

THE
CARTER CENTER



Sept. 12, 2017

Carter Center Pre-election Statement on Liberia's 2017 Election

Executive Summary

The Carter Center is conducting a comprehensive, long-term international election observation mission of Liberia's 2017 election. The current phase of the mission includes six long-term observers. This preliminary statement summarizes observations to date from the Carter Center's long-term observers and offers several recommendations on steps to increase public confidence in the election.

The 2017 election represents a historic juncture for Liberia. Regardless of the result, this will be the first occasion in over 70 years when a Liberian president has completed her term and voluntarily turned over power to a democratically elected successor. Should a party other than the president's win the election, it would be the first occasion in well over a century when the executive office has peacefully changed hands from one party to another. The unprecedented nature of this election has been accompanied by heightened anxieties about the potential for conflict. As a result, it will serve as a crucial test for the consolidation of Liberia's democracy and the commitment of all candidates to preserving peace. The Liberian people expect — and have the right to — genuine democratic elections and to leadership that will not sacrifice the peace that all Liberians have worked so hard to sustain.

The 2017 electoral process is more Liberian-led, with less financial and logistical support from the international community than in past elections. This puts unprecedented pressure on the National Election Commission's (NEC) 300 staff members. While most stakeholders have confidence in the NEC's impartiality, some have raised concerns about the NEC's capacity, particularly about logistical preparations and the timely distribution of electoral materials. A final voter list has not yet been made public. The NEC is currently working to correct errors in the list and improve its overall quality and accuracy. The NEC has made tools available to citizens to check their names on the list via SMS or the NEC's website. The Carter Center encourages citizens to take advantage of these important tools. The NEC has overseen an inclusive candidate nomination and registration process and registered a total of 1,024 candidates. The Carter Center regrets, however, that only two political parties met the legal requirement to "endeavor to ensure" that 30 percent of their candidates are women. The Center urges all political parties to take all possible steps to ensure that women are active in their political party structures as leaders and as party agents. While there has been controversy and intensive political debate around legal interpretations made by both the

NEC and the Supreme Court during the candidate nomination period, the Center is encouraged that Liberian institutions and citizens seem dedicated to an inclusive democratic process. The official campaign period runs from July 31 to Oct. 8. The Center's observers report that, to date, campaign activities have been civil and orderly and have not been subject to undue restrictions.

Mission Activities

At the invitation of the National Election Commission and the government of Liberia, The Carter Center is conducting a comprehensive long-term international election observation mission of Liberia's 2017 presidential and legislative elections scheduled for Oct. 10. The Carter Center deployed three pre-election assessment delegations to Liberia, observed the voter registration period, and deployed a core team of experts and six long-term observers (LTOs) representing six countries in early August. Carter Center experts have followed the finalization of voter registration, the candidate registration process and the resolution of related disputes, and the election commission's preparations for the elections. Carter Center LTO teams have so far visited 13 of Liberia's 15 counties, where they have observed the start of the campaign and met with NEC officials and staff, political parties, and representatives of civil society. Shortly before Oct. 10, more than 30 short-term observers will join the mission to assess the voting, counting, and tabulation process.

The Center's assessment of the electoral process is based on Liberia's legal framework and on international standards for democratic elections. The Center conducts its observation missions in accordance with the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

The Carter Center's international election observation work is separate from ongoing Carter Center programming in Liberia that focuses on supporting access to justice, access to information, mental health, and technical and financial support to nonpartisan citizen observers.

Voter Registration

The registration of voters is an important means to ensure the rights of universal and equal suffrage and should be made available to the broadest possible pool of eligible citizens without obstacles.¹ The rights of universal and equal suffrage are fundamental international obligations for democratic elections. International standards provide that voter lists should be prepared in a transparent manner and that voters should be provided free access to review and correct their registration data as the need arises.²

The Carter Center conducted an assessment of the voter registration process in March 2017, during the third week of voter registration, in eight of Liberia's 15 counties. In a statement issued on

¹ United Nations International Covenant on Civil and Political Rights, Article 25(b); African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1; United Nations Human Rights Council, General Comment 25, para. 11.

² "The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises." Article 5. ECOWAS Protocol on Democracy and Good Governance (2001).

