



USAID | **LIBERIA**
FROM THE AMERICAN PEOPLE

THE MID-TERM EVALUATION OF THE BUILDING SUSTAINABLE ELECTIONS MANAGEMENT PROGRAM (BSEM) IMPLEMENTED BY THE INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS (IFES) PROGRAM IN LIBERIA

AUGUST 2013

This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID/Liberia) under the Liberia Monitoring and Evaluation Program (L-MEP), Contract Number 669-C10-00-00181-00. The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

TABLE OF CONTENTS

- LIST OF ACRONYMS iii**
- EXECUTIVE SUMMARY I**
 - 1.1 STUDY BACKGROUND AND APPROACH 1
 - 1.2 OVERALL FINDINGS 1
 - ELECTORAL BOUNDARY DELIMITATION 1
 - VOTER REGISTRATION 1
 - CONSTITUTIONAL REFERENDUM 1
 - EXTERNAL RELATIONS 2
 - ELECTORAL MANAGEMENT, LAW AND POLICY 2
 - 1.3 OVERALL RECOMMENDATIONS 2
 - ASSISTANCE TO NATIONAL ELECTORAL COMMISSION 2
 - RELATIONSHIP, AGREEMENT AND APPROVAL 3
 - BUDGETING AND EXPENDITURE 3
 - CIVIC AND VOTER EDUCATION 3
- 2. INTRODUCTION AND BACKGROUND 4**
 - 2.1 EVALUATION OBJECTIVES 4
 - 2.2 EVALUATION APPROACH 4
 - 2.3 STUDY TEAM 4
 - 2.4 PROGRAM DESCRIPTION 5
- 3. OVERALL FINDINGS 6**
 - 3.1 ELECTORAL BOUNDARY DELINEATION (EBD) 6
 - 3.2 VOTER REGISTRATION 7
 - 3.3 LEGAL, MANAGEMENT AND POLICY ADVICE TO NEC 8
 - 3.4 EXTERNAL RELATIONS 9
 - POLITICAL PARTY CONSULTATION 9
 - PUBLIC COMMUNICATION, CIVIL SOCIETY CONSULTATION AND MEDIA RELATIONS 9
 - CIVIC AND VOTER EDUCATION 9
 - 3.5 ELECTORAL MANAGEMENT, LAW AND POLICY 10
- 4. CONTEXT AND CONSTRAINTS 12**
 - 4.1 LIBERIAN ELECTION CONTEXT 12

| | | |
|-----------|---|-----------|
| 4.2 | UNPREDICTABLE LEGAL & POLITICAL DEVELOPMENTS | 14 |
| 4.3 | ELECTION OBSERVATION CONCLUSIONS | 16 |
| 4.4 | CHALLENGES TO ELECTORAL ASSISTANCE AND SUSTAINABILITY | 17 |
| 4.5 | FOCUS GROUP DISCUSSIONS | 26 |
| 5. | OVERALL RECOMMENDATIONS | 27 |
| 5.1 | ASSISTANCE RELATIONSHIP WITH NATIONAL ELECTORAL COMMISSION | 27 |
| 5.2 | FORMAL RELATIONSHIP, AGREEMENT AND APPROVAL | 27 |
| 5.3 | BUDGETING AND EXPENDITURE | 27 |
| 5.4 | SUGGESTED ANTICIPATED RESULTS OF FOLLOW-ON TO B.S.E.M..... | 28 |
| 5.5 | INTERMEDIATE OUTCOMES..... | 28 |
| 5.6 | CIVIC AND VOTER EDUCATION | 29 |
| 6. | ANNEXES..... | 31 |
| | ANNEX A: MEETINGS | 31 |
| | ANNEX B: DOCUMENTATION..... | 36 |
| | ANNEX C: VOTER REGISTRATION/ELECTORAL BOUNDARY DELINEATION CHRONOLOGY | 38 |
| | ANNEX D: QUESTIONNAIRES FOR MEDIA FOCUS GROUP DISCUSSIONS..... | 46 |
| | ANNEX E: QUESTIONNAIRE FOR FIELD VISITS | 47 |

LIST OF ACRONYMS

| | |
|---------|--|
| ACPA | Accra Peace Agreement |
| ADWANGA | Aiding Disadvantaged and Traumatized Women & Girls |
| BOC | Board of Commissioners |
| BSEM | Building Sustainable Elections Management |
| CBO | Community Base Organization |
| CDC | Congress for Democratic Change |
| CEPPS | Consortium for Elections and Political Process Strengthening |
| CJPC | Catholic Justice & Peace Commission |
| CPA | Comprehensive Peace Agreement |
| CRC | Constitution Review Committee |
| CSA | Civil Service Agency |
| CSO | Civil Society Organization |
| CVE | Civic & Voter Education |
| EBD | Electoral Boundary delimitation (or delineation) |
| ECC | Election Coordination Committee (a CSO) |
| ECOWAS | Economic Community of West African States |
| EEM | Election Experts Mission (EU) |
| EMB | Electoral Management Body |
| EOM | Election Observation Mission |
| EU | European Union |
| FLY | Federation of Liberian Youth |
| GC | Governance Commission |
| GOL | Government of Liberia |
| IFES | International Foundation for Electoral Systems |
| IPCC | Inter-Party Consultative Committee |
| IVA | Inter-visionary Artist (Youth Group) |
| L-MEP | Liberia Monitoring and Evaluation Program |
| LISGIS | Liberia Institute of Statistics & Geo-Information Services |
| MIA | Ministry of Internal Affairs |
| NAYMOTE | National Youth Movement for Transparent Elections |
| NEC | National Elections Commission |
| NDI | National Democratic Institute |
| NGO | Non-Governmental Organization |
| NICOYDA | Nimba County Youth Development Association |
| NPP | National Patriotic Party |
| NTC | National Traditional Council |
| SOW | Scope of Work |
| TCC | The Carter Center |
| UNDP | United Nations Development Programme |
| UNMIL | United Nations Mission in Liberia |
| UP | Unity Party |
| USAID | United States Agency for International Development |
| VL | Voter List |
| VR | Voter Registration |

EXECUTIVE SUMMARY

I.1 STUDY BACKGROUND AND APPROACH

According to the Scope of Work, “The objective of this evaluation is to conduct a full and independent evaluation of [the] Building Sustainable Elections Management Program (BSEM) implemented by [the] International Foundation for Electoral Systems (IFES) program in Liberia[, and] ... assess results achieved, identify any implementation problems and challenges that affected program results, and provide actionable and strategic recommendations regarding possible follow on actions to improve elections management in Liberia.

I.2 OVERALL FINDINGS

ELECTORAL BOUNDARY DELIMITATION

IFES assistance to NEC on electoral boundary delimitation was impeded from virtually the start of the BSEM program by the decision by the Liberian authorities to proceed not on the basis of census data (as prescribed by the Constitution), but on a legislative allocation of constituencies. That decision, never overturned by the Supreme Court on constitutional grounds, permitted the 2011 national elections to proceed in the absence of a politico-legal agreement on the apportionment of mandates among the counties. But it meant that the constitutionally required equality of voting was violated in a major way.

Since census data could not be used, the NEC based its electoral apportionment among counties and boundary delineation within counties on voter registration. The use of the word “delineation” rather than delimitation, which IFES recommended somewhat late in the game, reflected recognition that the same method of delineating districts would be used as in the post-conflict 2008 elections. That is, electoral districts would be formed based on the amalgamation of voters who registered there, not on the voters’ actual place of residence.

Within the legislative parameters and their interpretation by the Supreme Court, the NEC made a great effort to equalize representation, at least within the counties, to the extent possible by redistricting all constituencies. Some voters and candidates were confused when they found themselves in a differently-configured district, however.

VOTER REGISTRATION

IFES provided major assistance and support to all aspects of the VR process. Public response was very great, but many voters may have been induced to register to obtain a voter card (a valuable document, since many citizens have no official documentation); and some voters were induced to vote outside their normal area of residence by offers by candidates of gifts and complimentary transportation.

A technical assessment of the Voter List commissioned by IFES reached very positive conclusions overall about its accuracy. At the same time, training and motivational issues detracted from the quality of the current VL as the basis for future voter registration efforts. For example, much valuable information (supposed to be entered into separate “fields” in the spreadsheet), such as more specific residential information, was not generally obtained. And a administrative or technical error led to loss of important information concerning entry of data into the List.

CONSTITUTIONAL REFERENDUM

Due to a mandated laying-over period of a year, a constitutional referendum containing three electoral

questions went before the voters after campaigning for the 2011 elections had already begun. The referendum questions were largely met by apathy (and/or boycott), misunderstanding, and suspicion by voters. In the event, all the questions save one – switching from an absolute majority to relative majority of votes to win legislative elections, thereby limiting the holding of second-round elections – failed even to get a relative majority of support. The aforementioned question did, however, obtain majority support, but only of the valid votes and not if invalid ballots were included as votes. The former Chair of the NEC says that the IFES Chief of Party urged NEC to adopt a resolution requiring an absolute majority of votes in favor to pass a referendum question, but IFES cannot confirm this. Later, however, the Supreme Court held that a majority of the valid votes was sufficient.

EXTERNAL RELATIONS

IFES assistance improved NEC's capacity to conduct effective external relations, but many deficiencies appear to continue in this area. With respect to consultation with political parties, the NEC's Inter-Party Consultative Committee is not uniformly viewed as being a valuable institution, and participation by many parties has been limited. NEC public information activities, consultation with civil society and relations with the media have continued to receive much criticism. Information provided by NEC is often found to be inaccurate, and CSOs feel they are only contacted when the NEC wants something from them.

Civic and voter education is an especially problematic area, complicated by the difficult logistical situation and widespread illiteracy in the country. So far there has been little assessment or evaluation of what techniques are most effective in this regard.

ELECTORAL MANAGEMENT, LAW AND POLICY

IFES assistance to NEC has been sufficiently effective that there is a sense on NEC's side that the nature of IFES's program should shift more toward capacity-building rather than direct support. At the same time, NEC remains bound to deficient structural and organizational arrangements which severely limit its ability to improve its overall performance. The basic problem is a "dual-command" structure within the entire organization, under which there is an insufficient separation of responsibility for electoral law, management and policy (in the Board of Commissioners) and operations and administration (in the functional departments, subject to overall guidance by the Board).

Recent NEC legislative proposals, put together with assistance of IFES, the National Democratic Institute (NDI) and other organizations (including UNDP), do not go these important considerations. Instead, they appear to make incomplete if sometimes useful proposals mainly concerning NEC appointments and staffing. They would also, however, usefully add responsibility for CVE to the specified responsibilities of NEC.

I.3 OVERALL RECOMMENDATIONS

ASSISTANCE TO NATIONAL ELECTORAL COMMISSION

IFES should, as sought by the NEC Commissioners and senior staff, reorient as much of its program as possible toward capacity-building, including training of staff to perform key electoral operations, and also helping to build institutional structures to improve the NEC's overall performance as an electoral management body (EMB).

Capacity-building by IFES should not be limited to passive learning through exposure to the work of expert consultants, "study tours" or similar experiential approaches. Rather, specific technical needs should be identified, and medium-term specialized training arranged.

RELATIONSHIP, AGREEMENT AND APPROVAL

The current method IFES employs to notify NEC of programmatic initiatives and secure the NEC's approval should be strengthened through adoption of a more formal approval procedure that would support improved record-keeping on both sides.

In order to formalize the proposed shift in IFES assistance toward capacity-building, a Memorandum of Understanding should be negotiated between the NEC and IFES. The MOU should:

- a. Lay out *procedures for submission and approval* of proposed IFES assistance and support activities;
- b. *Memorialize the paramount importance of capacity- and institution-building* as an IFES objective in terms of its relationship with the NEC, as indicated previously; and
- c. Set forth *guidelines* regarding the appropriateness of direct involvement by IFES in electoral and related *activities that are likely to be sensitive*, including those which would be *evident to the public*, such as those involving political parties or candidates and at public events.

BUDGETING AND EXPENDITURE

USAID should request IFES to break out, in its regular (quarterly) programmatic reporting, the resources applied to various categories of assistance and support, such as technical assistance; purchasing and provision of commodities, supplies and services; and others, such as salaries for national staff involved in electoral operations.

Suggested Anticipated Results Of Follow-On To B.S.E.M.

- **Boundary Delimitation:** “Improve capacity to conduct electoral boundary *delineation*.”
- **VR System:** “Credibility of VR system improved by incorporation of better voter information and residential data.”
- **Referenda:** “Successful referendum, if advanced, based on improved content, formulation and voter comprehension, on important electoral issues.”
- **Improved CVE:** “More effective civic and voter education efforts, including public communication, cooperation with CSOs and consultation with political parties.”
- **Greater community-level information-sharing:** “Increased capacity for information-sharing through improved communication and ongoing cooperation with CSOs, including at the local level.”
- **Enhanced NEC capacity overall:** “Greater ability of NEC to carry out effective electoral management and policy, including through managerial and organizational reform; development of a highly-trained staff and efficient operation of local offices”.

CIVIC AND VOTER EDUCATION

USAID should focus future programming to foster the creation of a coordinated partnership between the NEC and CSOs to facilitate continuous CVE.

USAID should encourage implementing partners to establish links with local community based organizations and CSOs with established networks that are headquartered in the counties.

USAID should expeditiously consider supporting a professional/academic baseline study conducted by an entity with expertise in countries with high illiteracy rates to assess the retention of information communicated through the various training and information-sharing modalities.

2. INTRODUCTION AND BACKGROUND

2.1 EVALUATION OBJECTIVES

Extract from SOW: “The objective of this evaluation is to conduct a full and independent evaluation of [the] Building Sustainable Elections Management Program (BSEM) implemented by [the] International Foundation for Electoral Systems (IFES) program in Liberia[, and] ... assess results achieved, identify any implementation problems and challenges that affected program results, and provide actionable and strategic recommendations regarding possible follow on actions to improve elections management in Liberia.

