revised List)		Difference	
	Number	Percent	Number	Percent	Number	Percent
Bomi	76	4.3%	84	4.0%	+8	+10.5%
Bong	158	8.9%	181	8.7%	+23	+14.6%
Gbarpolu	61	3.4%	75	3.6%	+14	+23.0%
Grand Bassa	176	9.9%	194	9.3%	+18	+10.2%
Grand Cape Mount	64	3.6%	76	3.7%	+12	+18.8%

Grand Gedeh	64	3.6%	78	3.8%	+14	+21.9%
Grand Kru	40	2.2%	57	2.7%	+17	+42.5%
Lofa	139	7.8%	162	7.8%	+23	+16.5%
Margibi	132	7.4%	148	7.1%	+16	+12.1%
Maryland	78	4.4%	83	4.0%	+5	+6.4%
Montserrado	441	24.8%	488	23.5%	+47	+10.7%
Nimba	214	12.0%	262	12.6%	+48	+22.4%
River Gee	31	1.7%	56	2.7%	+25	+80.6%
Rivercess	42	2.4%	55	2.6%	+13	+31.0%
Sinoe	64	3.6%	81	3.9%	+17	+26.6%
Total	1,780		2,080		+300	+16.9%

Election Coordinating Committee (ECC) 2017

ECC Trains and Deploys 89 Observers for Voter Registration

All ECC observers were given copies of the NEC's Code of Conduct for Observers (Local and International) and signed the ECC Non-Partisan Pledge to ensure they observe in compliance with NEC regulations and are politically neutral at all times.

ECC's observers were carefully selected from the network's member organizations and all have been accredited by the National Elections Commission (NEC) to observe the voter registration process.

Four, one-day cluster workshops were held in:

Buchanan, for ECC observers from Grand Bassa, Margibi, part of Montserrado, and Rivercess counties (January 27);

Gbarnga, for ECC observers from Bong, Lofa, and Nimba counties (January 30);

Table 3. Electoral Districts Split between Magisterial Areas (Revised List)		
Electoral District	Magisterial Area	RCs
Nimba 07	Nimba (Lower)	15
Nimba 07	Nimba (Upper)	13
Montserrado 11	Montserrado (Lower)	6
Montserrado 11	Montserrado (Upper)	16
Montserrado 13	Montserrado (Lower)	4
Montserrado 13	Montserrado (Upper)	23
Lofa 03	Lofa (Lower)	23
Lofa 03	Lofa (Upper)	10

Bong 02	Bong (Lower)	3
Bong 02	Bong (Upper)	19
Bong 03	Bong (Lower)	2
Bong 03	Bong (Upper)	16
Bong 04	Bong (Lower)	3
Bong 04	Bong (Upper)	21
Bong 05	Bong (Lower)	27
Bong 05	Bong (Upper)	1

Tubmanburg, for ECC observers from Bomi, Gbarpolu, Grand Cape Mount, and part of Montserrado counties (January 27); Zwedru, for Grand Gedeh, Grand Kru, Maryland, River Gee, and Sinoe counties (January 30).

Who Should Be Allowed to Register?

Currently, the NEC requires successful voter registration applicants to be 18 years or older on the day on which they present themselves at registration centers. This is based on the NEC’s interpretation of the Electoral Law and Constitution of Liberia. This approach will exclude Liberians who turn 18 between the end of registration and Election Day.

In countries like Liberia that use periodic registration, it is more common to require successful applicants to be 18 years old or older on the date of the election. The NEC’s current practice of only allowing individuals who are 18 at the time to register is more common in countries with continuous voter registration.

If this second approach is used in Liberia for 2017, Elections Coordinating Committee (ECC) 2017 then the NEC would register all Liberians born on or before October 10, 1999 (meaning all Liberians who will be 18 years or older on election day). This approach would expand voting to more young people without extending voter registration. The ECC encourages the NEC and all stakeholders to explore this approach for future voter registration efforts.

Table 4: Distribution of NEC Registration Centers by Electoral District (2011/14 compared to 2017 Revised)

Electoral District	2011/14 Registration Centers		2017 Registration Centers (Revised List)		Difference	
	Number	Percent	Number	Percent	Number	Percent
Bomi 01	25	1.40%	29	1.39%	+4	+16.00%
Bomi 02	25	1.40%	27	1.30%	+2	+8.00%
Bomi 03	26	1.50%	28	1.35%	+2	+7.69%
Bong 01	25	1.40%	29	1.39%	+4	+16.00%
Bong 02	20	1.10%	22	1.06%	+2	+10.00%
Bong 03	17	1.00%	18	0.87%	+1	+5.88%

Bong 04	22	1.20%	24	1.15%	+2	+9.09%
Bong 05	23	1.30%	28	1.35%	+5	+21.74%
Bong 06	24	1.30%	28	1.35%	+4	+16.67%
Bong 07	27	1.50%	32	1.54%	+5	+18.52%
Gbarpolu 01	13	0.70%	16	0.77%	+3	+23.08%
Gbarpolu 02	24	1.30%	28	1.35%	+4	+16.67%
Gbarpolu 03	24	1.30%	31	1.49%	+7	+29.17%
Grand Bassa 01	43	2.40%	48	2.31%	+5	+11.63%
Grand Bassa 02	49	2.80%	52	2.50%	+3	+6.12%
Grand Bassa 03	20	1.10%	20	0.96%	0	0.00%
Grand Bassa 04	31	1.70%	35	1.68%	+4	+12.90%
Grand Bassa 05	33	1.90%	39	1.88%	+6	+18.18%
Grand Cape Mount 01	24	1.30%	28	1.35%	+4	+16.67%
Grand Cape Mount 02	21	1.20%	27	1.30%	+6	+28.57%
Grand Cape Mount 03	19	1.10%	21	1.01%	+2	+10.53%
Grand Gedeh 01	9	0.50%	11	0.53%	+2	+22.22%
Grand Gedeh 02	27	1.50%	33	1.59%	+6	+22.22%
Grand Gedeh 03	28	1.60%	34	1.63%	+6	+21.43%
Grand Kru 01	17	1.00%	25	1.20%	+8	+47.06%
Grand Kru 02	23	1.30%	32	1.54%	+9	+39.13%
Lofa 01	17	1.00%	19	0.91%	+2	+11.76%
Lofa 02	20	1.10%	24	1.15%	+4	+20.00%
Lofa 03	31	1.70%	33	1.59%	+2	+6.45%
Lofa 04	35	2.00%	45	2.16%	+10	+28.57%
Lofa 05	36	2.00%	41	1.97%	+5	+13.89%
Margibi 01	22	1.20%	23	1.11%	+1	+4.55%
Margibi 02	27	1.50%	29	1.39%	+2	+7.41%
Margibi 03	25	1.40%	28	1.35%	+3	+12.00%

Table 4: Distribution of NEC Registration Centers by Electoral District (2011/14 compared to 2017 Revised)

Electoral District	2011/14 Registration Centers		2017 Registration Centers (Revised List)		Difference	
	Number	Percent	Number	Percent	Number	Percent
Margibi 04	28	1.60%	34	1.63%	+6	+21.43%
Margibi 05	30	1.70%	34	1.63%	+4	+13.33%
Maryland 01	23	1.30%	25	1.20%	+2	+8.70%
Maryland 02	18	1.00%	19	0.91%	+1	+5.56%
Maryland 03	37	2.10%	39	1.88%	+2	+5.41%
Montserrado 01	43	2.40%	47	2.26%	+4	+9.30%
Montserrado 02	18	1.00%	19	0.91%	+1	+5.56%
Montserrado 03	16	0.90%	16	0.77%	+0	0.00%
Montserrado 04	22	1.20%	25	1.20%	+3	+13.64%
Montserrado 05	15	0.80%	17	0.82%	+2	+13.33%
Montserrado 06	14	0.80%	16	0.77%	+2	+14.29%
Montserrado 07	30	1.70%	32	1.54%	+2	+6.67%
Montserrado 08	27	1.50%	28	1.35%	+1	+3.70%
Montserrado 09	30	1.70%	32	1.54%	+2	+6.67%
Montserrado 10	27	1.50%	29	1.39%	+2	+7.41%
Montserrado 11	20	1.10%	22	1.06%	+2	+10.00%
Montserrado 12	22	1.20%	22	1.06%	0	0.00%
Montserrado 13	26	1.50%	27	1.30%	+1	+3.85%
Montserrado 14	26	1.50%	30	1.44%	+4	+15.38%
Montserrado 15	30	1.70%	31	1.49%	+1	+3.33%
Montserrado 16	36	2.00%	40	1.92%	+4	+11.11%
Montserrado 17	39	2.20%	55	2.64%	+16	+41.03%
Nimba 01	15	0.80%	18	0.87%	+3	+20.00%
Nimba 02	32	1.80%	35	1.68%	+3	+9.38%

Nimba 03	25	1.40%	31	1.49%	+6	+24.00%
Nimba 04	26	1.50%	30	1.44%	+4	+15.38%
Nimba 05	18	1.00%	21	1.01%	+3	+16.67%
Nimba 06	21	1.20%	29	1.39%	+8	+38.10%
Nimba 07	22	1.20%	28	1.35%	+6	+27.27%
Nimba 08	24	1.30%	30	1.44%	+6	+25.00%
Nimba 09	31	1.70%	40	1.92%	+9	+29.03%
River Gee 01	9	0.50%	17	0.82%	+8	+88.89%
River Gee 02	10	0.60%	15	0.72%	+5	+50.00%
River Gee 03	12	0.70%	24	1.15%	+12	+100.00%

Table 4: Distribution of NEC Registration Centers by Electoral District (2011/14 compared to 2017 Revised)

Electoral District	2011/14 Registration Centers		2017 Registration Centers (Revised List)		Difference	
	Number	Percent	Number	Percent	Number	Percent
Rivercess 01	23	1.30%	28	1.35%	+5	+21.74%
Rivercess 02	19	1.10%	27	1.30%	+8	+42.11%
Sinoe 01	18	1.00%	20	0.96%	+2	+11.11%
Sinoe 02	19	1.10%	25	1.20%	+6	+31.58%
Sinoe 03	27	1.50%	36	1.73%	+9	+33.33%
Total	1,780		2,080		+300	+16.85%

Election Coordinating Committee (ECC) 2017

Annex C:

For Immediate Release

ECC Voter Registration Update #2 (February 9, 2017)

The Elections Coordinating Committee (ECC) is a civil society platform, comprising 30 organizations that observes all aspects of the electoral process in Liberia, including the 2017 Presidential and Legislative elections. The ECC has a seven member steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for Media Studies and Peace Building (CEMESP); Institute for Research and Democratic

Development (IREDD); National Youth Movement for Transparent Elections – Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG currently serves as the chair of ECC.