March 3, 2017, the Center commended the NEC's openness and responsiveness to issues that arose during voter registration.³ Following the voter registration period from February to March 2017, citizens were given the opportunity to review the voter list, request changes, rectify omissions, and object to the inclusion of ineligible voters. The exhibition period was held June 12-17, a limited time given the length of the registration period and the distances some voters had to travel.

Following the conclusion of the exhibition and objection period, the NEC announced that the total number of registered voters was 2,183,683. This is an increase of 18 percent from the 2011 elections. The NEC attributes the increase to its efforts to reach out to first-time voters. The Liberia Institute of Statistics and Geo-Information Services says the figure is within the range of its projection for the eligible voting population. There is also a noted increase in the percentage of women registered for the 2017 election (now at 48 percent).

Some interlocutors at the national level and in the counties have expressed concerns about the quality and accuracy of the roll. Many of the concerns are based on issues identified in the exhibition of the provisional voter lists, including duplicate entries, incomplete voter data in the lists, allocation of voters to incorrect polling precincts, missing entries, and poor voter card quality.

Between Aug. 7-12, voters were able to replace lost, spoiled, or poor-quality voter registration cards in the 90 replacement centers established by the NEC around the country.⁴ According to the NEC, a total of 5,044 voters replaced their cards in this period.

The NEC has informed observers that it is conducting a second verification of the provisional voter registration list prior to the printing of the final voter lists. However, the NEC has not provided figures on the number of errors or duplicates that have been identified, nor explained to the general public the efforts it has made to rectify deficiencies. It is important for stakeholder confidence that the NEC provide full information on the challenges faced in compiling the provisional lists and its efforts to rectify these issues. The NEC has indicated that it intends to provide some figures in this regard later this month.

The concerns about the quality and accuracy of the voter lists have been exacerbated by what many perceive as a delay in the release of the final voter lists. Although the NEC is still in compliance with the legal deadlines for the finalization of the lists, it can increase public confidence in the list by providing further information on what has been done to address the deficiencies and by releasing the lists to political parties without delay.

Voters have the opportunity to see if their names appear correctly in the voter list and confirm the location of their assigned polling station through the NEC's website or by SMS messaging. **The Carter Center encourages the NEC to use all means available to advertise this key verification tool to the general public.** While all voters with a valid voter registration card for the respective polling station will be allowed to vote, the potential for confusion and tension among voters unable to cast their ballots on election day remains a concern.

³ Statement available at <https://www.cartercenter.org/resources/pdfs/news/pr/liberia-030317-voter-registration-full-statement.pdf>

⁴ NEC regulations require that the replacement period should take place at least three months before the election. Article 16.4 of the Voter Registration Regulations.

Equality of the Vote

According to international standards, constituency boundaries should be drawn in such a way that the principle of equal suffrage is preserved, so that every voter has roughly equal voting power.⁵ For the elections to the House of Representatives, Liberia is divided in 73 electoral districts, each one electing one representative. According to figures released by the NEC, there are significant deviations in the constituency sizes for house districts. The last constituency delimitation exercise was conducted before the 2011 election on the basis of voter registration figures. The current constituency boundaries do not accord with the principle of equal suffrage and run contrary to the aim of the constitutional provision on the matter.⁶ For the 2017 elections, the electoral district with the largest number of registered voters (Montserrado 4) has six times more voters than the district with the lowest number of registered voters (River Gee 3), with 63,290 and 10,615 voters, respectively.

Candidate Registration

The effective implementation of the right to stand for elective office ensures that citizens can participate directly in the political process and that voters have a free choice of candidates.⁷ The NEC oversaw an inclusive voter nomination and registration process and registered a total of 1,024 candidates (20 each for the presidential and vice-presidential race and 984 for the House of Representatives). The official candidate registration period was from June 19 to July 11. The NEC ordered a 10-day extension of this period to address the low participation rates from the parties and in response to requests from political parties, a decision that reflects NEC's commitment to ensuring an inclusive election process. The provisional list was published on July 24, followed by a three-day period for challenges.

Candidates for presidential and legislative elections can be nominated independently or by political parties. Out of the 26 registered political parties, 23 have fielded candidates for the legislative races and 17 for the presidential race. There are three tickets with independent candidates for the offices of the president and vice-president and 90 independent candidates participating in the legislative elections.