“Specifically, the evaluation will:

1. Assess the success of the program in achieving its objectives;
2. Identify any obstacles to implementation and evaluate how effectively the program responded to these challenges;
3. Identify deficiencies in the design of the program; and
4. Provide specific, actionable recommendations for follow on programming based on the evaluation findings.”

2.2 EVALUATION APPROACH

The Evaluation Team adopted a mixed-method approach to generating data and gathering information upon which to base its conclusions. This included qualitative data collection from a carefully selected sample of key individuals and stakeholders. Methods included a literature review, over 40 key informant interviews, 2 county visits, and 3 focus groups. The counties selected, Gbarpolu, a rural, remote location with a declining population. and Nimba, a centrally-located growing county, are representative of different Liberian regions. Relevant interview questions were prepared for different target groups.

The evaluation is also to include an examination of the program in order to reach the necessary “findings, conclusions and recommendations” that will enable the Mission to:

- Learn from program experiences;
- Make informed decisions on future programming in the sector;
- Assess the effectiveness of USAID-funded activities;
- Inform the Mission of the extent to which the stated project goals have been achieved;
- Assist the Mission make judgments about the impact of changes in the operational environment on the achievement of results;
- Guide future programming in the sector, including the inclusion or exclusion of specific activities in a possible follow-on program; and
- Describe concrete examples that would justify continued support for elections management capacity-building.

2.3 STUDY TEAM

Team Members: The members of the evaluation study team include:

Team Leader, Dr. Daniel Finn, is a democracy/governance and electoral law/administration expert who, acting as an institutional consultant to the USAID Mission, served as Elections Advisor for the US Embassy/Monrovia during the 2005 Liberian elections. With over 35 years of legal and other professional experience, he was a senior Congressional aide for 10 years.

Institutional Development Specialist, Frances Naiga Muwonge, is a professional attorney with 13 years of experience on democracy/governance and elections projects. She was a legal officer in the United Nations Mission in Liberia (UNMIL) elections unit during 2005 and worked as a Political Affairs Officer with United Nations Mission in Liberia until 2010.

Logistics Assistant, Mac-lain Simpson, is an administrative professional with 13 years of logistics, purchasing, payroll, office management, and public relations experience.

L-MEP M&E Specialist/Representative, Barward Johnson. Under the direction of the evaluation team leader, the L-MEP Evaluation Specialist assisted with and participated in all aspects of the evaluation as a full team member. Any exceptions would be approved by the L-MEP COP and the AOR/COR of the activity being evaluated.

2.4 PROGRAM DESCRIPTION

The BSEM is a broad-scope and substantial (currently USD 18,799,373) program of assistance and support for planning and conducting elections in Liberia. The grant period for this project began on September 11, 2009 and runs until September 11, 2014. The anticipated results of this program, implemented by IFES, include:

- Increased capacity of the National Elections Commission (NEC) to conduct boundary delimitation;
- A credible, accurate, transparent voter registration system;
- A successful, legitimate referendum to amend the Constitution;
- Increased capacity of the NEC to hold community-level information-sharing sessions;
- Improved conduct of civic and voter education programs;
- Increased capacity of the NEC to manage its affairs with decreased foreign assistance, through more capable staff and well-functioning Magistrate offices.¹

In addition to the aforementioned technical assistance activities, the program is also authorized to provide direct support for NEC infrastructure and operations, including:

- Establishing a data center;
- Enhancing operations related to voter registration, information technology, civic and voter education, and training units; and
- Building NEC's professional capacity through elections management and skills training, study tours, and incorporation of training and on-the-job guidance in all assistance areas.²

IFES, in its regular (quarterly) reports to USAID, describes its activities along the following lines, with some variations according to ongoing developments:

“This program aims to promote sustained, efficient, sound, non-political elections management by Liberia’s National Election Commission (NEC). In accomplishing this goal, IFES will build the capacity of the NEC to conduct boundary delimitation, voter registration, and civic and voter education and to manage all upcoming elections through 2014, including the constitutional referendum, general elections, local elections, and by-election. In addition, IFES will continue providing general capacity building and technical assistance to the NEC and assisting the NEC’s county-level magistrate offices. Ultimately, this program seeks to build upon the success of Liberia’s 2005 national elections, which IFES also supported,

¹ USAID Program Brief, “Building Sustainable Elections Management in Liberia” (n.d.)

² *Ibid.*

and ensure the NEC's ability to continue conducting credible elections after 2014.”³

3. OVERALL FINDINGS

Objective # 1: Increased capacity of NEC to conduct boundary delimitation

3.1 ELECTORAL BOUNDARY DELINEATION (EBD)

During the period prior to the two major electoral events held in 2011 – viz., the Constitutional Referendum in August and the national elections for the Presidency and Legislature (October, with a Presidential run-off election in November), IFES provided extensive assistance to the NEC on EBD. The assistance included providing technical consultants, training, equipment and software.

Two significant developments greatly complicated IFES's efforts from the outset: Only a short time after the BSEM program began and EBD been identified as a major focus it became evident that no nationwide threshold for legislative representation⁴ would be adopted (as required by the Constitution). Indeed, shortly thereafter a Joint Resolution of the Legislature was enacted, allocating additional, specified numbers of legislative mandates to certain counties based on their size (number of voters). As a result, census data would not be used to calculate representation in the House; instead, NEC determined to base the allocation of legislative mandates on voter registration (VR) figures.

For counties in which the number of seats was not specified by the Resolution, NEC decided to reapportion all the electoral districts so that a rough equality of the number of voters per representative could be achieved. In counties where the number of mandates was fixed as established by law (the Constitution or the Resolution), reapportionment was conducted in order to equalize the number of voters within each.

The shift to using VR information meant that a geographical “delimitation” of electoral districts could not be made, since the precise addresses of voters were not known. Voters would have to be assigned to electoral districts based on the centers where they had registered to vote (later also used as polling stations). To form electoral districts, the registrants from centers were “amalgamated” (as in 2005) to form a virtual district.

IFES responded relatively speedily to these developments, but some assistance that was provided based on previous assessments could no longer be as useful as expected. For example, technical consultation on traditional geographical boundary delimitation and apportionment of mandates among districts was no longer directly relevant.

Some issues were raised by the NEC's subsequent efforts, assisted by IFES, to equalize the number of voters per district in individual counties, and to ensure that the boundaries were consistent with the voters' sense of place (a process known as “boundary harmonization”). Equalization of the districts was closely supervised by the NEC through a (national) consultant; but the conformance of the districts with local perceptions was left to the discretion of the NEC's County Magistrates. In the absence of instructions or guidelines, the Magistrates consulted with community leaders.

³ IFES Quarterly Report: September 11, 2009 – September 30, 2009, “Liberia: Building sustainable Election Management.

⁴ “Legislative threshold” refers to the number of citizens living in a county that is required in order to elect a single member of the House of Representatives; see the section on Electoral Boundary Delimitation below.

Because of this process, some voters and candidates felt wronged by being reassigned to a different electoral district from the one to which they have been assigned during the last (2005) elections. Voters would go to the same polling place, but they could only cast a ballot in a different district. Candidates would find that some voters they had courted while campaigning could no longer cast a vote for them. While the overall process was consistent with the NEC's decision to reapportion all House election districts, it was not well understood by voters or candidates.

In terms of capacity development, the experience described above will certainly improve NEC's familiarity with EBD and the ability to implement it in future elections. This would especially apply to the next elections to the House of Representatives (2017), if no new decennial census is undertaken before that time. (The Liberian Institute for Statistics and Geographic Information Systems, LISGIS, is not currently planning an early census.)

The Joint Resolution called for a new census to be conducted following the 2011 elections.⁵ If that were to occur, then the 2017 and following elections could be conducted on the basis of actual geographical boundary delimitation and more detailed information on population settlement patterns. In that event, NEC's previous experience with EBD would no longer be directly relevant. But, undoubtedly, much of the knowledge and many of the same skills acquired in 2010, prior to the 2011 elections, would remain relevant.

Objective # 2: Credible and Transparent Voter Registration System in all 19 county election offices

3.2 VOTER REGISTRATION

IFES assistance to the NEC for voter registration was also major, and encompassed the same wide range of assistance; but support was weighted more heavily toward "commodities" – equipping registration centers, NEC county offices and the NEC in Monrovia itself, and procuring registration forms, related materials and supplies for the issuance of voter cards.⁶ During the VR process, some 1,780 VR centers were established, and over 7,000 temporary staff recruited.

The public response to the VR campaign was very successful, with nearly 1.8 million citizens – nearly 90% of the eligible population – registering to vote. It is possible that some citizens had an additional reason to register, since most Liberians lack official documentation and a voter card would be very useful for them to have; but voter turnout on election day was also very high (71%), despite observations about growing voter apathy.

Last year IFES commissioned a detailed technical assessment of the Voter List resulting from the VR process. The findings of this high-quality statistical and empirical analyses were generally positive, although some concerns were raised. The analyses also revealed that, unfortunately, some data fields (regarding voter place of residence) were not completed; and, in particular, that all data were recorded as being entered under a single user name, "Administrator". This of course raises serious concern about whether appropriate controls were observed on the entry and utilization of VR data throughout the process, including after completion of the Voter List. (For further information, refer to pages 22-23 of this report.)

Another issue that must be raised concerning VR is the many anecdotal reports of voters being offered

⁵ Joint Resolution LEG-002, Sec. 1 (b)

⁶ It was not possible for the Evaluation Team to assess the relative budgetary implications of IFES-provided services *vice* materiel support, which IFES refers to as "commodities", and includes supplies, equipment and constructed facilities. The IFES Program Manager advised that IFES does not compile separate financial sub-totals that distinguish the funds expended for services and commodities.

gifts by candidates to vote for them, and accepting transportation to go register in the electoral districts in which these candidates were running for election. The extent of this process cannot be ascertained. Indirect evidence, however, such as the low voter turnouts in secondary elections (the referendum, the second-round presidential election as well as recent by-elections) suggests that a significant number of voters had registered outside their actual areas of residence, and so could not vote in the latter types of elections. (In the case of the presidential run-off election, of course, the opposition boycott was also a significant factor.)

Objective # 3: Successful referendum based on revised election laws

3.3 LEGAL, MANAGEMENT AND POLICY ADVICE TO NEC

With IFES assistance, the NEC submitted 10 proposed constitutional amendments to the Legislature in 2010. The Legislature accepted only three of these – modifying the period of residence required for presidential candidates; moving the day of elections back a month from October to November, to avoid the rainy season; and replacing the absolute majority requirement for candidates to win a legislative seat – requiring a run-off election if required – with a relative majority (plurality). The Legislature also added a fourth amendment – whether to raise the retirement age for judges to 75, from 70 – which was widely seen as an effort to save any positive results on the other questions from being overturned in court.)

The Legislature approved a referendum on four proposed amendments in August 2010, which due to the requirement that constitutional amendments lay over for a year prior to being put to a vote meant that the referendum was held even as campaigning for the 2011 elections was under way.

The August 22, 2011 constitutional referendum was generally unsuccessful, probably due to the circumstances at the time (national election campaigning underway) and voter skepticism. The only proposed amendment that achieved even a relative majority of votes was whether candidates (except in presidential elections) would be elected based on obtaining the “most votes instead of more than half the votes”.

Only the vote on the latter amendment achieved the support of the constitutionally-required two-thirds majority of voters who cast valid ballots. The NEC had already determined, however, that in order to confirm that a proposed amendment had been accepted it would have to receive the support of 2/3rds of all votes cast, including invalid ballots. A resolution to this effect was issued on July 21, 2011. According to the NEC Chairman, Hon. James Fromayan, the resolution was pressed upon him by the IFES Chief of Party at the time. (In a comment on the first draft of this report, IFES/Monrovia indicated that it could not confirm this report.) While the advice in question may be arguable, greater attention might have been given to its potential consequences.

Subsequently, however, the NEC’s resolution was overturned by the Supreme Court in a lawsuit brought by two political parties, the Liberian National Union and the National Democratic Party. As a result, the proposed amendment was considered approved by the voters, and in the immediately following October 2011 elections to the Legislature, the relative, instead of absolute majority rule was applied to determine the winning candidates. Thus a second-round legislative election was avoided.⁷

Late, often confused and also politicized civic and voter education contributed to the referendum’s failure. Voters were generally confused and did not understand the referendum, as opposed to the

⁷The timing of this outcome, coming so soon before election day, is very problematic in that candidates and voters were at least partially deprived of their ability to adopt a strategy about how best to campaign and support their favored candidate.

general election scheduled for October 2011. The NEC civic educators started late and overlapping deployments meant some areas were never visited, while others received two or more visits. Furthermore, the pictorial depictions illustrating the four proposed amendments were confusing for anyone not already familiar with the text of the referendum. Finally, Unity Party mobilizers told citizens to vote 'yes' for all the proposed amendments. The opposition Congress for Democratic Change (CDC) in turn instructed their loyalists to vote 'no' on all proposed amendments.

Objective # 4: Increased ability of NEC to hold community level information sharing sessions

3.4 EXTERNAL RELATIONS

IFES's assistance to NEC's ability to conduct effective external relations was undeniably positive, but there remain issues concerning the impact, consistency and timeliness of this component.

POLITICAL PARTY CONSULTATION

The team found IFES' support to information-sharing sessions with political parties appropriately occurred primarily within the mechanism of the Inter-Party Consultative Committee (IPCC). The IPCC was established by a Memorandum of Understanding between the officially registered political parties and the NEC in 2005. Subsequently formed parties technically have yet to join.

The NEC uses the IPCC to call parties together and communicate election-related information to them. Participation in the IPCC is intended to encourage leaders within the parties to attend but representation in the IPCC is ad hoc. Some parties send low-ranking members, and others, like the Congress for Democratic Change (CDC); have chosen to boycott the forum entirely in recent years. Nevertheless, the IPCC is intended to serve as a conflict resolution mechanism, with the NEC acting as referee when there are inter- or intra-party conflicts.

