

GOVERNANCE

NEWSLETTER

A Publication of The Institute of Economic Affairs

Vol.19 No.6 November/December 2013

STRENGTHENING GHANA'S ELECTORAL SYSTEM: A PRECONDITION FOR STABILITY AND DEVELOPMENT

By
Prof. Mike Oquaye*

Summary

The democratization process in Africa is inextricably interwoven with elections. We elect representatives to govern us because we cannot all rule at the same time. Political party engagement stems from the aggregation of political ideas through political parties so that a meaningful political competition can take place. Hence, to rig an election is to unlawfully appropriate the will of the people

A study of conflict in African States reveals two main causative factors ethnicity and elections. Indeed, the latter often propels the former. The regional elections in Western Nigeria in 1964, for example, triggered political conflict, then ethnic violence and degenerated into the Biafran war. Despite the various political and ethnic issues underscoring conflict in Liberia, electoral rigging catapulted the nation into the civil war carnage. Elections have plunged Cote d'Ivoire, Togo, Benin, Kenya, Zimbabwe etc into war. Africa can only stabilize and deepen democracy through an electoral system which will put results beyond dispute.

**IEA
Ghana**

Governance Newsletter is a bi-monthly publication of The Institute of Economics Affairs, Ghana, an independent public policy institute. This edition is sponsored by The Royal Danish Embassy through DANIDA. Subscriptions to the **Governance Newsletter** are made available to those who make contributions to The IEA. Address all correspondence to:

The Editor, The Institute of Economic Affairs, P. O. Box OS 1936, Accra.
Tel: +233-302 244716 /226333/226359/ 226388, 030 7010713/4. Fax: +233-302 222313.
Email: iea@ieagh.org, Website: www.ieagh.org

ISSN 0855-2452

Introduction

Ghana was at the brink of conflict in the month of December 2008. The NDC complained that it had unveiled a conspiracy between the NPP and the EC to rig the elections. Candidate Prof. Mills warned that Rwanda-style civil war was imminent. Some Ghanaians looked for their passports and sought solace abroad, as many stored food against the expected “war”. Churches and mosques were filled with panic-stricken prayer warriors. After voting, armed NDC youth invaded the EC Head Office and burnt vehicle tyres. War was invoked. Rwanda was rehearsed in the city of Accra. In 2012, the panic scenario was repeated. A foreboding doom clouded the hemisphere again as the prayer warriors congregated for God's intervention.

Electoral reforms are imperative in Ghana, after the Supreme Court judgment on the Presidential Election Petition. Justice Atuguba who held for the Respondents, said, inter alia: “This petition, however, has exposed the need for certain electoral reforms. We mention some of them:

- The Voters' Register must be compiled and made available to the parties as early as possible.
- A supplementary register may cater for late exigencies.
- The caliber of presiding officers must be greatly raised up.
- The pink sheet is too elaborate.
- The Biometric Device System must be streamlined.
- Invalidating wholesale votes for insignificant excess numbers is not the best application of the administrative principle of the proportionality test”.

Justice Jones Dotse who held for the petitioners opined, “the importance of the Statement of Poll and Declaration of Results forms, (pink sheets), has informed me to suggest a number of reforms in our electoral process, including better management of the serial numbers on these pink sheets. It really does

not make sense for the Electoral Commission Chairman, Dr. Afari Gyan to state that it is the printers who generate the numbers on the pink sheets in order for them to keep count of the number of pink sheets they have printed... In order to give validity and raise our elections to a higher pedestal, I think it will not be a bad idea if IPAC and indeed the entire country will consider proposals aimed at legislation to ensure that, security features are enhanced on the pink sheets, to make them identifiable to a particular region, constituency and polling station just as it is with the polling station codes... Situations, such as those recounted by Dr. Afari Gyan about how pink sheets for the December 2012 elections were ordered, printed and distributed are so bizarre that it could have been a recipe for disaster. Urgent steps should therefore be taken to reform the electoral landscape promptly to ensure a clean, fair and a level playing ground.” Other judges made similar remarks. [i]

Former United Nations Secretary-General, Mr. Kofi Annan said the successful adjudication in Court “must not blind us to the flaws in our electoral system that the judicial review has brought to light... All concerned need to work energetically to ensure that these flaws are addressed through the necessary institutional reform.” [ii]

David Kanga, a retired EC Deputy Commissioner, pointed out that what happened in Election 2012 was a “sad one” and emphasized that “this is the time to look at reforms more critically.” [iii]

The challenges which face our electoral system could be tackled by:

- First, strengthening the legal and systemic regime which regulate elections.
- Second, strengthening the EC, its competence, professionalism and integrity so that public expectations will be met and results accepted with little or no acrimony.
- Third, strengthening the players of the multi-party game.
- Fourth, an even playing field for all competitors.