To ensure voters have a free choice of candidates, international standards indicate that any conditions placed on political party and candidate registration processes should be reasonable and non-discriminatory.⁸ These conditions apply to age, citizenship, residence, and the holding of

⁵ “The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.” ICCPR, General Comment 25, Art. 21.

⁶ Article 80.d of the 1986 Constitution: “Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.”

⁷ ICCPR, Article 25 (a). UNHRC, General Comment 25, para. 15.

⁸ UNHRC, General Comment 25, paras. 15–17.

public positions, among others, and should not discriminate against candidates based on political affiliation or financial situation. To be eligible to stand for office, persons wishing to be elected president must be a natural-born citizen at least 35 years of age, own property worth at least US\$25,000, and have been resident of the country for at least 10 years before the election.⁹ These residence and property ownership requirements are inconsistent with international standards, as they can be considered excessively restrictive and place an undue burden on prospective candidates. To stand for the House of Representatives, candidates must be a citizen at least 25 years of age and have been a domiciled taxpayer in the district for no less than one year prior to the election.

Aspirants are required to pay a fee in order to be registered as a candidate.¹⁰ For independent candidates, the conditions for registration are more onerous. Independent presidential candidates must maintain a minimum balance of US\$10,000 in a bank account and an insurance policy valued at US\$100,000. They also must collect 500 signatures in six different counties. These conditions are not required of those nominated by a political party.¹¹ While likely aimed at reducing the strain on state resources from candidates with minimal support among the electorate, these additional requirements unduly disadvantage persons wishing to stand as independent candidates.

According to the law, in order to participate in the election, a political party must nominate candidates for at least 50 percent of the constituencies; i.e., 37 of the 73 seats up for election in the House of Representatives. On the basis of this provision, the participation of 11 political parties that had less than 37 candidates successfully registered was challenged. The NEC found that the law does not require the successful registration of candidates for 50 percent of constituencies, but rather just their nomination, and therefore rejected the challenge. The NEC explained that all 11 parties submitted lists with at least the required 37 nominees; however, many of the listed nominees failed to complete the registration process. While acknowledging this as a sign that these nominees lacked a genuine intention to run, the NEC rationalized its decision to allow these parties to participate as a means for ensuring a more inclusive process.

Liberia has committed to ensuring women have the opportunity to participate in political life on equal terms with men through its ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).¹² Unfortunately, the legal framework for elections in Liberia does not foresee the use of quotas or other positive measures that would guarantee the representation of women in elected office, as encouraged under CEDAW.¹³ Through revisions to

⁹ Article 52 of the 1986 Constitution.

¹⁰ For presidential candidates \$US2,500; for vice-presidential candidates, US\$1,500, for House of Representatives, US\$500.

¹¹ Requirements for the House of Representatives independent candidates are less onerous: requiring a minimum balance of US\$5,000 and an insurance policy of US\$10,000.

¹² “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies.” Article 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

¹³ Such measures are encouraged under CEDAW, “Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards;

the electoral law in advance of these elections, parties were asked to “endeavor to ensure” that the list of nominations they submitted for registration has no less than 30 percent from either gender.¹⁴ According to some political parties, the NEC asked parties to document how they endeavored to ensure the 30 percent representation of women. However, the NEC did not provide concrete criteria for how they would determine if a party’s endeavors were sufficient.

Almost all of the final party lists fall short of the 30 percent provision. Only two out of the 23 contesting parties, the Liberian Restoration Party (LRP) and the New Liberia Party (NLP),¹⁵ met the 30 percent gender recommendation. There are 156 women running for the House of Representatives, totaling 15.8 percent of the 984 candidates. There is one woman running for president, and six standing as vice-presidential candidates.

The Center commends the LRP and NLP for their successful compliance with the objectives of the law. At the same time, the Center regrets that most of Liberia’s other political parties, including those currently represented in the Senate and House of Representatives, were unable to make a similar effort to comply with the intent of the law. For future elections, the Center strongly encourages Liberia to pass legislation that will ensure the equal participation of women in politics.