PUBLIC COMMUNICATION, CIVIL SOCIETY CONSULTATION AND MEDIA RELATIONS

While no official consultative body exists between the NEC and Civil Society Organizations (CSO), the NEC Deputy Executive Director for External Relations informed the team that CSOs have formed a panel and they are often consulted. Likewise, he indicated the NEC has workshops for the media and also invites them to meetings.

In team meetings with the CSOs, both in Monrovia and in the counties, complaints were heard of exclusion by NEC. Former NEC Chair Fromayan confirmed this view, saying that the NEC only collaborates with CSOs when it needs to, but does not view them as long term partners. The team learned through focus group discussion with fifteen major media organizations in Monrovia that they have little or no organized contact with the NEC.

Regarding the NEC's ability to share information with communities in rural areas, NEC officials primarily use consultative meetings or "Town Hall/Palava Hut" settings to address citizens. This method is relied upon by both the NEC Commissioners in Monrovia and County Magistrates. The NEC coordinates with local authorities through the District Commissioners and Chiefs who call people together in the county capitals and explain the information in "Liberian English", or the vernacular as needed. Once local officials hear the information, they are supposed in turn to communicate with their people.

CIVIC AND VOTER EDUCATION

The IFES program is intended also to enhance the capacity of the NEC to conduct both voter and civic education. While IFES was generally well regarded for its professionalism, serious shortcomings in Civic and Voter Education (CVE) continue to threaten the electoral process.

The team was repeatedly told that CVE always comes too late in the electoral process and that sufficient time was not allowed to adequately inform a largely illiterate voting populace. The Team found that CVE has been an area where considerable agreement exists that it needs to be continuous and narrowly tailored to impact the location and education level of people.

To date there has been no strategic planning, benchmarking, monitoring or evaluating the impact of CVE in Liberia. IFES commissioned two separate focus group studies that indicate the need for a shift in CVE after noting the generally low level of political aptitude and understanding of the political process in both Monrovia and the counties. However, there has been no targeted study by an expert in adult education on how to communicate complex political information in the Liberian context.⁸

Thus there is no evidence regarding which forms of information work best to communicate complex concepts to a largely illiterate population with limited experience at the polls. Although IFES was extremely supportive, even proactive, in terms of adhering to the electoral calendar, some CVE materials produced by IFES were of limited impact due to the literacy problem.

Concerning the impact of CVE, the team found a recurrent complaint was the centralized nature of accreditation of CSOs, which takes place only at the NEC HQ in Monrovia. The team learned of numerous instances where CSOs contracted to conduct CVE only visited a county capital and remained there for a few days. The team learned from IFES – and subsequently confirmed by meetings in the field -- that IFES staff actively monitored the daily movements of the CSOs who received sub grants to conduct CVE, using GPS tracking or direct observation.

Objective #5: Increased capacity of NEC to manage its affairs with decreased foreign assistance; well-functioning Magistrate offices

3.5 ELECTORAL MANAGEMENT, LAW AND POLICY

Undoubtedly, IFES assistance and support to the NEC has increased its capacity to manage its affairs and somewhat decreased the need for continued foreign assistance. Indeed, there is a sense on the NEC side – a sentiment shared by the Commissioners and senior staff alike – that the time has come to adopt more of a “capacity-building”, rather than a direct support approach, by foreign assistance providers.

On the other hand, the NEC remains bound to structural and organizational arrangements which severely limit its ability to improve its overall performance, and prevent it from upgrading its operations in an effective manner. These conclusions have been highlighted in an IFES consultant report, which the NEC leadership is apparently committed to resisting.

The basic problem, according to the consultant, S. Darnolf, is a “dual-command” structure within the entire organization. At the top, the Board of Commissioners (BoC) is prevented from operating as a corporate, collegial body, since its individual members have assumed specific functional and geographic responsibilities. Therefore, in addition to sitting as a Board, the Commissioners are operating like department heads of the functional units, as well as supervisors of field activities in the various regions.

⁸ In 2011 IFES commissioned a Liberian firm to conduct a pre and post-election survey focused on voter education, information sources and opinions on the electoral process. Both reports confirmed a large number of citizens remained confused or completely ignorant about the various elections, referendum and improved CVE was required. Furthermore, the IFES reports both endorsed a more intimate CVE regime including one-on-one and house-to-house training. While the IFES report analyzed sources of information and gleaned general opinion on governance in Liberia, it did not specifically address the impact of current CVE methodology.

(The functional responsibilities in question were not bestowed on the Commissioners by law, while the regional responsibilities were assigned to them under the New Election Law of 1986, as amended.

Similarly, the NEC Executive Director serves in a dual role as Secretary to the BoC, and Director of all NEC functional departments. (Like the Commissioners, the Executive Director is appointed by the President, subject to Senate confirmation.) The duality of roles at the top could be addressed by removing the special functional/regional responsibilities of different Board members, and splitting the Executive Director's position between two executives, a Secretary to the BoC, and a Chief Electoral Officer, or CEO.

The dual structure involving individual Board members and the Executive Director tends to create confusion in the ranks of the organization, according to the consultant. Different departments are said not to communicate or cooperate well, and the same issue brought before one part of the organization is likely to get a different response from another. There are few clear and agreed upon guidelines, informational or reference materials available to the staff in the different departments.

According to IFES, it and UNDP have recently provided technical support to NEC in drafting amendments to electoral laws, as well as in further legal drafting after comments were received as a result of public hearings and two legal conferences. Subsequently, the National Democratic Institute (NDI), also with funding from UNDP, organized workshops in Monrovia at which the IFES legal consultant again provided technical support in the form of further drafting services. Two NDI workshops including NEC staff and members of the Legislature were held during February 2013. The NEC has already submitted the resulting proposals to the Legislature for consideration. Unfortunately, these proposals do not address the core issues that need to be resolved in order to improve the NEC's legal, management and policy functions:

Perhaps the most interesting proposals in the package deal with the appointment of the NEC Executive Director, Legal Counsel and other staff. The role of the President and Senate in proposing/confirming appointments to the executive directorship or NEC staff would be eliminated. (This responds to the issue concerning the potential for partisan influence over such appointments when both the Presidency and Senate are under control of the same political party.)

Instead of the current system, the NEC itself would be required to conduct an "open and transparent" recruitment process for the Executive Director, culminating in a 2/3rds majority vote of approval by the Commissioners. With respect to Legal Counsel, another "open and transparent" recruitment process would occur, no longer including involvement of the President, Chief Justice and Minister of Justice. For other NEC staff, the current role of the President and Senate would be eliminated, and again an "open and transparent" recruitment process would be substituted.

Unfortunately, the details of what the "open and transparent" processes would entail are nowhere specified; nor are any other provisions included to guide the processing and vetting of potential candidates. In the absence of such details, it cannot be said that the proposed method of appointment would necessarily be an improvement over the current one.

Consistent with what was said previously concerning the structure of the NEC BoC, it is disappointing to see that the proposal would specifically retain regional responsibilities for the Commissioners, subject only to permitting the Executive Director to divide the 19 counties up among the current number of Commissioners (7).

(The comments above on the NEC's recent electoral law amendment proposals mainly address issues in the NEC organization related to issues explored in this section. The proposals contain some useful

items on other issues, such as amendment of the Election Law to provide specific authorization for the NEC to conduct civic and voter education programs.)

4. CONTEXT AND CONSTRAINTS

4.1 LIBERIAN ELECTION CONTEXT

Liberia's electoral experience is best understood against the backdrop of its current political reality. Unfortunately, the prevailing political culture undermines efforts to build sustainable and credible election management.

Liberia has a history of circumventing or ignoring legal requirements, both constitutional and in other laws. The current Constitution, though adopted in 1986, has never yet been applied strictly to govern an election contest. In 1997, Liberia held a special election with proportional representation that resulted in Charles Taylor's National Patriotic Party receiving 78% of legislative seats. Subsequently, the Accra Comprehensive Peace Agreement (ACPA) among warring factions agreed to suspend constitutional provisions concerning candidate eligibility and voter registration for the 2005 elections.

In 2010, the Legislature decided to forego the constitutionally required reapportionment of electoral constituencies by failing to determine a threshold figure for House seat allocation on the basis of the 2008 census results. This failure should be viewed as political, not technical, in nature. Due to the large population currently located in Monrovia, a very large number of legislative seats would be apportioned to Montserrado County, if the letter of the law were followed. Small counties like Grand Kru, River Gee and Sinoe, on the other hand, would technically not even merit a single representative.

After a legislative threshold could not be agreed upon, and Presidential approval could not be obtained for a substantial expansion of the membership of the House, legislators adopted a joint resolution aimed at maintaining the existing seat allocation for small counties (2 seats) and adding a certain number of additional seats for Nimba, Lofa, Margibi, Bong, Grand Bassa and Montserrado. The next census is slated for 2018, a year after the next general elections in 2017. But in the Joint Resolution, the Legislature called for a new census to be conducted earlier.⁹

If nothing is done to resolve this impasse, then the next two regular elections ("special" elections for regular seats to replace current Junior Senators in 2014, and general national elections in 2017) will not be held in compliance with the Constitutional requirements for electoral apportionment and boundary delimitation based on a Threshold Law and equality of voting power. This would mean that since the end of the Civil War, Liberia would have four consecutive elections held under extraordinary and extra-constitutional legal arrangements – first, the 2005 national elections under ACPA; second, the 2011 national elections under the 2010 Joint Resolution; and third, the two upcoming national elections, in 2014 and 2017. If the 1997 election organized by former president Charles Taylor is included, there would be a total of five consecutive national elections held under arrangements outside the constitutional structure. Certainly such a continual deviation from normalcy could ultimately once again threaten the peace and stability of the country.

The underlying reason for this conundrum is simply that the people aren't where the politicians wish them to be. Like the politicians, who enjoy their roles in the capital, many Liberians currently would rather live close to Monrovia or in a few other major population centers than in the rural areas where

⁹ Joint Resolution LEG-002 (August 2010), Sec. 1

they largely originated, and from which many were displaced by the War. For one thing, there are better services and economic opportunities in major centers – to a considerable degree, perhaps, due to foreign aid, support and investment; and, for another, many displaced persons lack the means to return to their home areas and re-establish themselves there.

Clearly, the politicians also prefer to live and work in the capital. But to be elected, and sometimes re-elected, they must maintain their base of support in the counties, where they have demographic affinities and networks of friendship, cooperation and influence. (It should also be added that some politicians also fear the greater support for the political opposition in urban and peri-urban areas.) So the country has sadly fallen into a political situation in which equality of voting rights has been effectively trampled.

In addition, there are persistent issues surrounding the existence of real political will for reform in many areas of governance. There have been numerous public pronouncements urging significant constitutional reform, yet the Constitution Review Commission (CRC) has largely been quiescent. The CRC continues to grapple with the NEC's role in civic and voter education (CVE), but their deliberations have yet to further the reform process.

Likewise, full-scale decentralization, which requires passage of a Local Government bill as well as constitutional amendments to provide for the election of Superintendents and District Commissioners, as well as the roles and responsibilities of the various officials to be elected, has yet to reach the Legislature. The draft bill, spearheaded by the Governance Reform Commission (GRC) with input from the Ministry of Internal Affairs (MIA), has yet to be formally introduced. Given the one year minimum time period between legislative approval of a referendum and the actual vote, enactment of a Local Government Law in the near future is highly unlikely.

The centralized nature of the Liberian Government also negatively impacts attempts to build the capacity of the NEC. While the NEC's Commissioners contribute to drafting the annual budget, limited allocations and problematic disbursements by the Government make strategic planning or programming extremely difficult.

4.2 UNPREDICTABLE LEGAL & POLITICAL DEVELOPMENTS

The operating environment for electoral assistance in Liberia is often characterized by unpredictable legal and political developments. For example, during the post-conflict elections held pursuant to the ACPA in October 2005, last-minute decisions of the Supreme Court operating as part of the interim administration threatened orderly commencement of voting.

In one case, the Court ordered the NEC to reprint the ballot-papers for the presidential election, ruling that an additional candidate should have been registered. In another, the Court decided that the phrase cast “a vote” for a Senate candidate meant that voters could cast votes for as many as two candidates, on the theory that the phrase meant a single vote could be cast for each of the two Senate positions -- i.e., Senior Senator, for a full 9-year term; and Junior Senator, for a limited, 6-year term.

The reprinting of presidential ballots was averted when, after consultations by the International Mediator appointed under ACPA, the presidential aspirant in question decided to stand down. But the NEC’s attempt to address the Senate voting issue resulted in confusion and even chaos at the polls at the beginning of election day. This was because poll workers were instructed to affix a special instruction sticker on ballot-papers before issuing them, a time-consuming procedure. (Subsequently, during election day, the NEC authorized that procedure to be eliminated; and poll workers were permitted instead to instruct the voters orally, if necessary.)

In 2009-2011 as well, legal and political developments continued furiously immediately before and during the electoral process:¹⁰

- After the 2008 census, and despite a nearly 2-year struggle, the Legislature and Executive failed to enact the Constitutionally-required Threshold Law establishing a uniform quotient for the number of voters per elected House representative. First, the NEC proposed a Threshold Bill based on the 2008 census, setting a threshold of 45,000. That would have resulted in a House of Representatives of 77 members, an increase of 14. In response, the Legislature adopted a bill increasing the number of seats to 87, an increase of 24, and stipulating that no county should obtain fewer than 2-seats.
- The President vetoed that bill as unaffordable, and requested that the threshold be established at between 45,000 and 50,000 residents *per seat*; the President also maintained that the minimum 2-seat guarantee was unconstitutional.
- In response, the Legislature removed the 2-seat minimum, but specified a threshold of 40,000, which resulted in a second presidential veto.
- Finally, the Legislature adopted, and the President approved, a Joint Resolution specifying a certain number of seats to be added or retained by the counties without direct relationship to their populations. Implementation of the resolution was upheld by the Supreme Court, explicitly without consideration of the Constitutional issues.¹¹ The NEC then determined that, within the legislative parameters established by the Joint Resolution, it would allocate 9 new electoral districts to the 6 biggest counties, with four of them (Bong, Grand Bassa, Lofa and Margibi) receiving 1 each, Nimba 2, and Montserrado 3.¹²
- On the same day, the NEC also issued its determination to reapportion all districts within each county on the basis of equality of voting,¹³ like the previous decision, the determination would be based on voter registration and not the results of the 2008 census.