Summary

The Elections Coordinating Committee (ECC), a civil society platform comprising 30 organizations that observes all aspect of elections in Liberia, has deployed observers across the 15 counties to witness the voter registration process. Today we are issuing our second update, which follows upon our first update released on Wednesday February 1, 2017, the first day of voter registration. This second update covers the start, or first phase, of the voter registration exercise from Wednesday February 1 through Monday February 6.

Overall, reports from ECC observers from all 15 counties show that registration is progressing across the entire country. There have been challenges, such as some centers not opening or issues with the cameras, but these have not been widespread. However, most registration centers lacked uniformed security and political parties are generally not deploying their representatives to witness the voter registration process. Further, registration staff appears to be unevenly requiring applicants to provide proof of eligibility.

Methodology

The ECC has deployed 89 total observers – one county coordinator per county for each of the 15 counties (with an additional coordinator for Montserrado County) – and electoral district observer for each of the 73 electoral districts. All ECC observers were carefully selected and thoroughly trained by the ECC as well as accredited by the National Elections Commission (NEC).

All 89 observers were instructed to observe at a single registration center throughout the day on three specific days – Wednesday February 1, Friday February 3, and Monday February 6 – in their assigned county or electoral district. On each observation day, every observer sent in four observation reports based on a comprehensive checklist via coded text message using their mobile phones to the ECC’s Elections Data Hub.

The ECC received a total of 249 reports from its observers during this first phase of voter registration with reports being sent in from all 15 counties (see Table 1). However, six ECC observers on

Wednesday February 1 and one ECC Observers on Friday February 3 were not permitted to observe as the NEC did not provide accreditation badges in time.

Findings

The ECC’s Voter Registration Update #2 provides comprehensive information on reports from the ECC’s observers during the first phase of the voter registration exercise (February 1 to 6).

Setup (see Table 2)

During Phase 1, ECC observers reported that nine registration centers did not open. The most common reason for centers not opening was the lack of a functioning camera. Further, only 171 of 247 centers opened by 8:00 am as scheduled. However, as Chart 1 shows, more registration centers opened on time on Friday February 3 and Monday February 6:

Wednesday February 1 – 42 of 82 registration centers opened by 8:00 am;

Friday February 3 – 68 of 82 registration centers opened by 8:00 am; and

Monday February 6 – 61 of 83 registration centers opened by 8:00 am.

ECC observers reported that opened registration centers generally had the staff and materials required.

For example,

211 of 237 registration centers had four registration staff;

64 of 237 registration centers had a female registrar;

236 of 237 registration centers had optical mark recognition (OMR) registration forms; and

236 of 237 registration centers had indelible ink.

However, ECC observers reported few registration centers with either uniformed security personnel or political party representatives:

37 of 237 registration centers had uniformed security personnel; and

68 of 231 registration centers had representatives of any political party.

Finally, ECC observers reported that at 37 of 237 registration centers applicants were required to go upstairs to register – which potentially poses a problem for some persons with disabilities.

Registration Procedures (see Table 3)

Once centers were open, registration procedures were generally followed:

At 214 of 231 registration centers, persons with disabilities, the elderly, and pregnant women were allowed to register before other applicants;

At 223 of 231 registration centers, an optical mark recognition (OMR) registration form was completed for every successful applicant; and

At 221 of 231 registration centers, every successful applicant had his/her finger marked with indelible ink;

However, applicants are not systematically being asked to show proof of eligibility.

At 111 of 231 registration centers, every applicant was asked to show proof of his/her eligibility; and

At 123 of 231 registration centers, applicants were asked to provide any evidence that they ordinarily resided in the locality.

Further, though not widespread, ECC observers reported challenges with cameras in some places during registration:

At 19 of 231 registration centers, the camera did NOT work throughout the day; and

At 5 of 231 registration centers, the camera did NOT take good quality photographs.

At 23 of 230 registration centers, ECC observers reported that the center was closed for more than an hour for lunch and at 13 of 231 registration centers the center closed before 4:00 pm.

However, there appears to be confusion over the closing time for registration centers with some staff believing it is 4:00 pm, others 5:00 pm and still others 6:00 pm.

Registration Figures (see Table 4)

ECC observers witnessed 17,032 applicants successfully register, an average of 75 successful registrants per center based on 226 reports. The average number of successful registrants increased each subsequent day during Phase 1:

Wednesday February 1 – 4,672 successful registrants at 70 centers for an average of 67 successful registrants;

Friday February 3 – 5,904 successful registrants at 77 centers for an average of 77 successful registrants; and

Monday February 6 – 6,456 successful registrants at 79 centers for an average of 82 successful registrants.

A total of 7,332 women successfully registered at 226 centers for an average of 32 women successful registrants. Women represent 43% of successful registrants observed by the ECC.

Finally, there were 690 spoiled OMR registration forms at the 226 centers for an average of 3 spoiled forms per center.

Critical Incidents

ECC observers were instructed to immediately report any serious problems that could compromise the conduct of the voter registration process. Very few critical incidents were reported by ECC observers of which the vast majority related to the late opening of registration centers, the failure of camera's to work throughout the day, and challenges observing at registration centers for ECC observers who had not yet received their accreditation badge from the NEC.

Other critical incidents of note reported by ECC observers include:

Several instances when registration officials refused to share the Daily Accounting Sheet (DAS) with observers;

One potential incident of trucking;

Two incidents of apparent illegal registration of applicants;

Two registration centers making errors completing the OMR registration forms leading to a large number being spoilt;

One incident of an unauthorized person at the registration center; and

Seven minor incidents of conflict at registration centers all of which were resolved peacefully.

Interim Recommendations

Again, overall reports from ECC observers in all 15 counties show that registration is progressing across the entire country. There have been challenges, such as some centers not opening or issues with the cameras, but these have not been widespread. However, most registration centers lacked uniformed security and political parties are generally not deploying their representatives to witness the voter registration process. Further, registration staff appears to be unevenly requiring applicants to provide proof of eligibility.

The ECC offers the following recommendations to help enhance the quality of the registration process:

To the NEC:

Continue to address issues related to the distribution and functioning of cameras;

Ensure registration centers open as scheduled at 8:00 am;

Provide clarity on whether applicants are required to provide proof of eligibility;

Provide clarity on the closing time of registration centers (4:00 pm, 5:00 pm, or 6:00 pm);

Ensure observers are provided a copy of the Daily Accounting Sheet DAS); and

Provide registration center level updates on the number of individuals who have registered by gender and age to enhance the transparency and accountability of the process.

To Security Services

Ensure that all registration centers have adequate security – in particular those in areas prone to potential conflict.

To Political Parties:

Deploy representatives to registration centers to ensure that voter registration is conducted to your party's satisfaction.

To All Stakeholders

Expand efforts to inform the public that if they want to vote in 2017 they must register in 2017; and

Be vigilant to possible registration of non-Liberians, especially near the border, and the possibility of the trucking of Liberians from one community to another as any incidents should immediately be brought to the attention of the NEC.

About the ECC and Observation of the 2017 Presidential and Legislative Elections

The Elections Coordinating Committee (ECC) is a civil society platform, comprising 30 organizations that observes all aspects of the electoral process in Liberia, including the 2017 Presidential and Legislative elections. The ECC has a seven member steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for

Media Studies and Peace Building (CEMESP); Institute for Research and Democratic Development (IREDD); National Youth Movement for Transparent Elections – Partners for Democratic Development

(NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG currently serves as the chair of ECC.

The ECC will issue at least four updates on voter registration. The first update was issued on Wednesday February 1. This second update was scheduled to be released on Wednesday February 15, but due to the speed of data collection, data cleaning, and data verification it has been released almost a week early on Thursday February 9. The ECC will release at least two additional updates – scheduled for Thursday March 2 and Wednesday March 15. Given the time sensitivity of this information if the reports can again be released earlier than planned the ECC will endeavor to do so. The ECC intends on releasing a final report on voter registration before the end of March 2017.

Table 1. Distribution of ECC Observer Reports by County (Phase 1 – February 1 to 6)

County	ECC Observers	Received Reports
Bomi	4	12
Bong	8	24
Gbarpolu	4	8
Grand Bassa	6	18
Grand Cape Mount	4	12
Grand Gedeh	4	12
Grand Kru	3	9
Lofa	6	15
Margibi	6	18
Maryland	4	12
Montserrado	19	52
Nimba	10	29
River Gee	4	10
Rivercess	3	9
Sinoe	4	9
Total	89	249

Elections Coordinating Committee (ECC) 2017

Table 2: Setup of Registration Centers (Phase 1 – February 1 to 6)

1) Registration centers that did not open	9 of 249 reports
2) Registration centers open by 8:00 am	171 of 247 reports
3) Registration centers with four registration officials	211 of 237 reports

4) Registration centers with a female registrar	64 of 237 reports
5) Registration centers with a voter registration kit (VRK)	236 of 237 reports
6) Registration centers with optical mark recognition (OMR) registration forms	236 of 237 reports
7) Registration centers with a working camera	230 of 237 reports
8) Registration centers with indelible ink	236 of 237 reports
9) Registration centers with laminates	232 of 237 reports
10) Registration centers with uniformed security personnel	37 of 237 reports
11) Registration centers with a representative of any political party present	68 of 231 reports
12) Registration centers with political materials posted inside or near them	18 of 237 reports
13) Registration centers that are not on the ground floor	37 of 237 reports

Elections Coordinating Committee (ECC) 2017

Table 3: Registration Process (Phase 1 – February 1 to 6)