- Fifth, regulating political financing and abuse of incumbency.
- Sixth, effective role of civil society players.
- Seventh, collective role of the ECOWAS, AU and aid donors.
- Eighth, generating a system of trust between government and citizens
- Ninth, broadening the participation of women, youth, minorities and persons with disability.
- Tenth, developing strategies aimed at diminishing winner-takes-all politics.
- Eleventh, strengthening the rule of law regarding election-related controversies.

History of Reforms

The 1992 Elections in Ghana generated stormy controversy which led the New Patriotic Party (NPP) to publish the Stolen Verdict and demand reforms.[iv] In March 1994, an Inter Party Advisory Council (IPAC) was formed to build consensus between the Political Parties and the EC. The following reforms have resulted:

- First, in 1995 the EC discarded the existing register for a new register.
- Second, in 1996, photo ID cards were given to qualified voters in 10 regional capitals and 10 rural communities. In 1995, the EC had a better data base resulting from the reforms. The voter turnout shot up from over 50% turnout in 1992 to over 80% in 1996.
- Third, in the 1996 elections, opaque ballot boxes were replaced with transparent ballot boxes.
- Fourth, in 2000, party agents were allowed to come closer to the EC officials. Earlier they were allowed to “observe” the process from a distance.
- Fifth, in 2004, the EC decided to give all

registered voters black and white ID cards which the EC justified as being easy to scan and difficult to replicate.

- Sixth, the Voters’ Register was developed from a state of raw data to a verifiable document. Party agents have been part of the process.
- Seventh, fresh registration took place in 2004 and all qualified voters were issued with photo ID cards.
- Eighth, training sessions have been organized by the EC for agents of political parties to educate them on the rules and practices of election.
- Ninth, the introduction of optical mark reader (OMR) to enhance the integrity of the electoral system. The scanning of voter data or information is vital in ensuring accuracy in the process of transferring voter details on the register. It also saves time and minimizes cost.
- Tenth, numbered seals for ballot boxes were introduced. Later, political parties were allowed to add their own seals if they wished.
- Eleventh, ballot papers are counted at polling stations and the results declared there.
- Twelveth, political parties are allowed to police ballot papers in printing houses.
- Thirteenth, biometric registration and biometric verification were introduced for the 2012 elections.

Post 2012 Elections Issues and the Need for Reforms:

We now tackle a number of current issues which demand reform.

Voters’ Register

Our research shows that the results declared indicated that the total number of registered voters

for the parliamentary election was 13,628,817. This was the same figure given earlier to the political parties before the election. This figure was clearly understood to cover both parliamentary and presidential since we registered once and for both. However, the moment the final results were pronounced, the EC indicated and gazetted later that the figure for the total registered voters for the presidential election was 14,158,890. This figure had never featured before. Some alleged that the difference of 530,073 had been manufactured in the last minute to give “votes” to Mahama. Notably, by the EC's own declaration, the total votes for Mahama was 5,574,761 and the total for Akufo-Addo was 5,248,898. The difference was 325,863.

While this controversy raged, the EC explained that the difference in the numbers between presidential votes and parliamentary votes was due to overseas registered voters who were registered for presidential voting but not parliamentary voting. Overseas registered voters do not participate in the parliamentary voting because they are not deemed to have constituencies; yet are entitled to vote for the presidential. This is correct in principle. Yet the EC refused to support its assertion with figures until they were ultimately served with Court process. Finally, the EC could only provide 705 registered voters. The simple arithmetical difference of 529,368 “ghost” votes would never have been known, thus fuelling perpetual controversy.

Notably also, by the results declared the NDC Presidential candidate had a total of 5,574,761 votes while the total votes for all the NDC Parliamentary candidates (by which they had majority in Parliament) was 5,127,641 votes. The difference was 447,121 votes and the gap most curious.