¹⁰ See generally European Union Election Expert Mission, Liberia 2011, pp.20-22.

¹¹ *Liberty Party v. NEC*, [2011] LRSC 13 (14 June 2011)

¹² NEC, “County Threshold for the Establishment of Electoral Districts” (April 18, 2011)

¹³ NEC, “Guidelines on the Establishment of Electoral Districts in Liberia” (April 18, 2011)

Similarly to so many previous “solutions” to Liberian political crises, the development of this framework involved careful (and undisclosed) choreography among the branches of government. In this respect it is a continuation of the ongoing pattern of opaque actions by the elite which occurs at the edges of the legal/political system. For example:

- The operative clauses of the Joint Resolution do not refer to the nine additional legislative mandates being awarded to certain counties, but only for an increase of the existing number (64) of districts to a total of 73. According to the same paragraph, “The NEC shall reapportion the districts accordingly.”
- In its case upholding application of the Joint Resolution, the Supreme Court initially appeared to rule that the reapportionment in question would include all 73 districts and not just the additional 9; but this really meant only that there would be separate apportionments among the counties not receiving additional seats and the ones which did.
- In a remarkable verbal twist, the Court then went on to indicate that the reapportionment among counties in question could not apply to the new 9 districts, but only the 64 previous ones. This was because the former had not previously been apportioned, so they could not be “reapportioned” pursuant to the Resolution.

The effect was that the extra-, and unconstitutional, arrangement to award a minimum number of seats to smaller counties and a certain number of additional seats for larger counties could be implemented without legal challenge, despite the inequities that resulted in the relative threshold among the various counties. So “reapportionment” of existing districts could occur based on equality of population (and other relevant factors); but voters’ power to elect representatives would vary widely among counties across the country.

The switch to using voter registration figures rather than census data was also justified in the text of the Joint Resolution, but once again not in the operative clauses. Instead, the preamble of the Resolution provided:

“Acknowledging that the result of the 2008 National Housing and Population Census of Liberia did reveal a growth in the immediate post-war population of the Country; and, observing that, the population is still in transition ...”

It should also be noted that these effects, desired by the politicians, were achieved without being obvious at all in the operative clauses of the Joint Resolution. So, in effect, there had to be a sophisticated and coordinated legal strategy among the Legislature, the NEC and the Supreme Court to reach this result. For that reason, this process raises serious concerns about the Rule of Law in general and the Separation of Powers among the branches of government.

Separately, due to the requirement that it lay over for a year before being presented to the voters,¹⁴ the constitutional referendum on electoral (as well as other) issues approved by the Legislature in August 2010 only reached the voters on August 22, 2011, by which time the campaign period for the national elections had already begun:

The main issues presented to voters in the referendum were connected to election issues: (modifying the residency requirement for presidential candidates; moving election day back from October to November, and adopting a relative rather than absolute majority vote system for legislative elections). The modification of residency, it was felt by many, might have been intended to rule out a subsequent

¹⁴ Constitution, Article 91

presidential bid by a prominent former presidential candidate (2005); and adoption of the relative majority system of election would apply to the very election that was already in process.

All these developments had ramifications for the planning and execution of IFES's electoral assistance programs. Some developments forced rapid shifts in programming, with the result that planned technical assistance projects had to be modified in content and their implementation schedules changed. Due to the complexity of the various developments and their interdependency, the Evaluation Team would not wish to second-guess the assistance program planners' decisions. Almost certainly, however, considerable unforeseen additional costs were incurred by the BSEM program as a result of the unpredictable electoral environment.

It must be said that the methods specified in the Constitution¹⁵ for constitutional amendment are difficult to satisfy. In addition to laying-over for a year prior to being put to the voters, amendments must be proposed by 2/3rds of the membership of the House and Senate, or by petition by 10,000 citizens with the concurrence of the same number of legislators.

In addition, questions whether to adopt a constitutional amendment must be put forward separately (although presumably could be grouped together under one heading in certain cases), and accompanied by statements describing the questions. Extension of the presidential term can be proposed, but if accepted would only apply after the term of the incumbent is completed.

The team was informed by the Honorable Chair of the Constitutional Reform Commission that the constitutional amendment process was made more restrictive in response to the long incumbency of President Tubman. (His lengthy period in power was buttressed by repeated constitutional amendments permitting the term of office to be extended.)

4.3 ELECTION OBSERVATION CONCLUSIONS

The Election Observation Missions (EOM), including The Carter Center (TCC), the Economic Community of West African States (ECOWAS) and the Electoral Institute of South Africa (EISA) – that were present during the national elections in 2011, generally praised the quality of the electoral process in view of the existing socio-economic environment and lingering post-Civil War political and other tensions. At the same time, The Carter Center (TCC), which had deployed a very substantial EOM, found a number of deficiencies in the electoral law, management and administration, and made recommendations about how to address them. Some of the key TCC recommendations included:

I. To National Authorities

- Reforming the electoral law to eliminate various gaps and ambiguities, following a consultative process including all stakeholders;
- Improving and harmonizing the legal framework for electoral dispute resolution;
- Initiating a constitutional review process culminating in a new national referendum, to address: Moving back the prescribed election day, limiting the power of the President to appoint NEC commissioners, reducing the terms of elected officials in line with international standards, and removing exclusionary citizenship requirements based on ethnicity;
- Continuing the national reconciliation process;
- Strengthening NEC liaison offices to improve its relations with political parties, civil society and the media;
- Further monitoring complaints concerning campaign violations, including equal access to public

¹⁵ Constitution, Articles 91-93

- facilities and the prohibition on use of State resources;
- Further strengthening the training of polling staff;
- Educating stakeholders on rights and procedures for filing electoral complaints;
- Ensuring that voter registration lists are subject to checks for accuracy;
- Strengthening civic and voter education programs;
- Increasing participation by removing restrictions on candidacy such as those related to high nonrefundable fees, requirements of property ownership, and minimum bank accounts;
- Conducting a new boundary delimitation exercise based on the latest census (2008), as provided by the Constitution), rather than voter registration data – which was used to implement the “Threshold Law” reallocating the number of mandates among the electoral districts; and
- Investigating evidence of fraud where warranted – e.g. in Grand Gedeh County during the last elections.

2. To the International Community –

- Supporting efforts to reform the electoral law and constitution;
- Providing technical assistance and training to political parties; and
- Extending UNMIL’s mandate (then scheduled to end in December 2012) to consolidate security improvements and avoid politically-connected violence such as the police shootings of unarmed protesters during the 2011 election.

4.4 CHALLENGES TO ELECTORAL ASSISTANCE AND SUSTAINABILITY

As the implementing partner, IFES has forthrightly indicated that it is facing several significant challenges in achieving certain objectives of the BSEM. These are mainly presented in several IFES published reports and other materials, which are discussed individually below.

Overall Electoral Management & Administration

In a published report,¹⁶ IFES recognized that the NEC has “made significant and important improvements towards becoming a reputable Election Commission hailed for its integrity and professionalism”. But the report goes on to indicate broadly: “However, the BoC [Board of Commissioners] suffers from several critical weaknesses, which undermines NEC’s ability to operate effectively. This weakness largely stems from the lack of a corporate governance policy thereby creating a double-command structure between Commissioners and the NEC Secretariat.”

Turning to the three main NEC departments -- Operations, External Relations, and Administration – the report assigns very low grades to their performance, particularly that of the Administration Department. Questions were also raised concerning the assignment of specific regional functions to individual commissioners (as prescribed by the New Elections Law, 1986, as amended 2003 & 2004); the exercise of specific functional responsibilities by individual commissioners; the role of the Executive Director (as Secretary to the BoC and head of the Secretariat); a lack of clarity concerning coordination and integration of the activities of the individual commissioners through the BoC; and supervision of the NEC Magistrates and electoral functions in the counties by individual Commissioners.¹⁷

¹⁶ IFES, *Institutional Assessment of the National Elections Commission* (S. Darnolf, author), June 2012

¹⁷ The New Election Law (1986), Sec. 2.10, provides that the 19 counties will be divided into five administrative areas (regions), with individual commissioners responsible for “directing and supervising all election activities”. It is not clear how this provision is currently being followed, in view of the change in composition of the BoC to include seven, not the previous five, commissioners. But proposals by NEC, 2013, for amendment of elections law would retain the association of individual commissioners with specified counties, subject to the decision of the Chair, NEC on assigning the counties to a number of administrative areas and assigning a commissioner to oversee election activities in each.

All in all, these issues were said to be detrimental to the Commissioners' role in making policy through coordinated action of the BoC as a whole. In addition, this structure was characterized as preventing an effective and consistent flow of information within the NEC itself and beyond, to external actors. This in turn reportedly created suspicion and sometimes even hostility toward the NEC and its decisions. In part, the inability to communicate effectively was said to arise from insufficient contact between the Executive Director and Department Heads, as well as inadequate inter-communication at the staff level. Some of the consequences were described as follows:

- “[B]eyond the Executive Director and Board of Commissioners no single NEC entity seemed to have had a complete set of all relevant policy-decisions, regulations, procedures, and amendments decided by NEC’s leadership. The same holds true for the Magistrate offices.” And,
- “[W]hen approaching different offices and officers of the NEC external stakeholders are also likely to receive contradictory information, which could not only cause confusion among parties, candidates, and voters but also undermine the Commission’s standing ...”

Other issues were also identified in the organization, staffing, and performance of individual departments. The External Relations Department, aside from the concerns described previously, also exhibited deficiencies with respect to voter education programs. The Operations Department was characterized as failing to develop detailed implementation plans, including clear command-and-control arrangements, to supplement the overall NEC Operational Plan. The allocation of certain tasks, including IT and Security, to the Administration Department was described as inappropriate. And the latter Department was also characterized as exhibiting shortcomings in recruitment, assessment, compensation, record-keeping and other areas.

Unfortunately, the IFES conclusions on overall electoral management and administration have been largely ignored by the NEC commissioners and senior staff, presumably since they are reluctant to admit defects in the NEC’s organization and structure and unwilling to advocate changes in response. The team was informed by IFES that 20 copies of the report had been delivered to the NEC, and again another 7 for the commissioners. Yet the Hon. John Langley, Executive Director, and other senior officials of NEC disclaimed all knowledge of the report. Four of the current Commissioners also indicated that they had not seen it. Only one member of the NEC staff, at the level of department head, indicated that he had read the report and found it useful.

Electoral Boundary Delimitation

During the post-conflict 2005 elections, an actual geographic delimitation of the boundaries of electoral districts was not undertaken due to the circumstances at that time.¹⁸ Instead, under the post-conflict Electoral Reform Law (2004), constituencies were formed based on amalgamation of the voters who had registered at registration centers in a particular area, such that the number of voters in each area (“district”) would meet the threshold for representation and be roughly equal. Therefore, the electoral district was in a sense “virtual” and was not actually geographically delimited or demarcated. An electoral district itself would therefore not have definite geographical boundaries, but there were some territorial rules, e.g., districts could not include registration centers across a county line.

¹⁸ See Electoral Reform Law (2004), adopted pursuant to Accra Comprehensive Peace Agreement (ACPA). The relevant section was set aside prior to the 2011 elections; but other parts of the 2004 Law remain in effect, establishing NEC’s authority to apportion and delineate electoral districts.

When IFES began its work in these areas preparatory to the 2011 national elections, it was assumed that, as required by the Constitution,¹⁹ the results of the 2008 national census would be used to reapportion seats in the House of Representatives among the counties for the 2011 national elections. Therefore, it was justified at this stage for IFES to invite international consultants to assist the NEC in the anticipated reapportionment and boundary delimitation exercises.

It may have also been assumed that a real, spatial delimitation of electoral constituencies within the counties could be made utilizing census data.¹⁸ While precise geographical information probably could not be obtained concerning inhabitants of an area, beyond their declared village or other place of residence, the results of the census might have been sufficient for an actual delimitation¹⁹ of the electoral district based on the voters located there.

In any event, legal and political developments intervened to shift apportionment of (House of Representatives) legislative districts among the counties and electoral districts within the counties based on voter registration rather than census information. This was due to the inability of the Executive and Legislative branches to agree on a so-called “Threshold Bill”, needed to specify the national legislative quota (or threshold) to elect a single representative to the House based on the census of population. In its place (as discussed previously), the Legislature enacted, and the President signed, a Joint Resolution specifying the allocation of House seats among the counties.

The Joint Resolution was criticized on the grounds, inter alia, that it:²⁰

- Did not use census data for apportionment of electoral districts, as required by the Constitution;
- Did not actually establish a threshold per se, but instead added a specific number of electoral districts, an action which should have been taken by the NEC based on the legislative threshold; and
- Apportioned electoral districts among counties by legislative fiat, not on the basis of population, which resulted in serious violation of the constitutional right to equal representation based on population (equality of voting).

Despite the apparent legal issues, there was no successful challenge to the Joint Resolution in the Supreme Court. In one case,²¹ the constitutional issues were raised in addition to a challenge to the NEC’s decision, pursuant to the Resolution, to conduct nationwide electoral district delimitation on the basis of voter registration (rather than census) results. But the Court’s decision (per Justice Korkpor) intoned: “We will not pass on the legality of Joint Resolution LEG-002.” (Other cases were brought against NEC’s implementation of the Resolution, none successfully – but not the underlying constitutional issues.) While the Court’s apparent unwillingness to address apparent constitutional issues could be questioned, it might be said that it was dealing with a political fait accompli, and no action it could have taken at that late stage would have improved the situation vis-à-vis conducting the upcoming election.