1) Registration centers where persons with disabilities, the elderly, and pregnant women were allowed to register before other applicants	214/231 reports
2) Registration centers where every applicant was asked to show proof of his/her eligibility	111 of 231 reports
3) Registration centers where applicants were asked to provide any evidence that they ordinarily resided in the locality	123 of 231 reports
4) Registration centers where an optical mark recognition (OMR) registration form was completed for every successful applicant	223 of 231 reports
5) Registration centers where the camera <u>did not function</u> throughout the day	19 of 231 reports
6) Registration centers where the quality of photographs were <u>poor</u> (person cannot be easily recognized by his/her photo)	5 of 151 reports
7) Registration centers where every successful applicant had his/her finger marked with indelible ink	221 of 231 reports
8) Registration centers where people <u>were allowed</u> to register on behalf of someone else not present	3 of 231 reports
9) Registration centers where uniformed security personnel <u>interfered</u> in the registration process without a request from the registration officials	6 of 231 reports

10) Registration centers with <u>incidents</u> of intimidation, harassment or violence against, registration officials, applicants, political party representatives or observers	7 of 231 reports
11) Registration centers that closed for more than just one hour for lunch	23 of 230 reports
12) Registration centers that closed before 4:00 pm	13 of 231 reports
Table 3: Registration Process (Phase 1 – February 1 to 6)	
13) Registration centers where all of the materials were stored in the voter registration kit (VRK) at the end of the day	226 of 229 reports
14) Registration centers where ECC observers were obstructed or prevented from observing the entire registration process	3 of 230 reports

Elections Coordinating Committee (ECC) 2017

Table 4: Registration Figures (Phase 1 – February 1 to 6) (based on 226 reports from ECC observers)	
Successful registrants	Total17,032 Average75
Women successful registrants	Total7,332 Average32 Percent43%
Spoiled registration forms	Total..... 690 Average..... 3
Individuals <u>not allowed</u> to register because they were rejected by the registration officials	Total..... 183 Average..... 1
Individuals <u>not allowed</u> to register even though they had proof of their eligibility	Total..... 26 Average..... 0.1
Individuals <u>allowed</u> to register even though they appeared to be ineligible	Total..... 57 Average..... 0.3
Number of complaints filed	Total..... 13 Average..... 0.1

Elections Coordinating Committee (ECC) 2017

Annex D:

Fore Immediate Release
2017

March 2,

“ECC observers report voter registration continues with fewer challenges than initial days”

The Elections Coordinating Committee (ECC) shared its findings today on the middle part of the voter registration process (February 18 to 23) based on 257 reports from its 89 trained and accredited observers located in all 15 counties.

Oscar Bloh, ECC Chair stated “Overall, reports from ECC observers from all 15 counties show that registration is continuing across the entire country. While there remain some challenges, such as problems with camera, there were fewer issues reported than at the beginning of the registration process.”

He added that “Political parties are now deploying more of their representatives to witness the voter registration process. However, ECC Observers continue to report that registration staff appear to be unevenly requiring applicants to provide proof of eligibility.”

On the pace of voter registration Bloh stated “ECC observer reports from across all 15 counties during the second phase of observation show on average 40 applicants were successfully registered each day at registration center.” He explained, “While this is a significant reduction from the ECC’s first observation phase when an average of 75 successful registrants was reported, such a decrease in registration rates is typical during the middle of the voter registration exercise.”

To further improve the voter registration process ECC Steering Committee Member Harold Aidoo called upon ‘the NEC to ensure that all registration centers open at 8:00 am and stay open throughout the day.’ He also encouraged the NEC to provide data on number of registrants by registration center to enhance transparency and accountability.

The ECC was able to rapidly collect, verify, and analyze data on the voter registration process because for the first time ever its observers were reporting in real time by sending in reports using coded text messages via their mobile phones. All reports are received and processed at the ECC’s Election Data Hub using a specifically designed elections database.

“All eligible Liberians should register by March 7 to ensure their ability to cast their ballot in October 2017” added ECC Steering Committee Member Lena Cummings.

The ECC, a civil society platform comprising 30 organizations that observes all aspect of elections in Liberia, has deployed 89 observers across the 15 counties to witness the voter registration process.

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Annex E:

For Immediate Release

April 5, 2017

“ECC final Press Statement on voter registration observation and other issues bordering on the conduct of the 2017 Elections.

The Elections Coordinating Committee (ECC) shared its final findings today on the voter registration process (February 1 to March 14) and highlights other issues that have implications for the conduct of the 2017 elections.

The ECC observed 849 Centers and the Secretariat received a total of 849 reports from its 89 trained and accredited observers deployed in all of the 73 electoral districts.

Election Administration: The ECC observed that there were no trends of fraud or systematic exclusion of particular social or ethnic groups from the process. The Voter Registration exercise was generally peaceful. At the same time, there were some administrative lapses:

Mal-functioning of cameras at some VR Centers

Late opening and early closure of some centers 20% of centers opened between 8-10:00 am while 2% of registration centers never open as scheduled.

Poorly recruited or poorly trained election workers
The recruitment of election workers who did not reside in the counties or districts created communication barriers between them and local residents in the registration of applicants.

Election workers not properly uniformed

At a couple of centers, we observed that political parties' agents were helping with the registration of applicants rather than playing their observation role.

In the counties, registration centers were too far from communities
Registration figures:
With low voter apathy and with the pace at which citizens turned out to vote, the ECC is unsure that the NEC will reach its projected target of 2.5 Million voters. Of the Centers observed, there was on average 46 applicants who successfully registered. Women represented 45% of successful registrants observed by the ECC.

Legal Framework:

The ECC observed that the ordinarily resident clause intended to prevent the “trucking” of voters was difficult to enforce at all times because the election workers did not have means to certify who ordinarily resided in a given location.

At the same time, the Voter Registration Regulation did not clarify how registration officials were to determine if an applicant ordinarily resided in a particular location.

The Constitution (Article 77b) states that every Liberian Citizen not less than 18 years of age shall have the right to be registered as a voter and to vote in public elections. This requirement excludes Liberians who turned 18 after the end of registration but who qualifies to vote on October 10, 2017. If registration had been done based on the applicant's age on the date of the election, then the NEC would register all Liberians born on or before October 10th, 1999. This approach would have given more young people the opportunity to register and vote.

The Voter Registration Regulation has no timeframe set for the processing and collation of VR forms so this makes the processing period discretionary to the NEC.

Presence of Political Parties' Agents: It was generally observed that the presence of agents of political parties increased as the VR process progressed. 52% of reports received indicated that the agents of political parties were present at VR Centers.

Security: Some VR Centers in and around Monrovia had the presence of some security personnel but generally, security personnel were absent at VR Centers across the country.

RECOMMENDATIONS:

For the Government:

The ECC calls on the Government of Liberia to accelerate the operations of the National Registry for the issuance of National Identification cards that can be used for Voter Registration purposes.

The ECC calls on the Ministry of Justice to provide an update on the status of the case involving Mr. Amos Siebo, accused of being in unlawful possession of assorted election materials including cameras, printer and blank voter cards.

For NEC:

Apply due diligence in the recruitment of election workers who have knowledge of the local context and are properly uniformed during electoral activities.

The NEC should consider increasing the number of VR centers to facilitate citizens' participation in the process.

The ECC calls on the NEC to refrain from making public pronouncement on the number of citizens it intends to target during the registration process. Projected target number should be for internal planning purposes.

Set a reasonable timeframe in the VR regulation for the processing of all VR forms and the pronouncement of preliminary numbers.

The NEC should explain to the Liberian people the amount of the total election budget spent on the VR process and to let the public know if it has the needed resources from the government to conduct the remaining activities of the elections.

Learn from the challenges of the VR process including planning and logistics in preparation for Election Day because there can be no extension of the day of voting.

For Political Parties:

Political parties should actively participate in the exhibition process including the education of party agents on when and how to file complaints. By observing the exhibition, it will help to give legitimacy to the final voter list.

Political parties need to invest time and resources in the recruitment and training of agents to observe the remaining activities of the electoral cycle particularly election day.

OTHER ISSUES OF CONCERN TO THE ECC:

1) Appointment of the Office of the Ombudsman

The ECC is deeply concerned with the appointment of certain individuals by the President of Liberia to enforce the implementation of the Code of Conduct.

The Code of Conduct falls short of stating the qualifications, competencies, experience and tenure of individuals to run the office of the Ombudsman and how they can be removed. The President has used her Executive Power, and rightly so, to address this gap by issuing Executive Order Number 83.

However, Section 4 of the Executive Order gives additional power to the Office of the Ombudsman that is not prescribed in the Code of Conduct (Section 12.2) formulated in keeping with Article 90 (c) of the Liberian Constitution. The additional power includes the ability to investigate on its own initiative violations of the Code of Conduct.

The office of the Ombudsman is an independent autonomous body in keeping with Section 12.1 of the Code of Conduct. Cllr. Christian Massaquoi, who was appointed as a member to the office of the Ombudsman has held several high top security positions in the current government and is considered to be a confidante of the President. Atty. Edward Dillion, another appointee, has close ties with the Liberty Party. He is a brother to the Vice Chairperson of the Liberty Party (LP) and previously worked in the law offices of Brumskine & Associates/Pierre, Tweh & Associates Law Firm. The LP is on record for saying that it has in no way violated Section 5.2 of the Code of Conduct by the selection of Harrison Karnweh as its Vice Standard Bearer. Atty. Dillion's presence on this body poses a risk of conflict of interest.

It is the view of the ECC that the closeness of these two individuals to the ruling establishment and to an opposition party undermines the "spirit and intent of the independence of the office of the Ombudsman and therefore they are not the most suitable Liberians to occupy these positions.

Given the sensitive nature of the implementation of Sections 5.1 and 5.2 of the Code of Conduct and their implications for the peace and security of the country during this electoral process, we call on the President to withdraw or recall the names mentioned above and undertake a wider consultative process with diverse stakeholders in nominating names to fill the Office of the Ombudsman. In the event where this call is not considered, we urge the Senate not to confirm them for the same reason provided above.

Code of Conduct:

The ECC respects the opinion of the Supreme Court regarding the legality of the Code of Conduct. At the same time, given this country's history of political and socio-economic exclusion and in the spirit of consolidating our democracy and increasing citizens' participation as well as strengthening the Constitutional provision of all persons being equal before the law (Article 11 c) and equal opportunity to for work (Article 18), we call on the National Legislature to amend Section 5.2 of the Code of Conduct. While this process would take some time, the ECC is calling for a national conference to look at the modality in the implementation of the Code of Conduct particularly around Section 5.2.

Compliance of political parties with the elections laws and regulations:

Official campaigning has not yet been declared by the NEC. The ECC is of the view that the mass mobilization of some political parties in the name of presenting their running mates to their supporters is a form of campaigning and the NEC is under obligation to hold parties accountable in keeping with the law if and when they engage in pre-campaigning activities.