It was also shown in court that some of the voter ID numbers supposedly belonging to some of the foreign registered voters could not be found on the general voters' register, that is to say, they were/are fake identities. These fake ID numbers for the multiple names also had a unique pattern. For most of them, the pattern was to add "1" to, or subtract "1"

from, the 5th digit of the ID number and subtract '2' from the last digit. For example:

- a) Abudul-Mumin Bashiru (No. 159 on the list) with voter ID number 1852801842; and
- b) Abdul-Mumin Bashiru (No. 572 on the list), with voter ID number - 1852901840.

For the avoidance of detection, the EC allegedly placed the duplicate names far apart from each other. For instance, one Abdul Bassit Ibrahim was placed 11th on the list, while the second Abdul Bassit Ibrahim was placed 465th on the list. Similarly, while a Paul Yaw Essel was placed at No. 338 another Paul Yaw Essel was at No. 603. To date, no one knows with exactitude the registered voters in Ghana.

Admission by Dr. Afari Gyan and Call for Audit

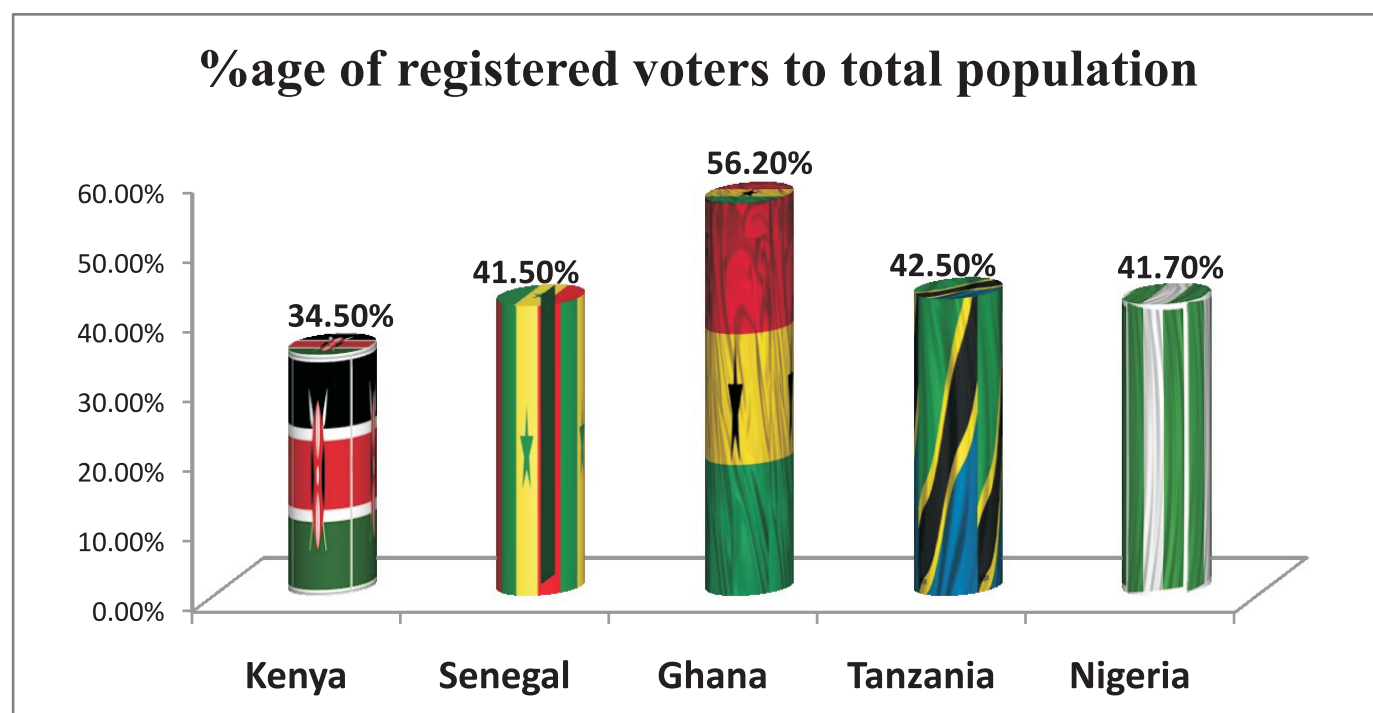
In the words of Dr. Afari Gyan concerning Ghana's 2008 voters' register:

“If our population is indeed 22 million, then perhaps 13 million people on our register would be statistically unacceptable by world standards. If that is the case, then it may mean that there is something wrong with our register.” The EC Chairman appealed thus: *“All of us as Ghanaians, if we think the figure is not realistic, have a collective responsibility to try to clean the register.”*

Such a situation surely undermines confidence and must give way to a better system.