It is reported that, even today, detailed, determinate territorial boundaries do not exist even between some of the counties, not to mention at lower levels of administration. Census data might have provided more accurate estimates of the populations in various geographical areas, but the team has

¹⁹ Constitution, Article 80e: “Immediately following a national census and before the next elections, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.”

²⁰ See EEM Report, *op. cit.*

²¹ Supreme Court of Liberia, *Liberty Party v. NEC*, [2011] LRSC 13 (14 June 2011)

been unable to assess that prospect since LISGIS declined to permit the team to examine any of the boundary “shape files” it has prepared to display census results in a spatial form.

Following enactment of the Joint Resolution, the NEC proceeded to implement it pursuant to the legislative parameters while maintaining essential constitutional standards. Therefore, the NEC decided to reapportion all of the House electoral districts in the country based on the principle of equality of voting, subject, however, to the determinations by the Legislature regarding the distribution of seats among the counties based on their sizes.²³ The Legislative determinations are the basis for the wide disparity in representation among the counties, in terms of the legislative threshold, which varies from around 10,000 voters per representative in some of the smaller, more sparsely-settled counties such as Gbarpolu to some 28,000 in the denser ones, like Nimba.

It was not until the second quarter of, 2010, that IFES recommended that NEC refer to the electoral district boundary determination as “delineation”, rather than “delimitation” as previously. The recommendation was accepted by the NEC only during the third quarter of 2010. This was in recognition of the practical, as well as, the legal situation, that districts would have to be formed based on the number of voters who had registered there, rather than the number of citizens who actually reside in a given area.

Electoral Boundary Delineation

The NEC’s decision to re-delineate all of the House electoral districts in the country was certainly the correct one from the viewpoint of constitutional principle. Nonetheless, this decision was attacked in at least two cases brought before the Supreme Court – the first one of which, *Liberty Party v. NEC*, has been discussed above. The second case was *Liberian National Union et al. v NEC* [2011] LRSC 32 (15 September 2011), decided less than a month prior to the elections. The main grounds for the non-constitutional challenges related to the issue about candidates being affected in their ability to contest the elections successfully once electoral districts were realigned.

The re-delineation of the electoral districts used for House elections in 2005 caused a number of problems. First, of course, was the need to design the new districts on the basis of a relative equality of the number of voters in each district within a county. Second, there were issues with voters and candidates assuming that the districts created in 2005 were immutable, and, therefore, believing that their rights had been infringed in some way. With respect to House candidates, some had already begun campaigning in areas that were moved into a reconstituted district. And for voters, some felt that they had been moved from their “natural” constituency (based on tribal, clan, chieftaincy or other factors), even though that had only been established in 2005.

Re-Delineation of Constituencies Gbarpolu County, 2011

The Evaluation Team visited Bopolu Town, administrative center of Gbarpolu County, May 28-29, 2013, and met with the County Superintendent, NEC Magistrate and representatives of civil society organizations (CSOs). The Superintendent, Hon. Allen M. Gbowee, informed the Team that a partial “boundary harmonization” had occurred in the county, which had caused some voters to feel they didn’t belong to the place where their vote would be counted. He said this had caused some hard feelings, in that these voters couldn’t vote for their preferred candidate for representative.

Subsequently, the Team met with NEC Magistrate Duke Sarnor and Assistant Magistrate G. Kollie

Lamadine. They explained that due to disparity in the number of voters assigned to the existing electoral districts (which ranged from under 10,000 to over 12,000), some registered voters were “pushed” into districts other than the one they believed they had been registered in. These voters would vote in the same place (registration center/polling station) where they registered, but they would vote on a different ballot and their votes would be applied in another district.

This adjustment was made in the following way, based on shifting the entire VL at three polling stations among the three newly-delineated electoral districts as follows:

- 865 votes from Gbargay (formerly District 2) were transferred to District 1;
- 344 votes from Nyeamay (former District 2) were transferred to District 1; and
- 580 votes from Gbellela (formerly District 1) were transferred to District 3.

The Magistrate the Team informed that these actions, in addition to responding to the need to equalize voting power, were mandated by the NEC’s boundary harmonization team. He conceded that certain candidates in the election could have been disadvantaged; in fact, the current Superintendent had been affected in this way. With respect to voters, some may have felt they had been transferred to the “wrong” place.

As for the current Superintendent, after his loss at the polls he subsequently obtained his appointment as Superintendent by action of the President, confirmed by the Senate. (He had previously served in Gbarpolu county administration.)

To clarify, however, the Team was assured by the IFES/NEC national boundary delimitation consultant that re-delineation of electoral boundaries applied only to boundaries established prior to 2011, specifically in 2005, when the voters were first grouped into districts for voter registration and voting purposes. There was no further re-delineation of districts once they had been established for the 2011 elections.

Further insight into the re-delineation and boundary harmonization topics was obtained by the Team during a visit to Nimba County, where the team met the NEC Magistrate, Mr. Princeton Monmia. According to Mr. Monmia, voter registration and boundary delineation issues had arisen in the county during 2011. Specifically, the re-delineation of electoral districts caused voter concern, and also affected campaigning by candidates. Sometimes the redistricting led to overlapping clan areas, chieftaincies and administrative districts. For example, two clan areas (Gar and Beh) were divided, with Gar being joined to the district encompassing the city of Sanniquellie and Beh being linked with the city of Ganta. This was despite the fact that these two clans had been linked “from time immemorial”.

According to Mr. Monmia, the NEC relies on the Magistrates to “carve up the electoral landscape” so that relative equality of voting can be achieved. It appears that the extent of the disparity in voters among districts is monitored by the NEC itself. But there are no clear rules or standards on how to approach equalizing representation, *i.e.*, how to take account of ethnographic, geographical or other factors. Therefore, it may be said that the process of re-delineation combined with boundary harmonization is somewhat non-transparent.

Without clear standards and close supervision, the NEC Magistrates are supposed to consult with the local chiefs in their areas to gain acceptance for whatever alterations must be made. It also appears that little or no civic or voter education was provided with reference to this process, so it is understandable that voters were confused. Mr. Monmia agreed with our assessment that boundary harmonization for local elections could be “the next shoe to drop” in terms of a major challenge to electoral preparations.

Planned Local Elections

The Liberian government's intention to move toward elections at the local level, which is assisted through a UNDP program²² and also enjoys US political support, will add considerable complexity to boundary delimitation by creating a number of new kinds of electoral districts. Depending on the political structure to be adopted, the boundaries for local election districts could be sub-districts of existing districts for national elections, cross-cutting districts, or a combination of the two. This situation has arisen in part due to the propensity of national legislators to achieve upgraded or special status for cities, towns and other settlements in their counties or districts.

The Liberian Constitution provides for Presidential appointment (subject to Senate confirmation) of "superintendents, other county officials and officials of other political sub-divisions;" but election of Chiefs at various levels (including Paramount, Clan and town).²⁵ Such elections have not been held since at least 1986, however, nor have elections for certain municipal councils, such as in the city of Buchanan, which were also formed decades ago.

The President approved a National Policy on Decentralization and Local Governance in September 2011, and the Governance Commission (GC) published the final Policy in October of that year. In January 2012, the President officially launched the National Decentralization Policy in Bong County. But the Decentralization Bill, drafted by the GC to amend the Constitution and facilitate the election of local governments (Superintendents and District Commissioners), has yet to be submitted to the Legislature.

IFES has circulated a slide presentation by a national electoral boundary delimitation consultant.²³ The results are much too complex to go into in this preliminary discussion. Suffice it to say the following:

- There are numerous types of administrative subdivisions and potential electoral districts;
- Their structure differs from place to place;
- Likely electoral boundaries for different types local elections would often overlap; and
- The current voter registration system would not readily support such an electoral structure.

Now, IFES also realizes that the boundary "delineation" system used in recent elections – which is based on where a voter registers and not where s/he resides – is not fully capable of supporting registration for local elections, which is necessarily keyed to the voter's place of residence. This is especially true if fuller details of voters' places of domicile are not recorded properly, as was the case prior to the 2011 (and previous, 2005) national elections. At the very least, a record would have to be made concerning a voter's village or other particular area of residence.

In fact, IFES has conceded this point in a comment provided to a previous draft of this report:

"The voter registration process of 2010/11 was designed keeping in view possible local government elections[;] however, primary use of the voter register of the 2011 was the electoral process in 2011 [--] i.e. Referendum, Presidential and Legislative Elections, Run-Off and various by-elections.

²² UNDP, "Liberian Decentralization & Local Government (LDLG) Program" Annual Progress Report 2011 (published 2012)

²³ Archie Delaney, "Administrative Boundaries-Challenges to Elections & Roadmap for 2014 & 2017 Elections" (September 17, 2012)

“During the design of the voter registration locations (voter registration centers) were placed as much [sic] as possible, keeping in mind possible local government elections. However, due to either unclear or disputed boundaries of the lowest geographic units, this was not possible at all locations. It is important to indicate that the boundaries of the lowest geographic units are much disputed and boundary harmonization commission formed by Government of Liberia is coordinating efforts between counties to resolve those disputes. Until boundaries for these geographic units are agreed, possibility of local government elections is vague.

“For that reason, data for lowest administrative units was not captured and it was always envisaged that whenever there is clarity on these geographic units, with some additional but very minimal effort the voter’s roll could be used for [p]ossible Local [G]overnment elections, which have not been announced yet.”

Thus, the date for future local elections cannot easily be projected. It seems that the issues in question could not be resolved until after the next census – which is scheduled only for 2018. Processing of the census results and resolution of other geographical issues would take additional time. So, *perhaps* local elections might be “penciled in” for 2019 at the earliest.

Another point to consider with respect to the timing of local elections is whether such elections should be held concurrently with other elections (such as regular national elections), or at a different time. Avoiding concurrent national/local elections would reduce administrative complexity and potential voter confusion, as well as tend to avoid politicization of such elections along national partisan lines, which tends to happen if local and national elections are held at the same time.

Voter Registration

IFES assistance and support to the VR process was major, and encompassed virtually every aspect: Printing forms for registration, complaints/appeals and voter cards; provision of cameras and specialized printing equipment; training of registrars and preparations for processing data received; contracting data entry clerks; funding and installing a specialized data center; assisting and organizing voter education campaigns; and the like.

National VR commenced January 10, 2011, and was scheduled to end on February 6th; but on February 4th the NEC extended the registration period until February 12th following widespread appeals, allowing more eligible voters to register. During that period, 1,780 VR centers were established, employing about 7,120 temporary staff. Exhibition by the NEC of the provisional voter list (VL) in the field resulted in nearly 400,000 voters confirming their details and over 4,000 filing for corrections.

The results of voter registration were very positive, with nearly 1.8 million citizens registering to vote – nearly 90% of the voting age population. To a considerable extent, the high level of registration could be explained by the fact that most Liberians lack official documentation, and were very interested in obtaining voter cards showing their names and photographs. Some negative perspectives have been advanced, such as the possibility of multiple and under-age registrations. The NEC responded to these by commissioning a “de-duplication” process and referring apparent cases of under-age registrants to other authorities for investigation.

Transportation of Voters

In the aftermath of the national referendum and elections, however, a significant perceived threat to the accuracy of the VL was transportation of voters to registration centers outside their areas of residence.

This was done by candidates in those areas who wished to bring voters into their districts by offering transportation and other inducements, such as monetary gifts of as much as USD 25 per voter. While such a technique would not be practical in proportional representation (PR) or other multi-mandate district (MMD) elections, they could be effective in single-mandate district (SMD) majoritarian elections, where a relatively small number of votes could affect the outcome between closely-matched candidates.

While little evidence was collected concerning extent of this practice, the low turnout in the referendum (34%) and in other secondary electoral events such as by-elections may reveal that significant voter transportation may have occurred during the 2010 VR and 2011 national elections. This is since once a voter is registered in another district, s/he would likely be unable to vote there again without transportation – and would also be unable to vote nearer home since s/he would not be registered there.

Admittedly, the evidence of voter transportation is anecdotal. Thus, IFES has responded to the comment above in the following manner:

“Voter transportation cannot be directly tied to low turnout in the referendum and by-elections. Also this information requires more detailed research in order to come to a conclusion that voters have been transported with the effect of creating low turnout of voters. If we conclude that transportation has affected the turnout of voters for referendum and by-elections, than [sic] we are talking of huge numbers of voters being transported from their locations to vote in different places[,] for which you require huge financial and logistical support, and no political parties can support financially or logistically to the extent that could affect either the turnout or the elections [sic] results. There are other factors at play, including voter education, lack of political party outreach/campaigning and voter apathy.”

Voter List Assessment

IFES has published a technical assessment of the Voters' List.²⁴ This high-quality analysis reached overall positive conclusions about the quality of the data, but some concerns were identified. Some of the conclusions, as consolidated in the Executive Summary, were as follows:

- **The data captured appeared to have a fairly high degree of accuracy.** Of 1,185 respondents that had voter registration cards all respondents were matched; 62% were matched to all biographical information, 20% had a slight variation, but a total of some 15% could not be verified as belonging to the same voter registration centre.
- **All photos on the cards were deemed to match the holder of the card,** based on inspection of respondents who were present in person, had registered to vote and had their voting card with them.
- **Voter demographics patterns appear normal,** although it appears that many people did not know their precise dates of birth/age and were giving approximate ages as exhibited by spikes of voters aged 30, 35, 40, 50, 60, 70,80, 85 and 90 years of age.
- **A majority of respondents think they had enough information on voter registration -** In their own assessment, a majority of respondents said they had enough information about the voter registration process in Liberia, with only 20% professing having little or no information.
- **A majority of respondents registered to vote who inspected the roll found their**

²⁴ IFES, “Assessment of the Voters List in Liberia” (Ben Chege Ngumi, author), August 8, 2012

names during the voter roll exhibition exercise. This conclusion was drawn from a survey in which 66% of all respondents interviewed reported that they had inspected the roll, and 97% of them found their names in the register.