	Political parties			Independent candidates			<i>Total Candidates</i>
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>	
HoR	752 (84.1%)	142 (15.9%)	894	76 (81.6%)	14 (15.5%)	90	984
Pres. & Vice-Pres	28 (78.6%)	6 (21.4%)	34	5 (80%)	1 (20%)	6	40
Total Candidates	780 (81%)	148 (19%)	928	81 (81.5%)	15 (18,5%)	96	1,024

National Code of Conduct

In 2014, the Liberian legislature adopted a code of conduct for preventing the misuse of administrative resources and the abuse of office. The code of conduct included a provision that indicated that officials appointed to positions in the executive branch must resign from their positions two or three years (depending on the level of the position) prior to an election if they wished to run for elected office. In March 2017, the Supreme Court ruled on the constitutionality of the code of conduct, and in particular, the limitations on the right to stand. Despite criticisms that the provisions are overly discriminatory and therefore not in line with the International

these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.” Article 4.1 of CEDAW.

¹⁴ Article 4.5(1) c. of the Elections Law.

¹⁵ Eleven out of the 37 LRP candidates for the House are women. In the case of the NLP, which is only fielding three candidates for the House of Representatives, one of them is a woman.

Covenant for Civil and Political Rights, the court found the code's requirement to resign to be in line with the Liberian constitution.

On the basis of the Supreme Court ruling, the NEC rejected candidates who had not resigned in time to comply with the code of conduct. Upon appeal of the NEC rejections, the Supreme Court took the decision that those who resigned after the deadline but prior to the Supreme Court's ruling on the constitutionality of the requirement, or upon learning of the ruling, should be registered, as their non-compliance was not egregious. Those who were still in public office at the time of submitting candidacy documents were found to have egregiously violated the code of conduct, and therefore could not be registered.

The Supreme Court did not find that the code of conduct created a prerequisite for being registered as a candidate for public office, but instead found that not resigning by the deadline is a violation of the code of conduct, for which a penalty should be imposed— for egregious violations, disqualification; for non-egregious violations, the imposition of a fine.¹⁶

The Supreme Court ruling sparked a controversy between the court and the national legislature that dominated subsequent political discourse. A group of senators and representatives requested the initiation of impeachment proceedings for three of the five Supreme Court justices. The Supreme Court justices refused to appear when summoned before the House Judiciary Committee, stating that the threat of impeachment violated the constitutional protections that Supreme Court justices enjoy. The two bodies remained at an impasse until interventions by multiple national and international mediators resulted in the House of Representatives voting to drop all discussion of impeachment proceedings.

The NEC initially rejected the candidacy of 24 applicants for not complying with the code of conduct requirement. Following the Supreme Court's decisions, the NEC overturned 22 of the rejections. Had the Supreme Court interpreted the code of conduct's requirement to resign as a prerequisite for being registered, potentially one presidential candidate, two vice-presidential candidates, and more than 22 candidates for the House of Representatives would have been ineligible to run. Two candidates remain ineligible because they still held appointed public positions at the time of applying to be candidates.¹⁷

While a number of critics of the Supreme Court's decision remain, there appears to be widespread acceptance that the ruling has resulted in a more inclusive process and contributed to a peaceful election. The controversy over the code's application to candidate registration is perceived as precluding its application to other aspects of the election process.¹⁸ Further, the application of other provisions of the code, e.g., those aimed at preventing the misuse of administrative resources in general and in the context of an election, is considered unfeasible by many interlocutors. **In light**

¹⁶ Supreme Court ruling in the case of Karnwea and Liberty Party v. NEC from July 20, 2017.

¹⁷ Abu Kamara, who applied to be a candidate for the House of Representatives but had yet to resign from his post as Assistant Minister of Post and Telecommunications, and Dr. Michael P. Slawon, who denied holding a presidential appointee position when applying for registration.

¹⁸ There is one ongoing case in which the Liberty Party has complained about the political activities of Unity Party leaders who have not resigned from executive positions, alleging this is a violation of the code of conduct. The NEC Hearing Office decision is still pending.

of these questions about the application of the code of conduct, the Center urges the NEC and other relevant authorities to thoroughly investigate all allegations of the misuse of administrative resources and to use other existing remedies to hold perpetrators accountable.