As per Dr. Afari Gyan's own assertions in 2008, a voters' register containing 12,472,758 out of a population of 22 million persons which represents a percentage of 56.69% was statistically unacceptable. That being so, then 56.20% voter population in 2012 is clearly statistically unacceptable. The Table below explains the statistical basis and comparison.

Table A



Nigeria, which has a population of 162,470,737 has a voter population of 67,764,327, representing 41.7%. Kenya, with a population of 41,609,728 has a voter population of 14,362,189 representing 34.50%. Tanzania, with 42.50% and Senegal with 41.50% of registered voters to their total populations are all significantly lower than Ghana's. South Africa boasts of a voter population of 25,390,159 out of a population of some 53 million people, representing 47.9% of the total population.

It is recommended first, that a comprehensive Public Audit be conducted into the current Voters' Register with international participation, as a guarantee to its credibility. Voters' Register audit is common globally. For example, the National Democratic Institute for International Affairs (NDI), in collaboration with the Yemen Electoral Monitoring Network (YEMN), carried out an audit of the voter registration process in Yemen in 2008. [v]

Second, wide publicity and political party participation is required for limited registration.

Third, amendment is proposed to the Public Elections (Registration of Voters) Regulations 2012, CI 72 to ensure that political parties receive copies of the final register of voters based on which the EC

will proceed to organize General Elections at least *21 days* before the conduct of the elections. Presently, CI 72 mandates the furnishing of a copy of the provisional register of voters to political parties but not the final register of voters. The EC must issue an updated copy of the Voters' Register in both soft and hard copies.

Fourth, Regulation 12(6) f, refers to residence of the voter. It is recommended that a person's place of work should be added to the residential address.

Fifth, the register must be broken down into Polling Station, Electoral Area, Constituency and it must be indicated in it, how many people are on each of the sub registers.

Sixth, the EC must permit two (2) representatives of each political party to be present during the following activities:- during AFIS de-duplication of the voter register for each working shift, and be involved in the resolution of adjudication of duplicates and to receive daily reports (electronic files) of proposed duplications, de-duplications and actual clean registers at the close of each day. These representatives must have access to audit trail reports on system access and transaction detail.

Verification

The rule “no verification no vote” means that unless a prospective voter is authenticated by the Biometric Verification Device (BVD), that voter should not be allowed to vote. Of course persons who have physical challenges are put in a special category labeled “Trauma List”. They are known in advance, recorded in the Register and should be allowed to vote. It was regrettable that in Election 2012, certain persons were selectively allowed to vote in certain polling stations without biometric verification whilst in other places, those who failed the biometric verification test were turned away. The Chairman of the EC added to the state of confusion when he said at the Supreme Court that a chief could be allowed to vote without verification because he is well-known in the locality.

We also recommend a back-up mechanism and equipment which allows verification by the eye in case of finger print authentication failure.

Pink Sheets

According to Dr. Afari Gyan, whereas Regulations 26 (2) (2) of CI 75 requires that numbers are printed on every ballot paper, there is no such requirement for the printing of pink sheets. The serial numbers on the pink sheets, according to Dr. Afari Gyan are generated by the printers to enable the EC to keep count of the number produced. He added that the pink sheets are distributed randomly. Justice Adinyira who held for the Respondents, said however, that “the handling of the order of printing of the pink sheets and its random distribution is not the best of administrative decisions”. This expressed wisdom should not fall on deaf ears.

Serial numbers and information gathering must be adequately employed to store and secure all relevant information relating to the poll. This includes the number of ballot papers issued, names of persons who have actually voted, the voter turnout at any specific time of postponement and reasons for the postponement. Legislation should be passed on this.

Before voting commences, a Supplementary Statement of Poll should be provided to record information on the state of affairs.

At the (A) section of the pink sheet, (A3) should read, 'What is the serial number for the Biometric Voting Device (BVD)?'

In the (B) section, (B4) must read, 'What is the total number of people on the trauma list?' This will help resolve controversies regarding voting without verification.

Also in this section, we should insert, 'What are the total voters on the absentee list (special voters) at the voting center?'

At the (C) section, C3 must be deleted and replaced with, 'What is the number of verified voters on the BVD at the close of the poll before counting of votes commences?'

Section C should include the question, 'How many people voted without the use of the BVD machine in this polling station?'