- **A significant number of persons who did not find their names on the voters roll during inspection were not able to find their names on Election Day.** This could be due to a number of reasons ranging from lack of voter education on what to do if and when one fails to find his/her name in the roll; to inefficiencies within the correction process which resulted in their data not being corrected.
- **No voters were misplaced.** During registration in Montserrado Districts 12/13, a number of voters had been registered using the wrong batch of registration cards; these, however, were found to have been corrected and moved to the correct registration center.
- **Data related to administrative units is missing.** While the database contains data on registration centers, national electoral districts and counties and their relationships, the data on lower-level administrative units is missing from the database even though data structures for their storage exist. (This raises serious issues with respect to voter registration for planned local elections.)
- **A majority of data entered into the database (1,740,695 voter records) was entered using only the name “Administrator”,** presenting obvious security issues.
- **Most voter names seem correctly recorded,** although a sizeable number of names contain apparent typos (transpositions of letters), which should be corrected if possible.
- **There was concern about some data that was entered in 4 days during July 2011 –** whether they were legitimate entries or correction of data belonging to voters whose records were initially misplaced.

Perhaps the most serious negative result of the technical VL analysis concerns the attribution of all registration entries to the user “Administrator”. The missing fields in the data records are also troubling, however, since they may reflect a lack of training that resulted in the loss of data that would be important in the future.

On the issue of the username, several possibilities arise: possibly individual usernames and passwords were not assigned to individual data entry clerks. Or the username and password for “Administrator” were widely known. Either of these possibilities would undermine the role of the software in requiring attribution of data to specific operators, and limitation of the “permissions” that individual operators have such as being restricted to entering data in certain geographical areas. Any of these possibilities would essentially negate the protective value of the software and good data-entry procedures; and the only safeguard would be physical security at the site of the terminals.

Perhaps a more likely scenario is that someone who had access to Administrator privileges and knew the administrator password did something later to over-write the individual user names of the clerks and possibly delete sub-fields of information as well. This could have been a blunder by a person who was not trained to the level of his/her privileges. In the end, any of these possibilities appear very disturbing. As far as is known, the security lapse described did not result in any “real world” consequences, except possibly loss of potentially important data. Had this breach been discovered closer in time to the elections, however, it might well have become a major political issue in itself. This event, whatever its explanation, is further support for the recommendation by IFES consultant S. Darnolf, that sensitive IT and security matters should be transferred to the NEC Operations Department from the Administration Department. It is, therefore a very positive development that the NEC recently shifted responsibility for the “data center” component of IT to Operations.

4.5 FOCUS GROUP DISCUSSIONS

Focus Group Findings

On the basis of three focus groups conducted in both Monrovia and the counties, the Team learned public perceptions generally indicate an improved capacity of the NEC from 2005 to date. The 2011 elections were more Liberian-led, featured better equipment and benefited from radio coverage in some remote locations. However, problematic civic and voter education continues to plague the electoral process. Focus group respondents were largely congratulatory of IFES's work with the NEC, though all agreed there remained significant improvements still required to have a fully functional and credible NEC.

In Monrovia, media practitioners suggested the electoral aptitude of Liberians has steadily increased since 2005. Yet the lack of overall comprehension of how voting impacts their day to day lives -- and how special elections, like a referendum impact the overall governance process -- are not generally understood. This lack of contextual understanding threatens participation in future election contests. According to journalists, 2005 enjoyed massive participation because it was the first post conflict election and people readily understood the need to select leaders. But subsequent elections have not been as widely embraced in part due to a lack of adequate civic and voter education. Moreover, media practitioners claim there were not adequate partnerships between the NEC and the media houses, namely the Press Union of Liberia, to help ensure that consistent and accurate electoral information reached the population.

Focus group respondents in the rural locations of Bopolu (Gbarpolu County) and Saniquillie (Nimba County) also echoed the sentiments of those in Monrovia when comparing the 2005 elections to subsequent votes. According to civil society actors in both counties, CVE shortcomings, late start and confusing content all contribute to decreased participation and comprehension of elections in Liberia. They feel that many of these problems could be addressed if more local people could be recruited into CVE programs, as they would have more information about community concerns and better ability to communicate with local people including in the vernacular language. Additionally, the ongoing practice of the NEC, excluding CSO input except for the period immediately preceding elections, also negatively impacts CVE overall.

According to focus group respondents, the NEC officials primarily use consultative meetings organized with local authorities through the District Commissioners and the Chiefs to call people together in the county capital and explain the information in "Liberian English" or the vernacular, as needed. IFES support to the NEC on this objective also included the use of cultural troops and mobile cinema. According to the NEC's Director of Civic Education, the cultural troops are supposed to get people interested and attract crowds so that a NEC staff member or CSO can proceed to share information. The Mobile Media approach gathers rural citizens together and shows a CVE drama that seeks to elaborate on the electoral process.

The team learned at the county level in both Gbarpolu and Nimba, that the NEC officials and elections Magistrate did not coordinate with the Superintendent, an obviously political position, when disseminating information in the county. In Nimba County, the Superintendent informed the team this oversight diminishes the impact of a consultative meeting since the Magistrate does not have the established connections that the Superintendent does. As a result, some CSOs would develop their own training based on the materials they received from the Magistrate's office. Often times, different CSOs would give citizens conflicting information, especially regarding how to mark the ballot.

Additional critiques of the NEC dramas supported by IFES were that the content tended to confuse citizens and required civic educators on site to explain and further elaborate many concepts. Often times, the explanations would result in misleading or incorrect information being transmitted, which added to confusion on voting day. Deficiencies in voter education are especially evident among elderly voters in rural areas.

5. OVERALL RECOMMENDATIONS

5.1 ASSISTANCE RELATIONSHIP WITH NATIONAL ELECTORAL COMMISSION

IFES should, as sought by the NEC Commissioners and senior staff, reorient as much of its program as possible toward capacity-building, including training of staff to perform key electoral operations, and also helping to build institutional structures to improve the NEC's overall performance as an electoral management body (EMB).

Capacity-building by IFES should not be limited to passive learning through exposure to the work of expert consultants, "study tours" or similar experiential approaches. Rather, specific technical needs should be identified, and medium-term specialized training arranged. When complete systems or other complex technical equipment (such as for compilation of the Voter List) are obtained, consideration of follow-on service/support and on-site training should be included in the selection of the vendor.

Consideration should also be given to publicizing the shift to capacity and institution-building, so that the image of NEC as an autonomous and capable Electoral Management Body (EMB) is enhanced.

5.2 FORMAL RELATIONSHIP, AGREEMENT AND APPROVAL

The current method IFES employs to notify NEC of programmatic initiatives and secure the NEC's approval, i.e., letters delivered by the CoP to the Executive Director, should be strengthened through adoption of a more formal approval procedure that would support improved record-keeping on both sides. In order to formalize the proposed shift in IFES assistance toward capacity-building, a Memorandum of Understanding should be negotiated between the NEC and IFES. The MOU should:

- Lay out procedures for submission and approval of proposed IFES assistance and support activities, as indicated above;
- Memorialize the paramount importance of capacity- and institution-building as an IFES objective in terms of its relationship with the NEC, as indicated in paragraph 5.1; and
- Set forth guidelines regarding the appropriateness of direct involvement by IFES in electoral and related activities that are likely to be sensitive, such as those which would be evident to the public, such as those involving political parties or candidates and at public events.

5.3 BUDGETING AND EXPENDITURE

USAID should request IFES to break out, in its regular (quarterly) programmatic reporting, the resources applied to various functional categories of assistance and support, such as technical assistance; purchasing and provision of commodities, supplies and services; and others, such as salaries for national staff involved in electoral operations. This would enable USAID to track better IFES's ongoing programming *vis-à-vis* the NEC, and the relative weight of the different types of assistance provided as conditions and circumstances evolve.

It is especially important for the Mission to understand the scale of direct support to the NEC in terms of "commodities" (a term which IFES uses to include all forms of materiel assistance, including equipment and supplies). In some areas, the scale of this support would greatly outweigh all other forms of assistance provided. Surely, for electoral management in Liberia to become sustainable, at some point the GoL should assume budgetary responsibility for predictable recurring expenses of these kinds. Unlike UNDP, through its "basket" fund, IFES does not provide direct budgetary support to NEC, and limits its support to specific operations and other requirements. Nevertheless the Mission should be in

a position to assess the level of direct support to NEC, on a continuous basis, which is necessary to supplement funds appropriated by the Government or replace funds which have been delayed or withheld by it.

5.4 SUGGESTED ANTICIPATED RESULTS OF FOLLOW-ON TO B.S.E.M

- **Boundary Delimitation:** “Improve capacity to conduct boundary delineation”: Until such time as actual boundary delimitation can be conducted, further boundary delineation exercises (such as updating the Voter List or preparing for local elections) may be required. Therefore, there is a need to upgrade the collection of voter information, particular concerning residential information, that is as precise as possible. Technical assistance on boundary delimitation techniques per se should be provided only at such time it credibly appears that such methods would actually be conducted in a near-term election.
- **VR System:** “Credibility of VR system improved by incorporation of better voter information and location,” within the context of boundary delineation but enabling more progress toward actual boundary delimitation, including for future local elections.
- **Referenda:** “Successful referendum, if conducted, based on improved content, formulation and voter comprehension, on important electoral issues”, such as implementation of the constitutional scheme for electoral boundary delimitation.
- **Improved CVE:** “More effective civic and voter education efforts, including public communication, improved cooperation with CSOs and regular consultation with political parties.
- **Greater community-level information-sharing:** “Increased capacity for information-sharing through improved communication and ongoing cooperation with CSOs, including at the local level,”
- **Enhanced NEC capacity overall:** “Greater ability of NEC to carry out effective electoral management and policy, including through managerial and organizational reform; development of a highly-trained staff and operation of well-functioning magistrate offices”.

5.5 INTERMEDIATE OUTCOMES

Suggested anticipated results (above) should be supplemented by identification of intermediate outcomes in each area, to enable a mid-term performance review. These intermediate outcomes should in turn be operationalized in more specific objectives to be achieved during the course of a follow-on program:

- **Boundary Delineation/Delimitation:** Have boundary delineation techniques been extended through collection of better information on voters in connection with VR updates or other VR activities in connection with anticipated elections (including future local elections)?
- **VR System:** Has Voter List information been substantially improved, in a way that could support actual boundary delimitation? When would be the right time to begin providing technical assistance on the latter technique?
- **Referenda:** In the event a constitutional referendum including electoral matters is proposed, to what extent have the authorities (with NEC participation) identified the most important set of issues to bring to the voters for approval?
- **Improved CVE:** To what extent is NEC public communication, cooperation with CSOs and consultation with political parties improving? Have supposed improvements been tested through baseline studies and reactions by targeted groups?
- **Greater community-level information-sharing:** To what extent have NEC external relations improved, including with respect to accurate and timely public communication,

- improved cooperation with CSOs and closer consultation with political parties?
- **Enhanced NEC capacity overall:** To what extent has NEC reformed its overall management approach and organizational structure, developed a more highly-trained and capable staff, and supported improved operation of NEC magistrate offices?

5.6 CIVIC AND VOTER EDUCATION

1. USAID should focus future programming to foster the creation of a coordinated partnership between the NEC and CSOs to facilitate continuous CVE:

For Liberia's population, both rural and in and around Monrovia, to adequately participate in an election in an informed manner requires the NEC to establish enduring channels of operating with both CSOs and political parties. The magnitude of CVE required necessitates a coordinated approach that utilizes established networks as much as possible. A coordinated partnership between the NEC, CSOs and political parties will also increase awareness of the various components of the electoral process, including referenda that are envisioned for the near future.

Anticipated results from programming aimed at fostering a partnership between the NEC and CSOs would include a standing forum that meets regularly bringing representative of CSOs together with NEC authorities on an ongoing basis. Regular forums simultaneously encourage improved information sharing by NEC to participating CSOs and improve the capacity of the CSOs to manage and communicate information. Additional results would also see participating CSOs transmitting the same information to their local affiliates and establishing standing forums of information sharing between the NEC Magistrates in the counties and CBOs.

2. USAID should encourage implementing partners to establish links with local community based organizations and CSOs with established networks that are headquartered in the counties:

Using local CSOs to conduct CVE will allow for a longer term, more sustained framework to communicate election related information. Local CSOs with an established presence will be available for follow-up questions from citizens, even after the training program has ended. Additionally, local partnerships will allow for varied forms of communicating information including one-on-one, house-to-house and narrowly tailored trainings to various groups, e.g. women, youth, disabled, elderly, etc. Finally, partnerships with county-based CSOs who speak the local vernacular in addition to "Liberian English" would improve impact and reach of CVE in rural Liberia.

Anticipated results from programs encouraging implementing partners to establish links with local CSOs in the counties during CVE possibly include more varied and continuous information available to citizens during the election period. Local CSOs will be able to engage in one-on-one and house-to-house training in the local vernacular. Another result stems from the trained CSOs in the county who serve as resource centers for ongoing questions and clarifications that arise after formal training activities, thereby improving their capacity in the process. Finally, partnering with local CSOs will result in wider penetration of the more remote and rural parts of counties that are otherwise overlooked.

3. USAID should expeditiously consider supporting an expert (professional/academic) baseline study conducted by an entity with expertise in countries with high illiteracy rates to assess the retention of information communicated through the various training and information-sharing

modalities:

CVE needs to be improved through proper planning and evidence based models that are geared towards addressing a largely illiterate population. Moreover, there is a need to train/foster the development of CSOs skilled in adult education. Ideally, CVE in Liberia needs to move away from an isolated activity immediately preceding an election contest and move towards a continuous and sustained model.