Election Dispute Resolution

According to international standards, individuals are entitled to have decisions affecting fundamental rights taken up by a competent, independent, and impartial tribunal in a fair and public hearing.¹⁹ Expeditious hearings for election matters are necessary to ensure an effective remedy, given the relatively compressed timeframe of electoral processes.

A total of 55 pre-election cases have been reviewed by the NEC's Hearing Office, of which 11 related to candidate registration were appealed to the NEC Board of Commissioners.²⁰ Under the election law, the NEC can establish a hearing office to provide first instance review of complaints submitted to the NEC and consider appeals of magistrate rulings. The cases were related, among others, to candidate registration (35), party primaries (9), and voter registration (5). Candidate registration appeals were made on the basis of the code of conduct (23), citizenship (4), domicile (4), and other violations of election legislation (4).

Upon publication of the provisional candidate list, which the NEC announced as completed on July 24, challenges to candidate registration could be filed within three days. The NEC is required to hear complaints expeditiously, but there is no official deadline for review of complaints by the NEC. The final list was published on July 31, just prior to the start of the campaign. At the start of the campaign, the majority of the 35 challenges to candidate registration were still pending. Further, one month into the campaign period, final review of challenges to six candidates were still pending. Such delays in the resolution of appeals potentially limit the opportunity for the candidates to campaign and impose unfair costs on candidates whose eligibility is successfully challenged. In explanations of why deadlines for filing and review of candidate registration have been waived, NEC Commissioners emphasized the need for everyone to be heard and for due process to be fully respected, stating that Liberia must be considered to still be in a period of "transition." To speed up the process, the NEC repeated pleas to appellants and respondents to appear for the hearings and to be prepared for the review of their cases.

In an effort to increase the capacity of the magistrates and raise awareness of legal remedies, the NEC held trainings for magistrates and political party lawyers on the complaints and appeals process and a general training for political party agents. To date, only a few matters have been brought before the magistrates in relation to voter registration and the campaign. Magistrates can hear complaints from voters and contestants on violations of the election law during the campaign and on election day. Magistrate decisions are subject to appeal before the NEC.

¹⁹ See Article 2.3 of the ICCPR, Article 8 of the UDHR, and Article 7 of the African Charter on Human and People's Rights.

²⁰ Source: NEC Matrix of Cases as updated on Aug. 29.

For appeals of NEC decisions to the Supreme Court, appellants must pay fees in the amount of US\$5,000 for matters related to the presidential election and US\$2,000 for matters related to elections to the House of Representatives.²¹ While the goal of these fees may be to prevent the filing of frivolous cases, the fees are unnecessarily prohibitive and limit a candidate's right to seek effective remedy.²² To date, seven NEC decisions have been appealed to the Supreme Court.

Carter Center experts have been observing election-related hearings before the NEC Hearing Office, the NEC Board of Commissioners, and the Supreme Court. In hearings observed, the adjudicating bodies provided all sides with ample opportunities to present their case and questioned the arguments of both sides with equal tenacity. Appellants were also given sufficient time to prepare their cases, arrange witness appearances, and present evidence, often to the detriment of the efficiency of the process. However, Carter Center experts report that in a number of cases, appellants were not properly prepared to present their arguments.

The Campaign

A genuinely democratic election, in addition to being inclusive and transparent, requires time to campaign, during which rights such as freedom of opinion and expression, freedom of association, freedom of assembly, freedom of movement, security of the person, and access to information are respected and upheld by all stakeholders of the election.²³

The campaign period was officially declared open by the NEC on July 31 and will conclude on October 8. Campaign activities to date have been civil and orderly, and have not been subject to undue restrictions. Larger political parties have organized major rallies in Monrovia, the first of which was held by the opposition Coalition for Democratic Change (CDC) on Aug. 19. Commendably, in contrast to previous elections, when CDC rallies sometimes led to confrontations with the Liberian National Police and tensions in the capital, the atmosphere was relaxed and celebratory.