Further, this section (c) should include, 'What is the number of voters recorded by the BVD as having been verified before voting at any point in time and particularly after the close of polls?'

The statement of poll (21A) shall include the name of presiding officer, signature, date and time as it is on form 22A (Declaration of Results form).

The statement of poll in each polling station must have a bar code reading to distinguish its unique features from any other.

Declaration of Results

The political parties have reached a consensus on the following:

- First, copies of the polling station results should be sent to the EC Head Office and copies posted conspicuously at the polling station.
- Second, the polling station results must be delivered to and inspected by Returning

Officers in the parliamentary election. In case of the presidential, this should be forwarded to the EC Chairman who acts as Returning Officer.

- Third, all polling station results should be published.
- Fourth, Constituency Collation Forms should be modified to include information on the names of the Polling Station, Code of the Polling Station. This will help reduce errors of transfer of votes from the Declaration of Results Form.
- Fifth, Constituency Collation Forms should be signed by Returning Officers and Agents of candidates.
- Sixth, Constituency Collation Forms should be in multiples and copies should be given out to Agents of the candidates and one posted conspicuously at the Constituency Collation Centre.

These are publicity measures which bring to public notice, the state of affairs to avoid suspicion and fears of manipulation. [vi]

It is recommended that the EC, by law, makes available to all parties, candidates and their agents, the collation forms for all constituencies in order for them to ascertain whether the collated result constitutes an exact tally of all the results from the various polling stations. Presently, collation forms on which results from all polling stations in a constituency are collated and the winner of an election for a particular constituency determined, are not mandatorily given to representatives of political parties.

The EC should adopt the use of satellite transmission of results to the National Tallying Center pending the receipt of pink sheets from the regions. In this regard, the EC should procure hand held scanners to scan and send all pink sheets to Accra before collation and receipt of hard copies.

After the declaration of results, the Returning Officer at the Constituency Collation Center should

put in the tamper evident envelopes, the original copies of the pink sheets and collation sheets of the presidential election and send same to the National Returning Officer in Accra. The National Returning Officer should then deposit the original copies at the Supreme Court Registry and take a receipt for it. In the case of the challenge of results, this will satisfy the best evidence rule.

Location for keeping electoral material in case of any emergency should be pre-determined and notification given to all relevant parties/persons.

Over-Voting

Over-voting should be unambiguously defined by law. The EC Chairman could not authoritatively define over-voting in Court. He took refuge in a supposed “classical definition”. The Law must define what over-voting is and its consequences.

Over-voting is a phenomenon which undermines the principle of equal and universal adult suffrage of the Ghanaian adult citizen whereby each registered voter, who casts his/her vote in the manner prescribed by the law can only have his/her vote counted once.

Personnel

The composition and the tenure of the EC itself is crucial. Who should appoint? For how long? Should the EC be a collective body? Should the political parties be represented on the Commission? For how long should Commissioners stay in office? Should a powerful permanent bureaucrat be the effectual authority responsible for day-to-day management and operations? Recommendations include:

First, it is opined that the appointment of the top EC officials should be decoupled from the Presidency, wholly or partly. Some models may be cited from other jurisdictions. In the UK the EC chairman and other commissioners are appointed for a four-year term. The Queen (non-political head) makes the appointment upon recommendation from the House of Commons, not the Prime Minister (politician and head of government). Candidates are selected for

appointment by a joint Parliamentary Committee. The Chairman of the EC and other Commissioners may be re-appointed by the same process. It allows constant scrutiny and general acceptance by both sides of Parliament, putting Commissioners on their toes.

In Jamaica, the Prime Minister and the Leader of the Opposition select two (2) commissioners each for appointment by the Governor-General who also adds four (4), totaling eight (8). The eight nominate the Director of Elections who is appointed by the Governor-General.

In South Africa, the process provides for civil society participation and approval by Parliament before the President appoints.

In Sudan, the President appoints subject to two-third majority approval of all MPs. The Sudanese model will help in Ghana. Our system allows one player in a competition to appoint the Umpire without any input from the other side. This is dangerous.

A further view is that the EC Commissioners should be given a fixed tenure, say six (6) years only.

Second, accountability mechanisms must be established to regulate the EC's administrative machinery. The number of errors, acts of omission and commission which the EC Chairman himself admitted in Court as "administrative lapses" cannot be ignored. All positions should be advertised and the Public Service Commission involved. The procurement system should be overhauled.