The ECC is the largest civil society platform that observes all aspect of elections in Liberia. We work in partnership with the National Democratic Institute (NDI) with funding from USAID.

Annex F:

For Immediate Release

4 May, 2017

“Respecting the Rule of Law is a recipe for Holding Peaceful Election”

As Liberia moves closer to holding its third post-conflict elections, the Elections Coordinating Committee (ECC) is deeply concerned with the recommendation contained in the report: “The Liberia Electoral System” released in February 2017, by the Governance Commission (GC) calling for the suspension during this election year of Article 52 C of the Liberian Constitution.

In the Executive Summary of the report under the caption: “Recommendations for Immediate Consideration”: Address the 10-year residency requirement stipulated in the Constitution: Twice ruled as inapplicable, there must be a pronouncement on this constitutional provision. Lead responsible parties: NEC and the Supreme Court.

Under the section, “The Code of Conduct Ambiguous Rule of Exclusion”: The report further states: “As in the case of the 10-year residency requirement in 2005 and 2011, it is strongly advised that this rule be suspended and made inapplicable to the 2017 elections even if its constitutional validity is to be upheld”.

While the (ECC) shares the view with many other Liberians that these elections should be peaceful so that there can be a smooth political transition the ECC is also calling on all stakeholders to respect the “Rule of Law” as it is one of the most guaranteed ways by which a peaceful election can be held.

The ECC wishes to remind Liberians:

That only the Courts can decide whether or not a law is applicable or inapplicable in a given situation. In this case, the Supreme Court has the legal authority to decide whether or not the 10-year residency requirement for the presidency can be suspended or deemed inapplicable to the 2017 elections.

The Constitution is the foundational law of the land. We have enjoyed almost 12 years of civil governance and it is deeply troubling at this stage in our democratic development to hear about calls for the suspension of a provision of the Constitution without proceeding with the legal process.

Provisions of the law (Constitution or Statute) may not be responsive to the current political reality, but they remain the laws until we can change them.

To suspend a provision in the Constitution will require a national referendum.

That in 2011, the Supreme Court handed down an opinion on the 10-year residency clause based on a challenge from a political party on the eligibility of some candidates to contest. The Court ruled against the challenge but did not suspend the provision.

That the 2005 elections were special elections and at that time Article 52 C was suspended to allow everyone to contest and following the elections, the Constitution came into force in 2006.

Our political history has a deficit of the lack of respect for the rule of law and this has the tendency to undermine the peace. In order to strengthen our democracy, all Liberians state and non-state actors must at all-time adhere and uphold the rule of law.

Parties Primaries:

The ECC wishes to commend all political parties that have set dates for conducting their primaries. The ECC will be monitoring the primaries and we wish to encourage all parties to uphold the basic democratic tenets when conducting these primaries. We are also pleading with parties to consider a reduction in the fees that are charged for those seeking to run in the primaries.

Going Forward:

There is a need for a comprehensive review and revision of our elections laws including the need to write a new Constitution that is responsive to the current political reality and can stand the test of time. That individuals and institutions that have issues with the current laws must seek to amend them through the proper legal means.

That as the political season heightens we call on all the players to respect the rules of the game including opinions handed down by the Supreme Court on electoral matters.

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The ECC is a civil society platform that observes elections in Liberia and works in partnership with the National Democratic Institute with support from USAID. The work of the ECC can also be accessed on facebook/eccliberia.

Annex G:

For Immediate Release
2017

29 May,

ECC Ends Policy Dialogue in Seven Counties

GBARNGA, BONG: - The Elections Coordinating Committee (ECC), has concluded a policy dialogue with representatives of political parties, civil society organizations, local government officials, youth groups and women organizations in Gbarnga, Bong County. The forum brought together more than 60 participants.

An Official of the ECC, Eddie Jarwolo, said the policy dialogues are being held in seven counties. He named the counties as Bong, Grand Bassa, Margibi, Nimba and Grand Gedeh. Others include, Montserrado and Lofa.

Mr. Jarwolo who served as the lead facilitator in Bong said the forums were design to educate representatives of political parties, CSOs and the media on the importance of the exhibition process to citizens as well as the Corrections, Claims and Objection process.

“Political parties, CSOs and Media need to educate citizens on the importance of the exhibition process and how, who, where and when to file an objection. This is why the ECC is making sure that citizens across the country clearly understand how to conduct civic education on the exhibition process and how to file an objection,” Mr. Jarwolo told the gathering during the opening.

Mr. Jarwolo said the ECC is informing participants that the person who puts forth the challenge during the exhibition period must prove all challenges in person. He told participants that the determination of objections shall be made by the Magistrate at the Magistrate’s office during the period for determination of objection, which shall be announced and posted at the magistrate’s office. He also told participants that objector must appear in person so that the Magistrate will notify the person who is objected; that the burden of proof is on the objector; the person objected must have the chance to refute the evidence provided and if one or both of the parties are not present, the Magistrate upon proof shall proceed with the determination.

He said if the objection is denied, the reasons for the denial must be made known to the objector and recorded. Mr. Jarwolo also noted challenges would be based on the nationality of an applicant not being

Liberian; the age of applicant not being the required voting age; the mental health or the applicant not being normal and the applicant being a felon or convict.

The National Elections Commission (NEC) has set June 12-17, 2017 for the exhibition of Provisional Registration Roll (PRR) in Liberia for the upcoming elections in October. The ECC will observe the entire Exhibition process across the 73 electoral districts focusing on Claims and Objections aspect and he encouraged political parties to also observe the process that would raise the standard of transparency and openness of the electoral process. He said the ECC also used the forum to share its findings of the Voter Registration observation with the participants.

Jarwolo said the ECC deployed a total of 89 district and county observers across the country during the VR process.

“The ECC observed 849 of the 2,080 voter registration centers in the 73 electoral districts in the country and documented our observation report,” According to Mr. Jarwolo. Participants lauded the ECC for the initiative and vowed to reach out to citizens with the awareness. Paramount Chief Mary Larteh making remarks during the dialogue. Photo: Moses Bailey “We say thank you so much for coming to explain these things to us. This is what we want, when we ourselves understand these issues like this, we are able to educate our people,” Mary Larteh, the Paramount Chief of Jorquelleh Chiefdom. She encouraged representatives of political parties in particular to explain the importance of the exhibition and objection to their supporters to take advantage of the process. ECC is providing awareness and opportunity to registered voters and the public to confirm that NEC has correctly recorded information about them as well as providing an opportunity for the public to check the accuracy of the work done by NEC.

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The ECC remains the single largest professional civil society platform monitoring, documenting and reporting all aspects of the electoral process in Liberia; and have deployed over 4000 observers during the 2011 and 2014 elections in Liberia.

Members of the ECC include the West Africa Network for Peacebuilding (WANEP), the Women NGOs

Secretariat of Liberia (WONGOSOL), and the Action for Genuine Democratic Alternative (AGENDA),

the Center for Democratic Governance (CDG), and Center for Media Studies and Peace Building. Others

are Naymote Partners for Democratic Development and the Institute for Research and Democratic

Development (IREDD).

The work of the ECC is done in collaboration with the National Democratic Institute (NDI) with support from the United States Agencies for International Development (USAID).

Annex H:

For Immediate Release

15, June 2017,

NEC’s Pronouncement on the EXHIBITION PROCESS HAS THE POTENTIAL TO UNDERMINE THE CREDIBILITY OF THE FINAL VOTER REGISTRATION LIST.

THE ELECTIONS COORDINATING COMMITTEE (ECC) IS DEEPLY CONCERNED OVER THE PRONOUNCEMENT MADE BY THE CHAIR OF THE NEC ON JUNE 14, 2017 THAT EVERY LIBERIAN WITH A VALID VOTER REGISTRATION CARD WILL BE ALLOWED TO VOTE ON ELECTIONS DAY REGARDLESS OF WHETHER OR NOT THEIR NAMES APPEAR ON THE FINAL VOTER LIST. THIS PRONOUNCEMENT HAS THE POTENTIAL TO UNDERMINE THE ONGOING VOTER EXHIBITION PROCESS AND DEFEATS THE VERY PURPOSE FOR WHICH IT WAS COMMISSIONED.

As the Exhibition gradually drags to a close, the Elections Coordinating Committee (ECC) applauds the National Elections Commission (NEC) for the timely provision of information to the public related to problems associated with the Provisional Registration Roll (PRR).

While the ECC commends the NEC for the proactive engagement with the public on this emerging problem, the ECC is of the opinion that there are critical issues with the PRR that remain to be answered by the NEC:

That the Liberian People need to know how many registered voters names and photos are missing from the 2,080 Registration Centers;

That the NEC needs to provide an explanation to the Liberian people on how the names and photos of registered voters became missing from the PRR;

The ECC is calling for a full investigation on whether this emerging problem emanated from:

The Voter Registration Centers;

During the scanning of the forms,

Printing of the PRR

Or the combination of all of the above.

These critical issues and questions, in the view of the ECC, need to be addressed by the NEC before the Exhibition Period ends as the credibility of the elections depends on the credibility of the final VR list.

Preliminary reports from our observers in the 73 districts show that the number of missing names and photos across some of the centers observed is alarming. The ECC disagrees with the proposed solution that every person with a valid registration card will be allowed to vote.

According to our observers, people complained in the districts because they do not have resources to travel to the magistrate offices to correct the problem. The ECC calls on the NEC to release the full list of registered voters.

The ECC will release a final report of its observation of the Exhibition process in the coming week.

The ECC is the civil society platform that observes elections in Liberia and works in partnership with the National Democratic Institute with support from United States Agency for International Development (USAID).

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The ECC is a civil society platform that observes elections in Liberia. The work of the ECC is done in collaboration with the National Democratic Institute (NDI) with support from the United States Agencies for International Development (USAID).

Annex I:

For Immediate Release

June 28, 2017

“ECC calls on NEC to share electronic voter list with observer groups for independent analysis.”