Presidential candidates and county political party officials with whom the Center's mission has met indicated that, so far, most parties are favoring a door-to-door style of campaigning. This is consistent with what the Center's observers have reported. Small groups of "foot soldiers" are also reportedly reaching out to voters in some counties. For the most part, campaign activities seem exceptionally modest. This appears to be particularly true outside Monrovia and may be a function of the limited availability of funding for most parties' activities. To date, all interlocutors indicate their freedom of opinion and expression, freedom of association, and freedom of movement have been respected and unimpeded.

However, multiple presidential candidates and county level political party officials expressed concerns regarding the influence of local government officials, including chiefs, on the election process, and the potential for them to limit access to voters during campaigning. While an

²¹ Section 12.6. NEC Regulations on Hearing Procedures, published May 2016.

²² Article 17.2. African Charter on Democracy, Elections and Governance

²³ ICCPR, Articles 9, 12, 19, and 22; and UNHRC, General Comment 25, para. 25, states: "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected."

important partner in the NEC's efforts to provide civic and voter education, as representatives of the state at the community level, chiefs should remain impartial and facilitate the access of all parties to their communities on an equal basis. Chiefs should not be subject to pressure from government authorities to favor or disfavor particular candidates. Furthermore, the NEC should ensure that the rules governing who is authorized to be present in polling stations on election day are strictly enforced to prevent the possibility of undue influence of local government officials and chiefs on the voters.

Use of State Resources. All opposition candidates with whom the mission has met have alleged the misuse of administrative resources by the ruling party. Using administrative resources for campaign purposes, or denying political parties equal access to public space, have been issues in previous Liberian elections. There are widespread reports of the use of government resources by the ruling party to campaign. In particular, candidates have alleged the misuse of government vehicles and fuel as well as unequal access to public billboard space. Furthermore, some presidential candidates and party officials have alleged they were denied access to public space. The allegations regarding public space remain largely unsubstantiated. According to international good practice guidelines, administrative resources – vehicles, fuel, meeting places, etc. – should not be abused in support of a particular party or candidate.²⁴ Article 5(c) of the Liberian constitution calls for the elimination of “such abuses of power as the misuse of government resources.” The mission will continue to carefully observe the use of state resources in campaigning.

Presidential Debates. In August there were two major debates between presidential candidates. All candidates were invited to take part in the first debate, convened by the Liberia Media Development Initiative and Public Trust Media Group in Ganta on Aug. 14. Five candidates chose to participate: Henry Boima Fahnbulleh, Jr. (LPP), MacDonald Wenton (UPP), MacDella Cooper (LRP), Simeon Freeman (MPC), and independent candidate Rev. Aloysius Kpadeh. The second debate, organized under the auspices of the Deepening Democracy Coalition, an organization of Liberian CSOs, was held at the Paynesville City Hall on Aug. 17. Six candidates were invited to the debate. Four attended: Alexander Cummings (ANC), Benoni Urey (ALP), Charles Brumskine (LP), and Vice President Joseph Boakai (UP). Opposition leader George Weah (CDC) and former executive governor of the Central Bank, Dr. Joseph Mills Jones (MOVEE), were invited but declined to participate. Internews, an international NGO, has also supported the organization of a series of debates among candidates for the House of Representatives in their respective counties.

The Carter Center welcomes these debates as a sign of the maturation and increasing sophistication of Liberian democracy. They provide an important source of information for voters, a forum for freedom of expression and for the test of ideas that is central to the democratic process. **The Carter Center is particularly encouraged by the respect for the democratic process and willingness to engage in civic discourse shown by those candidates who chose to participate, and encourages all candidates to consider participating in future debates.**

However, in meetings with the Carter Center mission, some presidential candidates raised concerns about the method by which candidates were selected to participate in debates. Organizers

²⁴ Venice Commission's Code of Good Practice in the Field of Political Parties, para. 41.

informed the mission that they conducted a poll, and the top six candidates were then invited to the debate. The Deepening Democracy Coalition intends to use this methodology to determine invitees for future debates as well, raising the possibility that the same candidates will once again be invited. **The Carter Center recommends future debates be open to as many candidates as possible to help ensure a level playing field, as well as the electorate's access to information.**