Anticipated results include training activities and methodology that are tailored to communicate complex information to largely illiterate population, many of whom are not familiar with the concepts of democratic governance. Another result would be the reduction of printed materials and a move towards more varied methods of instruction, informed by an academic/professional baseline assessment. More efficient and relevant program spending would also likely result from a CVE curriculum designed on the advice of a baseline study.

6. ANNEXES

ANNEX A: MEETINGS

| Date | Confirmed Time | Interview | Contact Name |
|---------------------|---|---|--|
| Wednesday May 15 | All day | TMG/Washington | |
| Thursday May 16 | All day | Ditto | |
| Friday May 17 | All day | Ditto | |
| Monday May 20 | 9:30am 1:00-2:00pm 2:00-3:00pm 3:30-4:30pm | Meeting with L-MEP Team Introductory meeting with USAID/Liberia: 1. Louise & Kristin 2. DG & Program Team 3. Political Team | James Z. Whawhen-Chief of Party Kristin M. Joplin-D & G Officer Louise Fahnbulleh-D & G Specialist Tizeta Wodajo- D & G Officer Ahmed Sirleaf- Collaborating, Learning & Adapting (CLA) Advisor Alexander Lane-Project Development Officer Dan Terell- Senior Rule of Law Officer Roosevelt Tule-Economic & Governance Specialist Findley Karngar-Rule of Law Specialist Christian De Angelis- Political/Economic Counselor, US Embassy |

| | | | |
|---------------------|---------------|---|--|
| | | | Planning & Research |
| Saturday May 25 | All day | L-MEP | |
| Monday May 27 | 11:00am | Former NEC Chairman | James M. Fromayan |
| | 12:45pm | Federation of Liberian Youth(FLY) | Isatu Ville-Second Vice President |
| | 2:15pm | National Traditional Council | Chief Zanzai Kawah-Chairman Ansumana Kiazolu-Speaker E. Musu Coleman-Liaison Officer |
| | 3:30pm | Focus Group -Journalist | Rhodoxon Fayiah |
| Tuesday May 28 | 10:00am | Travel to Gbarpolu | |
| | 1:00pm | Meeting with Gbarpolu County Authorities | Hon. Allen M. Gbowee-Superintendent |
| Wednesday May 29 | 9:00am | Meeting with NEC Magistrate and staff | Duke Sarnor-NEC Magistrate, Gbarpolu County G. Kollie Lamadine-Asst. Magistrate NEC-Gbarpolu County |
| | 1:00pm | Roundtable focus group in Gbarpolu County | Siah Kaire-Head Civil Society Organization, Gbarpolu County |
| | 3:00pm | Depart for Monrovia | |
| Thursday May 30 | 11:30am | Election Coordination Committee(ECC) | Oscar Bloh-Country Director, Liberia |
| Friday May 31 | 10:00-11:00am | USAID | Louise Fahnbulleh-D & G Specialist |
| | | | Tizeta Wodajo-Democracy & Governance Officer Kristin M. Joplin-Democracy & Governance Officer |

| | | | |
|---------------------|--|---|---|
| Saturday June 1 | All day | L-MEP | |
| Monday June 3 | 10:00am 11:00am 3:00pm | Meeting with NEC Executive Director Working sessions/meeting with NEC Departments: 1. External Relations 2. Public Information 3. Gender IFES | John K. Langley, Sr. – Executive Director Nathan P. Garbie-Deputy Executive Director/External Roslyn Nagbe-Director Senesee G. Freeman-Senior Program Officer |
| Tuesday June 4 | 9:30-11:00am 1:00-2:30pm 2:30-4:00pm | Working session with NEC Departments: 1. Legal 2. Operations 3. Administrations | Cllr. Joseph N. Blidi-Senior Legal Counsel Lamin Lighe-Chief of Operations J. Dweh Doeyan-Deputy Executive Director Administration |
| Wednesday June 5 | 10:00am 3:00pm | Travel to Nimba Meeting with NEC Magistrate | Princeton Monmia-NEC Magistrate, Nimba County |
| Thursday June 6 | 10:00am 2:00-3:00pm | Meeting with Nimba County Authorities Roundtable focus group in Nimba County | Christiana D. Dagadu- Superintendent, Nimba County Darius Dan Wehyee-Head CSOs |
| Friday June 7 | Return to Monrovia | | |
| Saturday June 8 | Compile field data | | |
| Monday June 10 | All day | L-MEP | |
| Tuesday June 11 | 10:00am | National Democratic Institute(NDI) | Aubrey McCutcheon- Resident Senior Director Leo Platvoet-Senior Program Manager Thomas Du-Program Manager |

| | | | |
|----------------------|---------------|---|---|
| | 5:00pm | Constitution Review Committee(CRC) | Mardia Bloh-Program Assistant Cllr. Gloria Musu Scott-Chairperson |
| Wednesday June 12 | 11:00am | Meeting with the Secretary General-Ruling Unity Party(UP) | Wilmot J. M. Paye-Secretary General Unity Party |
| | 1:00pm | Meeting with Opposition Party-Congress for Democratic Change(CDC) | Nathaniel McGill-Secretary General Jefferson Kogee-Youth League Chairman |
| | 2:00pm | Meeting with former NEC Acting Chairman | Elizabeth J. Nelson |
| | 3:30pm | Meeting with Director of Civic & Voter Education-NEC | Samuel B. Cole-Director of Civic & Voter Education NEC |
| Wednesday June 19 | 2:30pm-4:00pm | Out brief-USAID | Louise Fahnbulleh-D & G Specialist |

ANNEX B: DOCUMENTATION

Reports

European Union, Electoral Expert Mission for the forthcoming Elections in Liberia, Final Report (January 2012), 67 pp.

The Carter Center, *National Elections in Liberia*, Fall 2011, Final Report, 138 pp.

Electoral Institute of South Africa, EISA Technical Assessment and Election Observer Mission Report, Liberia, 2011, EISA EOM Rpt. No. 44, 133 pp.

USAID Program Brief, “Building Sustainable Elections Management.

IFES, Quarterly Reports: 3rd Quarter 2009 – 1st Quarter 2013, Building Sustainable Election Management Program

IFES, “Institutional Assessment of the National Elections Commission” (S. Darnolf, author), June 2012

IFES, “Assessment of the Voters List in Liberia” (Ben Chege Ngumi, author) August 8, 2012

UNDP, “Liberian Decentralization & Local Government (LDLG) Program” Annual Progress Report 2011 (published 2012)

NEC, Strategic Plan: July 2012 – June 2018

ECOWAS Election Observation Report

Archie Delaney, “Administrative Boundaries-Challenges to Elections & Roadmap for 2014 & 2017 Elections” (September 17, 2012)

Liberian Legislature, Joint Resolution LEG-002 (establishing number of House electoral districts in certain countries during the 2011 general elections)

UNDP, Monrovia, Supporting the 2010-2012 Liberian Electoral Cycle, Annual Work Plan (January 2011)

USAID, USAID Evaluation Policy (Washing, January 2011)

USAID, Checklist for Assessing USAID Evaluation Reports, V. 1.) (Washington)

USAID, Checklist for Evaluation Scopes of Work for Performance Evaluations (Washington)

IFES Liberia, BSEM Program, Performance Management Plan (PMP), Updated (March 2012)

IFES Liberia, NEC: Capacity and Needs Assessment Report (Final Report, Monrovia, June 2012)

IFES Liberia, Data Quality Assessment Report (Monrovia, January 15, 2012)

Duku S. Sarnor, NEC: Civic Education for Gbarpolu County Project (July 22, 2012)

Cases

Supreme Court of Liberia, *Liberty Party v. NEC*, [2011] LRSC 13 (14 June 2011) (Court not to pass on legality of Joint Resolution LEG-002 imposing legislatively-established numbers of constituencies for House of Representatives elections; NEC authorized to reapportion all districts, based on number of registered voters, to achieve relative equality of representation.)

Supreme Court of Liberia, *Concerned Sector Youth v. LISGIS et al.*, [2010] LRSC 40 (August 3, 2010) (Writ of prohibition to prevent use of results of 2008 national census, including as basis for adoption of (Legislative) Threshold Bill establishing apportionment of seats in House of Representatives elections, and preventing new census from being conducted until the regular period of ten years runs, denied on the grounds of failure to file writ in a timely manner.)

Supreme Court of Liberia, *Liberian National Union et al. v. NEC* (Dissenting Opinion of Justice Ja’Neh) (Court should have prohibited use of voter registration data to construct electoral constituencies and reapportion existing constituencies, since Constitution requires use only of census information for this purpose in connection with adoption of Threshold Law.)

Supreme Court of Liberia, *Movement for Progressive Change (MPC) v. NEC et al.*, [2011] LRSC 1

(October 5, 2011) (Writ of prohibition preventing NEC from certifying certain presidential candidates, including the then-president running for a second term, on the grounds of failure to meet the constitutional 10-year residency requirement denied as inflammatory and unsupported.)

Laws, Policies & Proposals

Constitution of Liberia (1986)

The Elections Law (1986)

NEC, Proposals for Amendments to Elections Law (2013)

Electoral Reform Law (2004)

Governance Commission of Liberia, *Liberia National Policy on Decentralization and Local Governance* (approved), January 2010.

Resolutions, Decisions & Recommendations

Fromayan, James M. (Chair, NEC), Press Briefing Notes, August 2010

NEC, "County Threshold for the Establishment of Electoral Districts" (April 18, 2011)

NEC, "Guidelines on the Establishment of Electoral Districts in Liberia" (April 18, 2011)

ANNEX C: VOTER REGISTRATION/ELECTORAL BOUNDARY DELINEATION CHRONOLOGY

IFES Support through BSEM Program to Boundary Delimitation (EBD) Voter Registration (VR) and
Related Subjects, as Reflected in Quarterly Reporting to USAID

| IFES Activities | Other Developments |
|--|--|
| 3 rd Quarter, 2009 | |
| BSEM program commences, EBD identified as within scope | Legislature passes Referendum bill, including four constitutional issues |
| 4 th Quarter, 2009 | |
| IFES to begin providing technical assistance for EBD (planning, developing regulations and training) | Threshold Bill (adding additional constituencies in larger counties) expected to be passed by Legislature imminently |
| Technical assistance to begin on VR, "in conjunction with EBD process" | |
| 1 st Quarter, 2010 | |
| Technical support for EBD and VR begins | Supreme Court places a stay on further proceedings on the Threshold Bill, in connection with a suit attacking the results of the census |
| EBD consultant L. Handley visits, March 15-22 | New NEC HQ dedicated |
| Planning begins for EBD and related training, including workshop | |
| IFES/NEC local consultant Archie Delaney contributes to EBD | Population data developed by LISGIS could not be linked with corrected administrative boundaries resulting from "boundary harmonization" |
| VR planning commenced, and VR working group proposed | IFES & NEC begin manually integrating data with "boundary shape" files, a process which takes 6 wk. |
| Annex 3, "Report on Boundary Delimitation", to quarterly report addresses necessary <i>stages</i> in EBD process ²⁵ and overall <i>legal</i> ²⁶ (<i>including constitutional</i>) ²⁷ <i>issues</i> . | |
| Annex 3 also identified various other legal benchmarks, including: <ul style="list-style-type: none"> • Enactment of Threshold Law by Legislature necessary to establish population target for constituencies, since Constitution | The Legislature had passed a Threshold Bill (specifying a target population for the districts at 40,000 twice, but it was vetoed by the President each time on the basis that the necessary expansion of the House of Representatives to |

²⁵ 1, Collect Information; 2, Establish Methodology; 3, Draw Constituency Boundaries; 4, Public Consultations; 5, Final Constituency Boundary Determination

²⁶ Boundary Authority; Delimitation Trigger(s); Public Access; and Delimitation Criteria (population size, administrative boundaries, and seat allocation formula)

²⁷ Initial conclusions included:

- NEC has sole responsibility for EBD, except for establishing the threshold for establishing a new constituency;
- EBD is triggered by the results of a national census; and
- Equality of population is the criterion to be considered by NEC in establishing constituencies. (These conclusions follow from the Constitution, Article 80 [e].)