Third, Returning Officers should be made permanent staff of the EC to strengthen the capacity of those crucial officials on election day.

Fourth, temporary staff play a vital role in all elections globally. Special care should be taken to ensure their capacity, competence and neutrality. Temporary staff should be adequately trained. Vacancies should be advertised. Political party representatives should be allowed to monitor the

process. Registered members of political parties should be ineligible for recruitment. A legal Statutory Declaration must be made in this regard by all applicants. Provision should be made for offenders to be prosecuted and possibly jailed for falsification of particulars.

Fifth, by law the EC should be compelled to hand over suspects to the Police and the Police MUST investigate and prosecute. All Political Parties should have notification of such reports with details of action taken. The media should be informed and Returns made public on all electoral offences/offenders. The Attorney-General should be decoupled by law, from election offences prosecution.

Timetable

It cannot be gainsaid that in the year 2012, the EC engaged in so many activities of legal, constitutional and practical significance that its performance capacity was overstretched. The impact on the actual organization and management of the election was negative in terms of election outcomes. To avoid a repetition, it is recommended that in revising the election law, time frames should be factored into the process opening of registration till results are declared.

Polling Agent

Are Polling Agents mere observers or actual agents whose actions and inactions constitute acceptance of liability by their principals in the usual law of Agency? How can they assume such responsibility when the Chairman of the EC insisted in Court that they could be asked to leave the polling station at any time by the Returning Officer?

- First, it is recommended that the position of Polling Agents should clearly be defined by law and all political parties must nominate more qualified people as Polling Agents in the future.
- Second, the new all-embracing law on Elections must designate and delineate the role of Agents.

- Third, Polling Agents should be part of the general training and education processes to be organized by the EC in collaboration with the NCCE.
- Fourth, their training and election-day allowances and food should be state and donor sponsored. This will be a better way of the state and donors assisting to strengthen the process.
- Fifth, Polling Agents must be allowed to vote as “Special Voters”.
- Sixth, Polling Agents and Counting Agents must be appointed well ahead of elections.
- Seventh, a new training manual must be published for Polling Agents.

The People and Public Education

We should put all our laws which relate to elections, including well codified criminal offences relating to elections, together in one unambiguous law to govern the process. The following are recommended:

- First, intensified public education in English and local languages on electoral processes, laws/regulations, Dos and Dents.
- Second, assurance to the public that all electoral officers are servants not masters.
- Third, that election offences are very grave and punishable.
- Fourth, the public deserve transparency at all stages of the electoral process.
- Fifth, the EC's National Collation Center should be a huge hall to accommodate EC officials, political party representatives and the public.

Abuse of Incumbency and Money Politics

The rise of uncontrolled political finance threatens democracy. Election with integrity is professional, impartial and transparent.[vii] We need a new law on

political party income and expenditure generally and particularly with regard to ceiling on election expenses.

State Funding

It is recommended that the Akosombo 2 Declaration on Enhanced Public Support for Political Parties should be translated into law, particularly the establishment of Political Parties Support Fund (PPSF) which should be managed by a special Committee of the EC.

We also recommend that funding for political parties should not become an instrument for the proliferation of political parties. The party system connotes the aggregation of political viewpoints to present viable and credible alternatives in political contests. Many of the small parties in fact do not qualify to operate as per the requirements of offices in every Region, District and Constituency etc as the Constitution demands. We have three main traditions in Ghanaian politics the Danquah/Busia/Dombo Tradition, the Nkrumah Tradition and the Rawlings Tradition. Politicians cannot quit their parties on the least provocation and form parties to be supported by the State.

Multiplicity of parties confuse the electorate. Some parties cannot afford party agents at elections and their presence on ballot papers have contributed to the spoilage of ballot papers.

Constituencies

A few months before the 2012 Elections, the NDC government created new districts and the EC said it therefore felt compelled to create new constituencies. This added to the pressure on the EC in the last quarter of 2012. The creation of constituencies should be completely decoupled from the creation of districts by law, and any ambiguities removed. There should be a complete review of the number of constituencies in Ghana and a ceiling put on the number of constituencies that can be established.

Studies conducted recently by this writer, reveal manipulation in the creation of districts so that new constituencies could flow therefrom to the political advantage of the NDC. A similar thing happened under NPP. In outdooing the details of increasing the 230 parliamentary seats to 275, the EC stated that the exercise was triggered by the creation of new districts by the Government. This is so because, according to the EC, no constituency can belong to two districts and also, because once districts are created in a number of localities, constituencies must be created out of them.