The Threat of Electoral Violence. Electoral violence and the threat of violence remain sources of anxiety for many Liberians, given the country's history of war and conflict. The mission's observations in this regard are largely positive. To date, no major incidents of election-related violence have come to the attention of the mission, and there has been no serious infringement of the right to security of the person.²⁵ The presidential candidates with whom the mission has met have not expressed serious concerns about violence. While the tearing down of campaign posters is an ongoing source of agitation for all political parties, so far this has not led to more serious confrontation. All presidential candidates with whom the mission has met have reiterated their intent to campaign peacefully and emphasized the need for peaceful elections. **To this end, The Carter Center recommends presidential candidates advise their partisans to respect the posters of other candidates.**

Media

Equal opportunity to advance campaign messages to the electorate through a country's media is another pillar of genuine democratic elections.²⁶ While The Carter Center has recommended in the past that the Liberian government establish a legal framework for media and an independent media regulatory body, the media remains largely unregulated in the context of elections. Specifically, there is no requirement that public media provide free and equal access for candidates and political parties or that media offer equal terms to all political parties for political advertising.

Presidential candidates and political party officials in the counties all report that access to media requires paying for coverage. Rates are reportedly negotiated on an ad hoc, bilateral basis, and it is unclear if media are charging all parties equally. At this stage of the campaign, candidates and political parties do not seem to be purchasing political advertising, but parties report that even appearances by their candidates and officials on radio talk shows require payment.

The Carter Center's observation mission is not engaged in systematic media monitoring; however, the mission regularly inquires about the role of the media in its meetings with election stakeholders and carefully reviews the associated legal framework. Many presidential candidates and political parties raised concerns about media bias in general and emphasized in particular the coverage of

²⁵ While no issue has risen to a level of grave concern, there have, however, been a few incidents that arose during the campaign period and heightened tensions. NEC Chairman Jerome Korkoyan has also said he was threatened by Senator Sando Johnson for approving the registration of the senator's opponent. The chairman interpreted the message as a threat on his life and has said that he will make a formal complaint to the Senate regarding the matter. The CDC Youth Leagues has made allegations of an assassination plot targeting George Weah, the CDC presidential candidate. The LNP refrained from commenting on an ongoing investigation. Another presidential candidate informed the Center's mission that his family had received a threat from an associate of his opponent.

²⁶ ICCPR, Article 19. UNHRC, General Comment 25, para. 25.

the Liberian Broadcasting Company (ELBC), the state broadcaster, which they allege consistently favors the ruling party. This is of particular concern, as there are areas of the country in which LBC radio is one of the only sources of news. Access to community radio stations has also been raised as a concern, because some stations are owned by candidates, many of whom are local incumbents.

The AU Charter on Democracy, Elections and Governance, to which Liberia is a signatory, requires that states “ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.” **To this end, the Carter Center encourages authorities and the LBC to provide free and equitable access to candidates in an effort to ensure a more level playing field in the campaign.**

Election Preparations

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens can participate in a genuinely democratic electoral process. The NEC has been taking concerted steps towards increasing transparency and keeping election stakeholders and the general public informed about election preparations. While NEC sessions are not open to observation and its decisions are not consistently published, the commission holds weekly press conferences and regular meetings with the political parties and independent candidates through the Inter-Party Consultative Committee (IPCC) at the national level. In both the press conference and the IPCC meetings, stakeholders and media are updated on activities and on the development of electoral operations. These activities, as well as steps taken by the NEC to provide political parties with sufficient opportunity to verify the ballot design and layout, have been generally considered by stakeholders as confidence-building measures.

The outreach to political parties through the IPCC is a means for addressing political party concerns, responding to questions, and providing an alternative dispute resolution mechanism. The Carter Center reiterates its recommendation that the IPCC be consistently replicated at the county level.

While substantial international support is being provided for these elections, the support is mainly of a technical nature and significantly less than in previous elections. Therefore, the 2017 electoral process is much more Liberian-led than in the past, putting unprecedented pressure on the NEC’s 300 staff members. In this regard, political parties and other interlocutors have expressed concerns to the Center’s mission about the NEC’s capacity, especially about logistical preparations and the timely distribution of electoral materials. Importantly, however, the majority of the presidential candidates with whom the mission has met have not expressed concerns about the NEC’s impartiality. Relations between the political parties and the NEC magistrate offices in the counties also seem to be cordial, but could be bolstered by regularly convening IPCC meetings at the county level.