| | |
|--|--|
| <p>specifies constituency population sizes of 20,000 “or such number of citizens as the legislature shall prescribe”; and the 2008 census results of nearly 3.5 million inhabitants would otherwise a greatly expanded (173) House of Representatives, exceeding the Constitutional limit of 100 members established under Article 80(d).</p> <ul style="list-style-type: none"> • The Electoral Reform Law (2005) would no longer be in force during the 2011 elections, so the threshold for formation of constituencies and the current number of constituencies (64) specified therein would no longer apply; nor would the provision directing the NEC to establish electoral districts “by the amalgamation of voting precincts” rather than drawing boundaries. • In addition, it would be necessary and desirable for the NEC to develop regulations to adopt a formula to allocate seats among constituencies; identify additional delimitation criteria (such as respect for administrative boundaries and communities of interest); and provide for adequate public consultation. | <p>some 87 members would not be affordable.</p> |
| <p>2nd Quarter, 2010</p> | |
| <p>IFES consultant L. Handley & IFES/NEC national consultant A. Delaney begin working out actual steps toward delimitation, awaiting a threshold determination</p> | <p>VR exercise scheduled for November, 2010 deferred by NEC, as announced by NEC Chair’s remarks in a public forum</p> |
| <p>3-day EBD workshop for NEC led by IFES consultants L. Handley and Richard Carver, including drafting an operations plan for EBD</p> | <p>2nd version of Threshold Bill, specifying threshold of 46,000, passed by H.R. over considerable opposition</p> |
| | <p>Supreme Court Associate Justice requested Senate to refrain from considering the House bill since a lawsuit had been brought to the Court; otherwise the Justice would refer the matter to the entire Bench.</p> <p>Proceeding on requested writ of prohibition commenced, with the Executive seeking an extension of time to reply</p> |
| <p>Draft VR operations plan delivered to NEC; includes materiel specifications and logistical aspects, looking toward a Sept-Oct exercise</p> | <p>Inter-Agency Committee seeking to resolve county boundary disputes and prepare for boundary “harmonization” and delimitation; it was “expected” that these issues could be resolved.</p> |
| <p>IFES VR expert arrives;</p> | |

| | |
|--|---|
| IFES supports NEC study tour to Ghana | |
| Future EBD activities envisioned include: Training workshop, creation of EBD database, technical assistance in drafting boundaries, and T/A for specifying final boundaries. Similar range of activities planned with relation to VR. | NEC establishes biweekly VR working group meeting |
| IFES proposes visit by legal consultant (Jessie Pilgrim) | |
| 3 rd Quarter, 2010 | |
| IFES summary emphasizes T/A and support for EBD and finalization of the boundary harmonization process. | Threshold Law enacted by the Legislature, 22 July 2010; and ratified by the Executive: Number of constituencies (64) would stay the same; but an five mandates would be allocated to the five most populous counties, making for a total number of 73 representatives. |
| | NEC to calculate threshold for representation by dividing relative number of registered voters, not population (as determined by the 2008 census) |
| | Legislature passed Constitutional amendments for adoption through referendum; the four proposed amendments included reducing the time of required residency in-country for candidates; moving the prescribed election day back by a month to avoid rainy season; adopt simple majority (plurality) in place of absolute majority voting in Legislative elections; and raise the retirement age of Supreme Court judges (to 75 from 70 years). |
| IFES meets with Electoral District Steering Committee on preparing to draw electoral districts in accordance with the new requirements. At IFES's suggestion, Committee agreed to refer to the EBD process thereafter as "delineation of electoral districts: due to changes in the "timing and nature" of the process. This reflects that the EBD process would no longer result in the formation of a geographical district but rather one formed through aggregation of the voters who registered at centers in a district. ²⁸ | Steering Committee also agreed to accelerate resolution of residual boundary/land disputes, even "prior to the completion of the boundary harmonization data entry process". |
| IFES, through its consultants, proposed a specific allocation of the 9 additional H.R. seats | NEC accepted the proposed allocation. |
| | Lawsuit brought in the Supreme Court against the |

²⁸ Although the clause in the Electoral Reform Law directing the NEC to take this approach during the 2005 elections was no longer in effect, nothing prevented the NEC from utilizing it provided that the number of voters in an area instead of census data could be used as a basis for forming the constituency.

| | |
|---|--|
| | <p>proposed Constitutional referendum</p> <p>NEC announces intent to conduct the referendum concurrently with the national elections on 23 August 2011, 2 months prior to the elections</p> |
| <p>IFES indicates “significant progress” made in the entry of population and geographic data into the delimitation database, and “[a]s a result, the boundary harmonization process [was] now complete, and IFES and NEC were using the population figures and geographic details for the selection and distribution of VR centers.”</p> | <p>NEC, with T/A from IFES, prepared a list of “amalgamated areas” (minimum territorial units) to send to the 19 election magistrates for review. Amalgamated area boundaries reported to be much clearer in rural than urban areas.</p> |
| <p>IFES refers to “general assumption that the NEC will now complete VR before drawing electoral districts.”</p> <p>IFES legal consultant J. Pilgrim advises that the Election Reform Law (ERL) as a whole remains in effect, although four provisions had been suspended.</p> | <p>NEC agrees with IFES consultant opinion on continued validity of the ERL.</p> |
| <p>IFES drafts VR operations plan for NEC, organizes VR training and establishes a VR data center at NEC</p> | |
| <p>In performance indicators submitted to USAID under its approved Performance Monitoring Plan, IFES indicated that “[m]ethodology for how to properly conduct boundary drawing” had been completed, May 2011; and that “VR centers will be [the] geographic basis for drawing of election districts”.</p> | |
| <p>4th Quarter, 2010</p> | |
| <p>IFES “intensified” building capacity of NEC in VR & other areas. More specifically, it finalized the boundary harmonization process; updated the draft VR operational plan, finalized VR forms, continued to improve the VR monitoring process, selected VR center locations; and supported related consultations and conferences with political parties, civil society & traditional leaders.</p> | |
| <p>1st Quarter, 2011</p> | |
| <p>IFES continues building capacity of NEC in key areas, including EDL and VR; specifically: Assists EBD planning; Contracting data entry clerks for VR process; Supports data collection & processing and reporting of VR data; Supports Inter-Party Consultative Committee meeting on VR process.</p> | <p>National VR commenced January 10, 2011, and was to end February 6; but on February 4 NEC extended registration period until February 12 following widespread appeals, allowing more eligible voters to register.</p> <p>1,780 VR centers were established, with about 7,120 temporary staff</p> |

| | |
|---|---|
| | <p>NEC commenced activities related to the national referendum scheduled for August 23, 2011, including promulgating guidelines and regulations and establishing a Referendum Steering Committee to organize briefings for stakeholders.</p> <p>Legal dispute over constitution (7 <i>vice</i> 5 commissioners) and name (ECOM <i>vice</i> NEC) of electoral commission, also leadership (Chair J. Fromayan)</p> |
| 2 nd Quarter, 2011 | |
| MISSING!! | |
| 3 rd Quarter, 2011 | |
| <p>IFES continues to build capacity of NEC on EBL and VR and in other areas. EBD/VR activities generally included:</p> <p>Support on drawing new electoral districts through technical assistance and funding/logistical support for public consultations & provisional maps;</p> <p>Support to NEC Data Center for preparation and printing of Final VR roll for use during lost/damaged voter card (VC) replacement period (June); and</p> <p>USAID approved Modification 2 to BSEM agreement in January, which <i>inter alia</i> included additional funding for technical assistance to VR, EBD and other activities.</p> <p>Specific activities: IFES EBD consultant L. Handley contributed to preparation of provisional maps and refined criteria for establishing districts.</p> <p>100,000 VR replacement cards printed, and technical support to NEC to begin printing the VR roll for use in replacing lost VR cards;</p> <p>IFES consultant, A. Kizakian, assisted NEC data center in preparation/printing of Final VR roll</p> <p>In May, IFES EBD expert present to assist NEC in leading public consultations;</p> | <p>Based on provisional VR figures, NEC adopted electoral district threshold for each county by action of Board of Commissioners; principle was that variance between VR in districts within a county not exceed 10%.</p> <p>NEC electoral magistrates and others held working sessions with IFES/NEC National Delineation Consultant and GIS technicians, for feedback on draft maps, looking forward to public consultations in May 2011.</p> <p>Public consultations conducted in 8 countries but suspended in the other 7 due to stay order from the Supreme Court deriving from a lawsuit by the Liberty Party. In the meantime, the EBD TF met on timeline and other issues. Supreme Court ruled on June 16 that NEC could continue drawing boundaries.</p> <p>Exhibition by NEC of provisional VR roll in the field, with nearly 400,000 voters confirming their details and over 4,000 filing for corrections;</p> <p>Procedures/forms for replacement of lost/stolen/destroyed voter cards developed; two-day training for senior electoral magistrates;</p> <p>NEC, with commercial technical support, conducted “de-duplication” exercise, and reported on possible multiple registrations to Board of Commissioners and Justice Ministry;</p> |

| | |
|---|--|
| <p>National consultant engaged to assist NEC in performing GIS task for electoral district mapping.</p> | <p>Polling places formed in precincts according to final VR figures, and voters allocated to polling places according to ranges of voter ID numbers.</p> <p>Also, NEC began monthly meetings with Inter Party Consultative Committee (IPCC);</p> <p>In “a breakthrough”, NEC PI Department pressed BoC to purchase newspapers to keep them informed about press coverage of election issues;</p> <p>Similarly, a chalkboard newsstand was erected in front of the NEC building, to carry daily news briefs about NEC electoral activities.</p> |
| <p>4th Quarter, 2011</p> | |
| <p>Support to NEC IT/Data Center to print/produce DVDs of Final VR Roll for referendum and elections;</p> <p>Support to dissemination of quality public information through press conferences, materials and civic and voter education materials</p> <p>Financial and technical support to print final VR roll for referendum and elections, including 4,457 individual booklets (for each polling place) included in polling station kits;</p> | <p>NEC published final electoral districts and released maps in July</p> <p>Referendum turnout (34%) poor, resulting from CDC boycott and manipulation of VR by candidates seeking support in their electoral districts rather than where the voters live, thus leaving voters off the rolls for other referenda/elections in those districts.</p> <p>Names of multiple registrants and “identified under-aged voters” sent to Ministry of Justice; and under-aged voters retained on separate VR list</p> |
| <p>Preliminary discussions for planned event jointly sponsored by UNDP and IFES for NEC Lessons Learned forum reviewing the 2011 electoral process, including VR and EBD.</p> | |
| <p>1st Quarter 2012</p> | |
| <p>Concept paper on boundary harmonization developed by IFES/NEC Technical Info Management Consultant and presented to MIA as relevant to local elections</p> | <p>Ditto</p> |
| <p>IT support for upcoming by-elections, including “targeted” corrections to voter roll</p> | |
| <p>2nd Quarter 2012</p> | |
| <p>IFES, UNDP & NEC continued discussions on comprehensive Lessons Learned forum to evaluate the 2011 electoral process, including VR and EBD</p> | <p>NEC established conference secretariat including specialists from NEC, UNDP and IFES, to organize the LL conference.</p> <p>NEC, with UNDP and IFES, holds LL conference Feb 23-25 at NEC HQ; title: “Coming Together, Learning from the Past to Improve and Sustain Elections Mgmt in Liberia”</p> |

| | |
|--|---|
| | Outcome of LL conference to inform comprehensive NEC institutional assessment and new 6-year strategic plan |
| Support for organization and conduct of NEC electoral Lessons Learned Conference | |
| IFES/Liberia team joined by 3 national and international advisors specializing in delimitation and other subjects | NEC began collecting data on voter participation by gender, including by retrieving Final Registration Roll (FRR) from the 19 Magistrates |
| | NEC develops database for compilation of data on eligible voters from review of FRRs, including gender and age characteristics |
| Planning of boundary harmonization and voter registration for local elections | |
| 3 rd Quarter, 2012 | |
| Conducted audit of VR including database checks and voter-to-list survey; submitted audit report to NEC | |
| Planning of boundary harmonization and potential reconfiguration of voter registration centers for local elections | Traditional Chiefs at national conference in Monrovia called upon President to hold chieftaincy and municipal elections at earliest possible time |
| Support to NEC public consultations on electoral law reform in 5 counties | NEC public outreach consultations on electoral law reform, in 5 counties |
| Participation in NEC committee developing a 6-yr NEC strategic plan and providing financial support for strategic planning workshop | President announced support for state funding of political parties but indicated she would veto Democracy Stability Bill on this subject, which had already been approved by the House of Representatives |
| Support to 3 BRIDGE training modules (Intro to Elections Administration, Post-Election, and Electoral Contestants) for NEC staff and other electoral stakeholders | NE3C threatened political parties with revocation of their registration for failure to comply with legal provisions regarding their operations as political parties |
| Organizing IPCC forum on electoral law reform | CDC party initiated political dialogue on electoral law reform |
| | CDC constitutional internal reconciliation committee to address intra-party wrangling |
| 1 st Quarter, 2013 | |
| Through Technical Information Management Consultant, supported NEC in concluding development of an operational plan for selection of VR Centers/Voting Precincts, and assisted MIA in reviewing Local Governance Act | |
| Supported NEC in planning/organizing an international electoral legal conference; Collaborated with UNDP and the NEC Legal Section in drafting a bill on electoral reform for submission | NEC Legal Department joined with legislators at series of workshops, also supported by NDI and |

to Legislature

UNDP, in February to prepare proposed amendments to elections law for submission to Legislature

ANNEX D: QUESTIONNAIRES FOR MEDIA FOCUS GROUP DISCUSSIONS

General Questions

1. Are you familiar with IFES? BSEM? International Support to the NEC? How would you characterize/describe it?
2. If familiar with BSEM, how would you characterize changes in the NEC from the 2005 to 2011 elections?
3. What was your level of participation/involvement in the 2005 elections? 2011? Referendum?
4. When you need information from the NEC, which office/department is your point of contact within the NEC?
5. Is the information you receive from the NEC consistent? Accurate?
6. Have you had any interactions with the NEC Magistrate Offices in the counties?
7. How would you describe the functioning ability and efficiency of these branch NEC offices?
8. Have you participated in/are you familiar with the NEC community-level information sharing sessions? If yes, how would you describe the NEC's capacity to hold communitylevel information sharing?
9. How would you describe the NEC's capacity to conduct civic education? Voter education?
10. Has the NEC sufficiently improved their ability to conduct civic and voter education?
11. Are you familiar with the boundary delimitation process? Do you believe NEC has sufficient capacity to conduct the boundary delimitation exercise?
12. Do you believe the NEC maintains a credible, transparent, and accurate voter registration system?
13. Has the NEC improved their ability to function without massive foreign assistance and donor support?
14. In your opinion, what types of capacity building programs would be timely and relevant for donors to further assist the NEC?

ANNEX E: QUESTIONNAIRE FOR FIELD VISITS

1. What was your involvement in the 2005? 2011? 2011 Referendum? Did you vote? Work in some capacity, official or otherwise?
2. In what capacity have you ever interacted with the Magistrates Office in your county?
3. Is the Magistrates Office better/worse/ or unchanged from four years ago?
4. Are you familiar with any assistance or support program(s) helping the NEC branch office in your county?
5. Did you participate in any civic or voter education exercise during the 2011 elections? If so which program and how would you rate its impact?
6. How would you describe the capacity of the local NEC office to manage the overall elections process?
7. How would you rate the ability of the Magistrate's Office to conduct civic and voter education?
8. What suggestions would you make to improve the functioning of the Magistrate's office? NEC in general?

U.S. Agency for International Development

1300 Pennsylvania Avenue, NW

Washington, DC 20523

Tel: (202) 712-0000

Fax: (202) 216-3524

www.usaid.gov