The Elections Coordinating Committee (ECC) shares its findings today on the observation of the Exhibition based on 209 reports from its 73 trained and accredited observers located in all 15 counties. Oscar Bloh, ECC Chair stated that “Overall, reports from ECC observers from all 15 counties show that exhibition of the Provisional Registration Roll (PRR) happened across the country from June 12-17, 2017. The ECC observers reported that few citizens visited exhibition centers to check their information on the PRR. In addition, few agents of political parties deployed to exhibition centers to scrutinize the PRR. Of the 207 centers observed by the ECC, 465 claims were filed for inclusion, 168 claims were filed for missing/incorrect photos, 451 claims were filed for correction of information and 50 challenges to inclusion filed; the ECC also collected anecdotal evidence of names and photos missing from PRRs in some centers.”

He added that “In some instances, significant number of names were missing. For example, in Margibi Dist. # 5 (Center code: 24073, Rock International) 426 names were missing, Rivercess Dist. # 2 (Center code: 36012, Yakpa Town) 200 names missing, Margibi Dist. # 3 (Center code: 24127, Asaru Islamic School) 300 names missing, etc. At the same time, the ECC commends the NEC for providing information on the number of registered voters who are missing from the PRR. However, the NEC should provide what plans are in place to ensure legitimately registered voters are not disenfranchised. Also, an electronic version of the updated PRR should be provided to observer groups to enable independent analysis of the list.”

On the pace of the exhibition, Mr. Bloh stated: “At the exhibition centers where ECC observers were deployed, 9,258 people visited to check their information on the PRR, to verify their information based on 206 reports received. Of the 9,258, 43% were women. The number of visitors was lowest at the beginning of the exhibition period (Monday, June 12) and highest at the end of the exhibition period (Saturday, June 17).

To further boost the credibility of the final voter list, ECC Steering Committee Member Victoria Wollie called upon the NEC to ensure that in the soonest possible time, they should provide information to the public to address concerns around the number of voters’ names that did not appear on the PRR and their plans to remedy the issue.

The ECC is concern with the low level of participation by political parties in the exhibition process. Similarly, the ECC is concern about the low turnout of citizens to review the PRR Elections Coordinating Committee (ECC)

Presidential and Legislative Elections

coupled with the fact that there are missing names and photos; and if these problems are not addressed, could have consequences on Election Day.

Recommendations

ECC calls on the NEC to provide regular information to the public on how they’re dealing with the issue of missing names and photos.

The ECC is concern with the low level of participation by political parties in the exhibition process. Parties have a critical role to play in ensuring a credible registration roll. The ECC therefore, calls on all political parties to demonstrate interest and increase their participation in contributing to a credible voter list and the remaining activities of the electoral process.

For future exhibition exercise, the ECC suggests, that NEC should provide information to civil society observation groups and international Election Partners concerning mistakes and challenges with the PRR and collectively find appropriate solution to remedy them.

About ECC and its Observation of the 2017 Presidential and Legislative Elections

The ECC has observed the 2017 voter registration process and released its final report about the process as planned. The ECC will issue an additional update on the Claims and Objections of the Provisional Registration Roll at the end of the process and will endeavor to share with the public its observation findings on six selected political parties primaries’ observation coupled with the ongoing NEC candidate nomination process.

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The ECC is a civil society platform that observes elections in Liberia and works in partnership with the National Democratic Institute with support from USAID. The work of the ECC can be accessed on www.eccliberia.com.

Annex J:

For Immediate Release

AUGUST 2, 2017

The Elections Coordinating Committee (ECC) Prepares to Observe the 2017 Presidential and Legislative Campaign

With the official commencement of political campaign, the Elections Coordinating Committee (ECC) adds its voice to the President of Liberia, US Embassy, African Union, ECOWAS and UNMIL, in calling on all political parties, independent candidates and their supporters to uphold the principles and intent of the Ganta and Farmington Declarations to conduct a violent free campaign.

While the campaign has started, the ECC wants to commend the National Elections Commission (NEC) for releasing a summary of the final voter registration figures disaggregated by gender, age, districts, and locations. The ECC assumes that the final voter listing addresses the issues of some missing names and photos linked to the Provisional Registration Roll (PRR) and therefore calls on the NEC to make public the detailed voter registration roll that highlights the particulars of every voter as this will help political parties and independent candidates to better plan for their campaign.

As the campaign gears up, the ECC calls on all political parties and independent candidates to engage in issues-based political debates and refrain from personality attacks as well as the use of divisive, inflammatory, abusive, profane, and hate speeches that could incite or drive their supporters to engage in violence that has the potential to undermine the peace and security of the country. We also call on the leaders of political parties to urge their supporters to refrain from provocative acts that could incite violence including the destruction and tearing down of campaign materials (posters and billboards). The political transition that we all desire cannot be done peacefully if the campaign and other electoral events are marked by violence.

The ECC is also urging all political parties to provide their campaign timetables to the NEC, the Liberian National Police and the county authorities so that the use of public facilities for campaign purposes do not create unnecessary tension and conflict between supporters of political parties. At the same time, the ECC calls on county authorities to ensure that all parties and independent candidates have equal access to the use of public facilities to carry out campaign activities.

In order to contribute to a level playing field, we call on all parties to refrain from the use of state resources to engage in any form of campaigning. In pursuit of this agenda, the ECC is calling on the President to use her good office to ask all members of her government holding executive positions in any political party to resign so that their service in government does not come in conflict with campaigning activities, the code of conduct (Section 5.1) or the elections law. At the same time, the ECC is urging that all parties and independent candidates seeking state power

should be in compliance with campaign finance laws and regulations. We call on the NEC to ensure that parties and independent candidates comply with the campaign finance laws.

While the ECC encourages political parties to seek mediation and other forms of dispute resolution, it is the view of the ECC that in the event where alternative dispute resolution fails, parties should seek legal remedies in resolving any and all grievances.

The dates of some electoral events can be changed or extended but the date of election cannot be altered as it is a Constitutional requirement. In this vein, the ECC is calling on the government of Liberia to provide the financial support that the NEC needs to implement its activities. In a similar vein, the ECC is calling on improved collaboration between the NEC and other government institutions so that the procurement of goods and services can be done in a timely manner.

In the meantime, the ECC is challenging the media particularly newspapers and radio stations to be conflict sensitive in covering the campaign and not to use their channels to allow politicians to engage

in negative campaigning. The media must be perceived as being neutral and it has the moral responsibility to promote civil campaigning in order to prevent any form of electoral violence.

In preparation to observe the campaign, the (ECC) has conducted training for its 32 long term observers to cover all the 73 Electoral Districts of Liberia and they have been deployed to observe the entire campaign period starting from July 31-October 8, 2017. Observers will be required to send in bi-weekly observation checklist and critical incident reports to the ECC Information Center. Regular statements will be issued based on the information that will be received from the observers.

The call for a peaceful political transition that is critical for the country's democratic process and continuity must be marked by positive actions from all stakeholders involved in this electoral process.

The ECC is the civil society platform that observes elections in Liberia and works in partnership with the National Democratic Institute with support from USAID. The work of the ECC can be accessed on www.eccliberia.com.

Annex K:

For Immediate Release

September 1, 2017

The Elections Coordinating Committee (ECC) Prepares to Observe the 2017 Presidential and Legislative Elections

The Elections Coordinating Committee (ECC) calls on all registered political parties who have not submitted to the National Elections Commission (NEC) and publish detailed statements of assets and liabilities by today, September 1, 2017 to do so in compliance with Article 83(d) of the Liberian Constitution. In furtherance of this provision, every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which the candidate publish and submit to the NEC similar statements mentioned above. The provision referenced above further requires that the detailed statements shall include the enumeration of sources of funds and other assets, plus list of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the NEC additional supplementary statements of all funds received and expenditures made by them from the date of filing the original statements to the date of the election.

The ECC notes that by the fact that the NEC has certificated the political parties and independent candidates to contest these elections the political parties and candidates are operating under the jurisdiction of the NEC. Accordingly, the ECC calls on the NEC to enforce this Constitutional Provision and to take all appropriate punitive actions against those who do not in keeping with existing law, statute or regulations.

That nearly one month of campaigning activities, the ECC wishes to commend political parties and independent candidate and their supporters for conducting their campaigns in a peaceful manner. The ECC also commends the Liberian National Police (LNP) for the level of professionalism exhibited so far during the first month of campaigning. This was observed by the ECC observers deployed in all of the 73 districts across the country.

More campaign rallies will be held during this month and leading to the week of October 10, 2017, the ECC calls on political actors, their supporters, media and the LNP to continue on this course of a civil and issues-based campaign discourse. The ECC is also urging political parties to provide their campaign timetables to the NEC, the LNP and the county authorities so that the use of public facilities for campaign purposes do not create unnecessary tension and conflict between supporters of political parties.

In furtherance of a free, fair, transparent, credible and peaceful election, the ECC calls on all political parties and independent candidates to invest time and resources to adequately train their agents who will be deployed to observe the election day and the counting and tallying of results.

The ECC commends the Government of Liberia and its development partners for the level of financial support provided so far to the NEC. The ECC is aware that the government is responding to competing

needs that requires financial resources but encourages the Ministry of Finance and Development Planning (MFDP) to prioritize resources for the NEC so that this smooth and peaceful political transition that we all desire can be realized. This is against the fact that the dates of some electoral events can be changed or extended but the date of election cannot be altered as it is a Constitutional requirement.

The ECC is the largest professional civil society platform that observes elections in Liberia and works in partnership with the National Democratic Institute. The ECC receives support from USAID and the Open Society Initiative for West Africa (OSIWA).

Annex L:

For Immediate Release

October 7, 2017

“ECC Statement Climaxing Campaign and Preparing the Nation for and After Election Day:

On October 10, 2017, Liberians will exercise their Constitutional right in voting for a new set of leaders that will lead the country in its democratic development. As voters gear to vote, the Elections Coordinating Committee (ECC) congratulates all political parties, independent candidates and all Liberians for generally conducting political campaigns in a civil and peaceful manner.

The ECC also wishes to commend the Liberian Government and its international partners for providing the financial resources needed to conduct these elections. The ECC also commends the National Elections Commission (NEC) for completing the Final Registration Roll (FRR), releasing the list of polling places, and distributing ballots and other election materials to the counties.

The ECC further commends the Liberia National Police (LNP) for the level of professionalism in providing security to all political parties and independent candidates during the campaign period. Furthermore, the ECC applauds the media for creating the space for political parties and independent candidates to share their campaign manifestos with the voters.

All of the above actions by the various stakeholders will consolidate Liberia’s political transition and fragile democracy if the elections are conducted in a peaceful, free, fair, transparent and credible manner. All stakeholders have a role to play in this process.