The recruitment of around 29,000 poll workers for the 5,390 polling places in 2,080 polling precincts is ongoing. For that purpose, recruitment centers have opened in each electoral district

where applicants meeting minimum educational requirements can apply.²⁷ Additional measures have been taken to address problems identified during voter registration and to ensure that qualified staff are identified, trained, and show up to work on election day. Shortlists of successful candidates were scheduled to be published on Sept. 10, a measure that may increase public confidence in the independence and impartiality of the prospective polling station staff. In furtherance of its goal to have women participate in the administration of the election, the NEC should prioritize the recruitment of women at all levels in this next stage of the process.

Inclusion of People with Disabilities. An inclusive election process also means that all voters, irrespective of their circumstances, are entitled to vote, unimpeded by physical barriers at the polling stations. Likewise, reasonable accommodation measures should be put in place to ensure that the secrecy of the vote is guaranteed for voters with disabilities. After discussions with the disabled community, the NEC decided to reintroduce the use of the tactile ballot for these elections nationwide, a positive step towards inclusiveness and ensuring that all Liberians can exercise their democratic rights. The Carter Center welcomes this decision and encourages the NEC to prioritize awareness-raising efforts for both the polling staff and the disabled community to ensure the tactile ballot is an effective tool. Some members of the disabled community remain concerned about awareness of the tactile ballot and other accommodations being made for their full participation. These organizations have also proposed other reasonable accommodation initiatives to ensure accessibility to the polling stations, and the NEC has made assurances that where possible, polling stations will be located on the ground floor of buildings.²⁸

Recommendations

In a spirit of support and cooperation, The Carter Center offers the following recommendations:

- To help ensure a peaceful election and a smooth transition, candidates and political party leaders should reiterate their commitments to a peaceful campaign and should call on all supporters to act accordingly.
- To increase transparency and election stakeholders' confidence in the integrity of the voter lists, the NEC should provide further information on what has been done to address deficiencies in the provisional list and provide political parties copies of the final lists without delay. The NEC should also publish data on the number of registrants per polling station and figures on the number of duplicates and errors identified in the provisional list, the number of objections, and the number of replaced voter registration cards.

²⁷ Presiding officers and voter identification officers should at least be college students or trained teachers. For other positions, such as ballot box controller and precinct controller, a high school education should be required. Queue controllers need to be at least functionally literate. Source: NEC's 2017 Poll Workers Vacancy Announcement.

²⁸ According to a survey conducted by Alliance on Disability (AOD) on the accessibility of 81 voter registration centers in 11 out of Liberia's 15 counties, 68 percent are accessible or partially accessible for persons with disabilities, with the remaining 32 percent not accessible at all. Premises used as voter registration centers will be used in October as polling precincts.

- To ensure a level playing field for all contestants, the National Election Commission and other relevant authorities should thoroughly investigate all allegations of the misuse of administrative resources and use existing remedies to hold perpetrators accountable.
- To ensure that there is full access to voters for campaign purposes, all representatives of the state at the national and community level, including chiefs, should remain impartial and facilitate the access of all parties to their communities on an equal basis.
- To increase voters' awareness of candidates and political party platforms and to allow for equal opportunities, The Carter Center encourages Liberian authorities to consider providing free airtime on the state broadcaster to political parties and presidential candidates on an equal basis.
- The Carter Center commends the NEC's approach to date to ensure an inclusive and transparent complaints process and to respect the right to an effective remedy. As the election approaches, the Center encourages the NEC to ensure that timelines for the filing and review of complaints and appeals are strictly adhered to, and to recommit to hearing all complaints expeditiously.
- To facilitate broad sharing of key electoral information, the NEC should consider replicating the IPCC structure at the county level. Further, the national-level IPCC should become a weekly event. This could ensure more effective outreach to election stakeholders and build confidence by keeping stakeholders informed of key NEC decisions and issues that may impact their participation.
- To further the goal of having women participate equally in the administration of the election, the NEC should prioritize the recruitment of women at all levels in this next stage of the process.
- The Carter Center calls on civil society, political parties, and the election administration to continue their efforts to raise voters' awareness of the election process, and in particular to inform the disabled community about measures taken to ensure their participation.