In keeping with its mandate, the ECC has observed all of the major components of the 2017 election process including voter registration, exhibition of the voters roll, political party primaries, the claims and objections period, the candidate nomination process, and the electoral campaign period.

On Election Day, the ECC will deploy 2,170 observers of different categories. The first category includes 89 long term observers, 2,000 short term observers deployed in all of the 73 electoral districts. Of the 2000 observers, 832 observers will be systematically deployed as Rapid Response Observers. 500 of these observers are part of a national sample based on a proportional distribution by district. Given the high concentration of voters in Montserrado, the ECC is deploying additional Rapid Response Observers proportionally distributed over the county's 17 electoral districts. Based on this deployment strategy and using a real time reporting system, the ECC will be able to report on the conduct of the polls across the country using representative information. The ECC is also deploying 42 tally center observers covering all 19 Magisterial Offices and the National Tally Center.

The ECC has established a data center that will be receiving real time information through coded text messages from the observers observing at particular polling places. The ECC will release periodic reports on the conduct of the elections based on the information received from its observers from the polling places observed.

As the nation prepares for and after Election Day, the ECC makes the following recommendations: r
NEC:

- To safeguard the integrity of the process, the NEC must demonstrate a high degree of neutrality and transparency in the conduct, counting, tallying and announcement of results.

- The NEC should treat all electoral petitions, disputes, and grievances in a transparent and timely manner.

▪ That the NEC should provide detailed information to the public on how the system set up for the entry and transmission of results will operate.

Political Parties:

▪ That all political parties and independent candidates and their supporters should remain peaceful, abide by the laws and should refrain from announcing election results.

▪ If any political party or independent candidate has grievances on the electoral process and results, they should follow the laws and procedures as enshrined in the electoral laws and regulations.

▪ That the political parties and independent candidates deploy trained agents to observe the voting, closing, counting and tallying of results and to properly document their findings and in no time interfere with the process.

Judiciary:

▪ That the Supreme Court should expeditiously adjudicate all electoral related petitions, disputes and grievances.

Security:

▪ That the LNP and other security agencies continue to demonstrate neutrality and professionalism in dealing with electoral related matters.

Media: ▪ That the media demonstrate a high degree of professionalism on how it reports on the results of the elections. ▪ That the media be conflict sensitive in reporting on the electoral process and its outcome.

Voters:

▪ That all registered voters should take advantage of this day to turn out and vote in a peaceful manner.

Observation Groups

▪ That all national and international observation missions coordinate their efforts in responding to issues arising from the electoral process and outcome.

The ECC is the largest civil society platform that observes all aspect of elections in Liberia. We work in partnership with the National Democratic Institute (NDI) with funding from USAID and OSIWA

Annex M:

For Immediate Release

October 10, 2017

ECC ELECTION DAY MID-DAY STATEMENT

Introduction

This mid-day update is based on reports that the Elections Coordinating Committee (ECC) has received from 470 out of the 498 Rapid Response Observers deployed to polling places proportionally nationwide as of 1:00PM on October 10, 2017.

The ECC has deployed 2,170 trained and accredited observers including 170 mobile observers and 2,000 polling place observers deployed in all 73 districts. Of the 2,000 observers, 832 are systematically deployed as Rapid Response Observers, 498 of which are deployed based on a proportional distribution by district. This means that the proportion of polling stations observed by Rapid Response Observers in each district and county closely matches the overall percentage of polling stations in each district and county. For example, 9% of polling places where Rapid Response observers deployed are in Bong County and 9% of overall polling places are in Bong County. This proportional deployment enables the ECC to comment on the process nationally, drawing on data

points from every district of the country. Appendix A provides a detailed breakdown of the distribution of observed polling stations by county.

This report focuses on the set-up and opening of polling places. Percentages reported reflect percentages of polling places observed and are not statistically representative of the country as a whole, but do provide credible data on emerging national trends. At this time the ECC has received 94% of reports from its 498 Rapid Response Observers. The majority of the missing reports come from areas experiencing poor network coverage in certain areas, including Gbarpolu 02, Maryland 02, Grand Gedeh 02. Therefore, these following findings do not reflect what has occurred in these areas. We will expect these reports to come in by the end of the day.

Arrival at Polling Places

By 7:00am, 97% of all ECC Observers were at their assigned polling places. In 98% of polling places where ECC Observers are located, National Election Commission (NEC) staff respected the ECC Observer's status as an accredited observers and permitted the observer to observe at the polling place.

Polling Place Set-Up

- ECC observers reported that 80% of polling places had all five NEC staff present during set-up. In 67% of polling places, at least two NEC staff were women.
- Observers reported that all sensitive materials (including the ballots, ballot stamp, indelible ink, the Final Registration Roll (FRR), and the Record of the Count Forms) were available at 98% of polling places at the time of opening.
- In all of polling places where the ECC observed, the NEC presiding officer showed that the ballot boxes were empty and in 99% of polling places the presiding officer sealed each of the ballot boxes with four seals.
- ECC observers in 43% of polling places noted that they had to climb stairs to reach the polling place. Stairs make the polling place inaccessible to persons with disabilities or the elderly.
- In 95% of polling places where ECC observers are located, observer saw security personnel in the area.

Opening

ECC observers reported that voting generally commenced on time in most of the observed polling places. By 8:30am, 80% of polling places where ECC observers were assigned had opened. Another 19% had opened by 10:00am.

Critical Incidents

Generally, ECC observer reports indicate that the opening process has been peaceful, orderly, and proceeding smoothly across the country. However, ECC observers have also reported isolated issues of concern at certain polling places.

The ECC National Information Center is also collecting critical incident reports from all 2170 observers. The ECC continues to collect and process these reports. Thus far, reports have included tensions at polling places where opening was delayed or where a large number of voters are queued, as well as instances where observers were not permitted to observe at the polling place.

While this statement only covers information we have collected during the set-up and opening process, the ECC notes that observers have also reported instances in some polling places where voters with valid voters cards have found their names to be missing from the voters lists. In some instances, these voters have been allowed to vote, while others have not. The ECC continues to monitor this and will have more comprehensive information in future updates.

Recommendations

- The ECC urges the NEC to communicate to the public and its staff the procedures for polling places that opened late.
- Voters should remain patient and peaceful in exercising their right to vote. Polling places will be open until 6:00pm and everyone in the queue before that time should be allowed to vote.
- The ECC encourages political party agents should continue to monitor the process through closing and counting.
- The ECC reminds the media to continue to be responsible in their reporting on challenges facing the process.

About the ECC and Observation of the 2017 Presidential and Legislative Elections

The Elections Coordinating Committee (ECC) is a civil society platform, comprising 30 organizations that observe all aspects of the electoral process in Liberia, including the 2017 Presidential and Legislative elections. The ECC has an eight member steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for Media Studies and Peace Building (CEMESP); Institute for Research and Democratic Development (IREDD); National Youth Movement for Transparent Elections – Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), Inter-Religious Council of Liberia (IRC) and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG serves as the chair of ECC.

The ECC’s observation effort takes advantage of advanced information and communication technologies (ICTs) to receive near real-time reports from its observers. The ECC has established a National Information Centre (NIC) in Monrovia to which ECC observers submit reports using coded

text messages from their mobile phones. Reports are directly transmitted into a sophisticated database and processed.

Appendix A: Distribution of observed polling stations by county.

County	Distribution of Polling Places		Deployment of Observers		ECC Rapid
	Polling Places	% of Polling Places	Polling Places	% of Polling Places	
Bomi	158	2.93%	14	2.81%	
Bong	502	9.31%	46	9.24%	
Gbarpolu	133	2.47%	13	2.61%	
Grand Bassa	388	7.20%	35	7.03%	
Grand Cape Mount	171	3.17%	16	3.21%	
Grand Gedeh	167	3.10%	15	3.01%	
Grand Kru	99	1.84%	9	1.81%	
Lofa	417	7.74%	39	7.83%	
Margibi	382	7.09%	35	7.03%	
Maryland	156	2.89%	15	3.01%	
Montserrado	1790	33.21%	166	33.33%	
Nimba	699	12.97%	65	13.05%	
River Gee	95	1.76%	9	1.81%	
Rivercess	97	1.80%	9	1.81%	
Sinoe	136	2.52%	12	2.41%	
TOTAL	5390	100%	498	100%	

Annex N:

For Immediate Release
2017

October 10,

ECC PRELIMINARY STATEMENT – October 12, 2017

Introduction

This preliminary statement is based on reports that the Elections Coordinating Committee (ECC) has received from 496 out of 498 Rapid Response Observers deployed to polling places proportionally nationwide as of 5:00PM on October 11, 2017.

The ECC deployed 2,170 trained and accredited observers including 170 mobile observers and 2,000 polling place observers deployed in all 73 districts. Of the 2,000 observers, 832 are systematically deployed as Rapid Response Observers, 498 of which are deployed based on a proportional distribution by district. This means that the proportion of polling stations observed by Rapid Response

Observers in each district and county closely matches the overall percentage of polling stations in each district and county. This proportional deployment enables the ECC to comment on the process nationally, drawing on data points from every district of the country. Appendix A provides a detailed breakdown of the distribution of observed polling stations by county.

On Election Day, the ECC released a mid-day update on the set-up and opening process. This statement focuses on the voting, closing, and counting processes. Figures reported reflect percentages of polling places observed and do not reflect all polling places across the country but do provide credible and reliable data on the electoral process.

Key Findings

Based on reports from ECC observers deployed to polling places in all 73 districts, Liberians turned out peacefully in large numbers to choose their next leaders and play their part in deciding the country's future.

ECC observers witnessed Liberians casting their ballots despite challenges. This includes issues with the Final Registration Roll (FRR), long queues, and polling places that closed at 6:00pm with voters still waiting to vote.

While technical and administrative lapses made this process more difficult for voters, Liberians demonstrated their commitment to exercising their right to vote by turning out in large numbers, enduring the long queues, and peacefully engaging in the polls.

Voting Process

ECC observers monitored the entire Election Day process in their assigned polling place starting with the set-up and continuing through the counting process and the announcement of the results. They reported using a unique observation checklist and coded text messages to a central database system at the ECC's National Information Center.

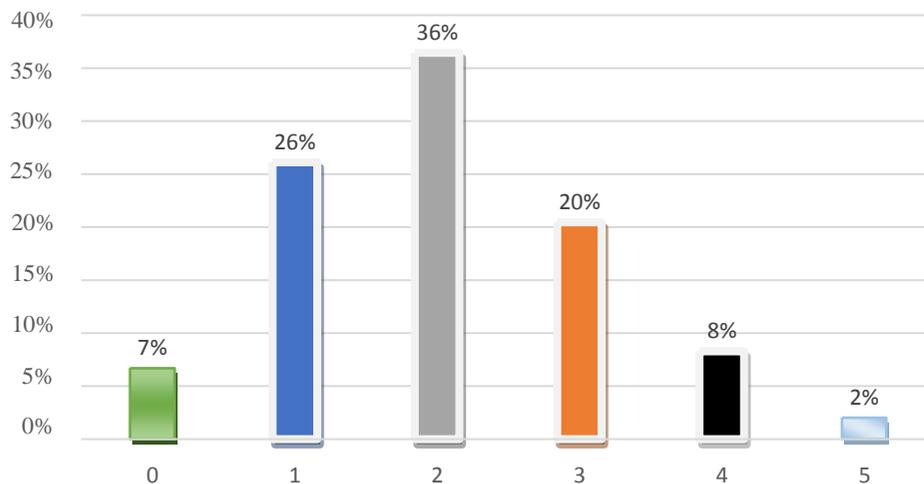
Within their polling place, ECC observers witnessed NEC staff generally following voting procedures.

- In 97% of polling places observed, voters were always asked to present their voter registration (VR) card before being allowed to vote.
- ECC observers in 96% of polling places reported that the ballot papers were always stamped before being handed to the voter.

- In 99% of polling places observed, the voting screen was placed in a way that guaranteed the secrecy of the vote.
- ECC observers noted that the finger of every voter was inked after voting in 98% of observed polling places.

At least two NEC staff in 67% of observed polling places were women, however, only 22% of observed polling places had a woman as the presiding officer.

Number of women polling staff per observed polling place



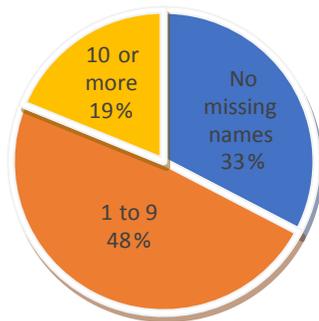
Elections Coordinating Committee, 2017

While voting process within the polling place generally ran smoothly, ECC observers reported that NEC staff experienced challenges in managing queues and directing voters to the proper polling places. Particularly in areas with higher numbers of registered voters and in voting precincts located in facilities not adequate to accommodate these numbers, this resulted in long waits and frustration among voters, and caused voting and counting to extend long past the official closing time.

Final Registration Roll (FRR)

In only 33% of observed polling places, all voters who presented a valid VR card found their details on the Final Registration Roll (FRR). However, 48% of polling places observed by the ECC had 1 to 9 cases where a person appeared to have a valid VR card indicating that they should vote in that polling place, but whose name did not appear on the FRR. In 19% of polling places observed, ten or more such cases were reported. ECC observers noted that this caused delays, confusion, and, in some cases, tensions at polling places during the voting process.

Polling places with missing names on the FRR



Elections Coordinating Committee, 2017

ECC observers noted inconsistencies in how NEC staff addressed the issue of voters missing from the FRR. In 75% of observed polling places with missing names, these voters were permitted to vote; however, voters in 25% of these polling places were denied the ability to vote.

Closing and Counting Process

A significant number of polling places remained open past the designated closing time (6:00pm). ECC observers reported that 41% of observed polling places closed after 6:30pm, with many remaining open late into the evening to allow voters to cast their ballot.

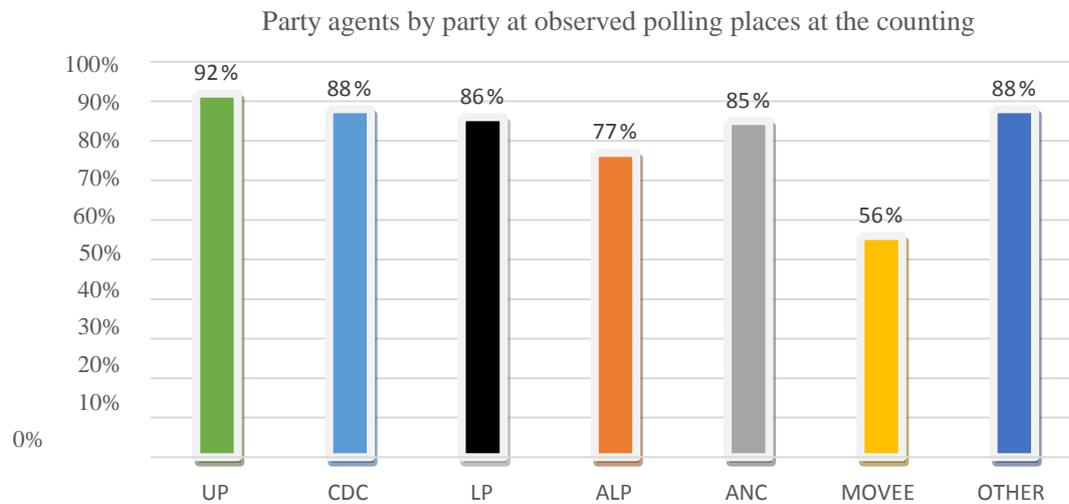
In 88% of observed polling places there were still voters in the queue at 6:00pm. In 93% of these polling places, voters in the queue at 6:00pm were allowed to vote. However, in 7% of these polling places, voters still in the queue were denied the right to vote.

ECC observers also noted that some polling places did not have adequate lights, which causes additional delays in the counting process and increases the potential for human error. Furthermore, ECC observers noted that the Record of the Count Forms were not systematically posted on the wall of the polling place after the completion of the counting process.

Party Agents

ECC observers reported the presence of at least one party agent at 99% of observed polling places during the voting and counting processes. This contributed to a level of transparency in the process.

In only 16% of observed polling places, party agents filed a complaint. This demonstrates that the party agents did not challenge the counting process in most polling places.



Elections Coordinating Committee, 2017

During voter registration and exhibition, the ECC noted the low level of participation of political parties. The widespread presence of party agents in polling places on election day is a significant improvement in political parties’ role in monitoring the process.

Recommendations

To the National Election Commission:

- In the event of a second round election:
 - Urgently inform the public and political parties on the procedures for voters whose names are missing from the FRR. Polling staff should also receive timely, clear, and consistent instructions on these procedures.
 - Update logistic plans to ensure a timely delivery of all election materials.
 - Ensure voters are informed about the runoff election.
 - Consider relocating congested polling precincts to other locations that will facilitate the free flow of voters.
 - Ensure that temporary staff receive adequate training particularly relating to crowd control and providing assistance to voters in determining which queue they are to vote.

- Provide timely and up-to-date information to voters during the tally process including providing detailed information to the public on data entry and transmission of results system at both the magistrate offices and the National Tally Center.
- Treat all electoral disputes equally and adjudicate them in a timely and transparent manner.
- Publicly provide polling place level results in a machine-readable format in a timely manner as a measure of transparency.
- Reconsider the allocation of ballot papers per polling place to better fit the actual number of registered voters in that polling place.
- Accredite organizations to observe rather than individuals. This not only reduces the burden on the NEC to produce accreditation badges for individual observers, but also allows observer groups to more effectively recruit, and if needed, replace observers during the election.

To political parties, independent candidates, and their supporters:

- Remain peaceful, abide by the laws and refrain from announcing election results or claiming victory when the certified results are yet to be announced.
- If any political party or independent candidate has grievances on the electoral process and results, follow the laws and procedures as enshrined in the electoral laws and regulations.
- In the event of a runoff elections, the ECC encourages the contesting political parties to deploy trained agents to observe the voting, closing, counting and tallying of results and to properly document their findings and in no time interfere with the process.

To the Supreme Court:

- Expediently adjudicate all electoral related petitions, disputes and grievances.

To the Liberian National Police and other security agencies:

- Continue to demonstrate neutrality and professionalism in dealing with electoral related matters.

To the media:

- Continue demonstrate a high degree of professionalism on how it reports on the results of the elections. Remain conflict sensitive in reporting on all electoral disputes.

To civil society:

- Continue to engage citizens to remain peaceful during the announcement of results and if there is a second round to provide civic education to citizens to participate peacefully to ensure a smooth transition of power.

About the ECC and Observation of the 2017 Presidential and Legislative Elections

The Elections Coordinating Committee (ECC) is a civil society platform, comprising 30 organizations that observes all aspects of the electoral process in Liberia, including the 2017 Presidential and Legislative elections. The ECC has an eight member steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for Media Studies and Peace Building (CEMESP); Institute for Research and Democratic Development (IREDD); National Youth Movement for Transparent Elections – Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peace Building (WANEP), Inter-Religious Council of Liberia (IRC) and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG serves as the chair of ECC.

The ECC works in partnership with the National Democratic Institute (NDI) with support from USAID and OSIWA.

Appendix A: Distribution of observed polling stations by county.

County	Distribution of Polling Places		Deployment of ECC Rapid Response Observers	
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Grand Kru	99	1.84%	9	1.81%
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Montserrado	1790	33.21%	166	33.33%
Nimba	699	12.97%	65	13.05%
River Gee	95	1.76%	9	1.81%
Rivercess	97	1.80%	9	1.81%
Sinoe	136	2.52%	12	2.41%
TOTAL	5390	100%	498	100%

Annex O:

For Immediate Release

December 11, 2017

“The ECC recognizes the importance of the Supreme Court’s Ruling and re-assures the public that it will continue to observe the implementation of the mandates of the Supreme Court”

The Elections Coordinating Committee (ECC) welcomes the Supreme Court’s opinion of December 7, 2017 on electoral petitions and grievances filed by the Liberty and Unity Parties. The ruling sets a new standard, practice and procedures for the conduct of elections in Liberia. The ruling further raises the bar on the burden of proof on political parties and independent candidates seeking legal redress of complaints arising from the conduct of any election in Liberia. The ECC reassures the public that it will continue to observe the implementation of the mandates of the Court.

In its ruling, the Court acknowledged that there were isolated incident of violations associated with the conduct of the October 10, 2017 elections but that the evidence provided by the parties was not within the threshold or magnitude to substantially impact on the results to have a rerun. The ECC observes, however, that the Court did not define what constitutes “magnitude of fraud” that would warrant a re-run of an election.

At the same time, the logical conclusion of the parties’ complaints through the legal process supports the rule of law and consolidates the country’s emerging democracy. By the same token, the ECC commends the political parties and their supporters for accepting the decision of the Court and for conducting themselves in a peaceful manner throughout the legal process. We also applaud the Court for adjudicating the matter within the required Constitutional timeframe.

The ECC wishes to highlight the implications of some of the directives contained in the modification of the Court’s opinion in affirming the decision of the Board of Commissioners.

That the NEC cleans the FRR to comply with the provision of law: It is unclear what

“cleaning up” means and calls on the Supreme Court to provide clarity on what it means by “full cleaning up of the FRR. This directive is also unclear as to who is responsible to certify that the cleaning up of the FRR is in compliance with the law and that it is in a satisfactory condition to proceed with the conduct of the second round. At the same time, the NEC is under obligation to inform the public on the scale of the problem and the specific issues on the FRR that it intends to address.

That the NEC is prohibited from permitting anyone whose name is not found on the FRR to vote: It is not clear what the scope of the problems surrounding the FRR. The enforcement of this mandate would mean that citizens with valid voter cards who are eligible to vote will be disenfranchised thereby infringing on their Constitutional rights in keeping with Liberian laws and the doctrine of Universal Suffrage.

Two legal provisions are of importance:

Article 77 (b) of the Constitution: “Every Liberian citizen not less than 18 years of age shall have the right to be registered as a voter and to vote in public elections and referenda”.

Section 5.1 of the New Elections Law: “Except one who has been judicially declared to be incompetent or of unsound mind, or who has been barred from voting as a result of his or her conviction and imprisonment for an infamous crime which disenfranchised him or her as a voter and has not been restored to full citizenship, a Liberian citizen who has attained the age of 18 years or above with a valid registration card may vote at any election in the voting precinct of the electoral district for which he or she is registered”.

The ECC is of the view that citizens with valid voter cards who wish to vote should not be punished for the negligence and lapses of the NEC. Because we do not know the scale of the problem (the number of names missing from the FRR) no one knows how disenfranchised citizens would react on the day of election if they are not allowed to vote.

That the NEC is ordered to schedule the run-off election in accordance with the Constitution and the New Election Law: In keeping with Article 83 b and c, the ECC calls on the NEC to provide a clear timeline on how and when the mandates of the Supreme Court will be implemented in order to set the date for the run-off.

Going forward:

NEC:

Demonstrate Transparency: Given the fact that a credible FRR contributes to credible elections, the NEC should demonstrate transparency at every stage of the process in cleaning the FRR and that the political parties and the public be provided regular information on progress made to fix the problems.

Verification of FRR: In order to build public confidence in the electoral process, the NEC should identify in consultation with the contending parties, an independent body to certify that the FRR has been cleaned. The ECC is of the view that the IT experts brought in by ECOWAS to assess the NEC's database can play a meaningful role in this direction.

Develop a solution plan and timeline: That the NEC should inform the parties and the public on its plan to address the problems in the FRR and the timeline and that the public is constantly informed on progress made.

Engage political parties: That the contending parties are engaged at every stage of the planning process leading to major decisions including the setting of the run-off date, cleaning of the FFR and the conduct of other activities.

Political Parties:

Constructive Engagement: That the two contending parties continue to engage with the NEC and other stakeholders and to raise all concerns and issues that need to be addressed but at the same time should do so in good faith and be realistic in what is and is not doable and to make concessions where necessary in the interest of the country.

Recruitment of poll watchers: That poll agents to be recruited are registered voters in the polling places in which they will vote. This is in fulfillment of one of the mandates of the Supreme Court.

Remain Peaceful: We call on political parties to inform their supporters to remain calm while the NEC addresses the Supreme Court's mandates and sets the date for the run-off.

Supreme Court:

We call on the Supreme Court to release the full opinion of the case in order to provide clarity on the mandates to the NEC as contained in the judgment.

Regional and International Bodies:

That the international community continues to regularly meet with the different stakeholders in order to listen to their concerns and issues and collectively find solutions.

The ECC is the largest civil society platform that observes elections in Liberia. It works in partnership with the National Democratic Institute USAID and OSIWA.

Annex P:

For Immediate Release

12/26/17

ECC RUNOFF ELECTION DAY MID-DAY STATEMENT

RESPECT THE WILL OF THE LIBERIAN PEOPLE

Introduction

This mid-day update is based on reports that the Elections Coordinating Committee (ECC) has received from 475 out of the 498 Rapid Response Observers deployed to polling places proportionally nationwide as of 1:00PM on December 26, 2017.

The ECC has deployed 1100 trained and accredited observers including 89 mobile observers and 982 polling place observers covering all 73 electoral districts of Liberia. Of the 982 observers, 832 are systematically deployed as Rapid Response Observers, 498 of which are deployed based on a proportional distribution by district. This means that the proportion of polling stations observed by Rapid Response Observers in each district and county closely matches the overall percentage of polling stations in each district and county. Appendix A provides a detailed breakdown of the distribution of observed polling stations by county.

This report focuses on the set-up and opening of polling places. Percentages reported reflect percentages of polling places observed and are not statistically representative of the country as a whole, but do provide credible data on emerging national trends. At this time, the ECC has received 96% of reports from its 498 Rapid Response Observers. The majority of the missing reports come from areas experiencing poor network coverage in certain areas, including Gbarpolu 02, Nimba 9, Grand Gedeh 02 and Grand Cape Mount 1. Therefore, these following findings do not reflect what has occurred in these areas. We will expect these reports to come in by the end of the day.

Key Findings

The process is conducted peacefully and orderly with no reports of any major incident. At the same time, the ECC observed a slow turnout so far. The ECC observers reports show that the queues are better managed in comparison to the poor management of queues observed in the first round. Queue controllers are more visible and providing assistance to the voters.

Arrival at Polling Places

In 98% of polling places where ECC Observers are located, National Election Commission (NEC) staff respected the ECC Observer's status as an accredited observers and permitted them to access the polling place.

Polling Place Set-Up

- ECC observers reported that 88% of polling places had all five NEC staff present during set-up. This is an improvement from the October 10 election, when ECC observers reported that 80% of observed polling places had all five NEC staff present.
- In 99% of polling places where ECC observers are located, observers reported seeing the FRR posted at the polling place in fulfillment with the Supreme Court's mandate.

- Observers reported that all sensitive materials (including the ballots, ballot stamp, indelible ink, the Final Registration Roll (FRR), and the Record of the Count Forms) were available at 99% of polling places at 8:00am.
- At all observed polling places, the NEC presiding officer showed that the ballot box was empty and in 99% of polling places the presiding officer sealed the ballot box with four seals.
- In 94% of polling places where ECC observers are located, observer saw security personnel in the area. This compares to 95% during the October 10 elections.

Opening

ECC observers reported that voting generally commenced on time in most of the observed polling places. By 8:30am, 96% of observed polling places had opened. Another 3% had opened by 10:00am. For the October 10 elections, ECC observers reported that 80% of observed polling places had opened by 8:30 am and another 19% had opened by 10:00am. This is considered as an improvement compared to the first round.

Critical Incidents

Generally, ECC observer reports indicate that the opening process has been peaceful, orderly, and proceeding smoothly across the country with no major incidents. The ECC National Information Center is collecting critical incident reports from all deployed observers. The ECC continues to collect and process these reports.

Recommendations

To political parties:

- The ECC encourage political party agents should continue to monitor the process through closing and counting.
- The ECC calls the political parties to refrain from making any premature announcement of results and channel grievances through the appropriate legal and regulative frameworks.

To the National Election Commission:

- The ECC calls the NEC to investigate on reports of pre marked ballot papers and provide timely information on the outcome of these investigations.

To the media:

- The ECC reminds the media to continue to be responsible in their reporting on challenges facing the process.

The ECC observers are still in their polling places and they are reporting on real time using coded text messages to the ECC information center. The ECC observers are instructed to stay

in their polling places until the end of the counting. The mobile teams continue observing the general atmosphere outside the polling places.

About the ECC and Observation of the 2017 Presidential and Legislative Elections

The ECC’s observation effort takes advantage of advanced information and communication technologies (ICTs) to receive near real-time reports from its observers. The ECC has established a National Information Centre (NIC) in Monrovia to which ECC observers submit reports using coded text messages from their mobile phones. Reports are directly transmitted into a sophisticated database and processed.

The Elections Coordinating Committee (ECC) is a civil society platform, comprising 30 organizations that observes all aspects of the electoral process in Liberia, including the 2017 Presidential and Legislative elections. The ECC has an eight member steering committee with representatives from Actions for Genuine Democratic Alternatives (AGENDA); Center for Democratic Governance (CDG); Center for Media Studies and Peace Building (CEMESP); Institute for Research and Democratic Development (IREDD); National Youth Movement for Transparent Elections – Partners for Democratic Development (NAYMOTE-PADD); West Africa Network for Peacebuilding (WANEP), Inter-Religious Council of Liberia (IRC) and the Women’s NGO Secretariat of Liberia (WONGOSOL). CDG serves as the chair of ECC. The work of ECC is supported by the NDI and OSIWA.

Appendix A: Distribution of observed polling places by county.

County	Distribution of Polling Places		Deployment of Observers	ECC Rapid
	Polling Places	% of Polling Places	Polling Places	% of Polling Places
Bomi	158	2.93%	14	2.81%
Bong	502	9.31%	46	9.24%
Gbarpolu	133	2.47%	13	2.61%
Grand Bassa	388	7.20%	35	7.03%
Grand Cape Mount	171	3.17%	16	3.21%
Grand Gedeh	167	3.10%	15	3.01%
Grand Kru	99	1.84%	9	1.81%
Lofa	417	7.74%	39	7.83%
Margibi	382	7.09%	35	7.03%
Maryland	156	2.89%	15	3.01%
Montserrado	1790	33.21%	166	33.33%
Nimba	699	12.97%	65	13.05%
River Gee	95	1.76%	9	1.81%

Rivercess	97	1.80%	9	1.81%
Sinoe	136	2.52%	12	2.41%
TOTAL	5390	100%	498	100%

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