It is our submission that the creation of several of the new districts constitute an illegality. By law a district had to have a minimum population of 75,000, many did not qualify.

Political representation is essentially the representation of human beings. Considering the 2010 Census, under no circumstances can we have a situation where a region with a population of 4,010,054 (Greater Accra) was given 34 Parliamentary Seats and Eastern Region with population of 2,633,154 was given 33 seats.

The table below is self explanatory.

Table B.

Region	Population	Seats Allocated
Greater Accra	4,010,054	34
Eastern	2,633,154	33
Northern	2,479,461	31
Volta	2,118,252	26
Upper East	1,046,545	15
Upper West	702,110	11
Western	2,376,021	26
Central	2,201,863	23
Ashanti	4,780,380	47
Brong Ahafo	2,310,983	29

Source: 2010 Population Census released in 2012

Table gives the total population in the Region by the 2010 Census and seats allocated via the creation of new District Assemblies by the NDC Government

The disparity in the number of registered voters in Ghana is totally irrational and unacceptable. In the NDC-dominated Northern, Upper West, Upper East and Volta Regions, a constituency could have as low as 17,940 registered voters (Adaklu), 13,274 (Salaga North), 17,177 (Nadowli East). In the Ashanti Region several constituencies are above 90,000. Incidentally, the newly-created Sekyere Afram Plains (won by NDC) has 12,082 registered voters.

In Greater Accra, a wide disparity exist between Dome Kwabenya (125,947), Ledzokuku (126,429), Ablekuma Central (122,009), Ablekuma North (113,496), Dade Kotopon (112,416) etc and Shai Osudoku (40,615), Ada (34,391), Sege (32,519) and Ningo Prampram (51,801) NDC dominated seats.

Adaklu in Volta Region has only 17,940 registered voters.

Salaga North (Northern) has only 13,274 registered voters.

Security

Security at election has plagued the Republic. The general perception is that the Regional and District Security Committees as currently constituted with political operatives chairing them, lack neutrality and professionalism. It is recommended that security should be depoliticized with greater authority and autonomy given to the Ghana Police.

It is ridiculous to have in our Statute Books, Section 46 of Act 284, (Representation of the Peoples Act) that the written consent of the Attorney-General is required before the prosecution of election offences. The Attorney-General is an interested, partisan person!

Adequate training in electoral affairs should be given to the Police generally. Diploma and Certificate courses should be given to a Special Elections Unit of the Ghana Police.

West Africa Electoral Commission and Sub-Regional Voters' Register

We recommend a West Africa Electoral Commission (WAEC) that will be replicated in other sub-regional blocks. The WAEC, operating on similar lines as the West Africa Examinations Council will be the over-arching authority on all elections in West Africa, from registration to declaring of results. It will help reduce cost of biometric and other application as well as the adoption of global best practices. It will help remove from the Register, voters who are registered in more than one country. Research, education, security etc will be collective and further strengthened. It will reduce elections-related conflicts which threaten us all.

Media

A Media Watch Committee is recommended to monitor the reporting of all elections-related issues and ensure accurate information on the process. Special Training Sessions should be held for media personnel attached to elections and paid for from public/donor funds.

Post-Election Audit

Post election scientific analysis should be mandatory by law. Wide discrepancy between presidential votes and total parliamentary votes should be investigated and explained. The large number of spoilt ballot papers should equally be a subject matter of analytical study. In 2008, there were more spoilt ballot papers than the margin needed to win an outright victory by Akufo-Addo. 205,996 votes were rejected representing 2.32 percent of total votes cast. In any case, what causes this spoilage? What pattern can we find by a serious study? Are these spoilages deliberate and criminal acts? A serious scientific study can reveal a lot. A West Africa Electoral Commission should have a Centre for Electoral Studies.

Inter-Party Advisory Committee (IPAC)

IPAC should be backed by legislation and its role defined by law. Furthermore, IPAC should be represented on the EC. The two largest political

parties should each have a representative at the EC who will constantly monitor events at the EC level. The EC is not a secret organization. It exists to openly and transparently conduct public elections.

Election Petitions

First, we should amend the Presidential Elections Act, 1992 (Act 285). The law is totally silent on the grounds on which a petition challenging the validity of the election of a person as president may be brought, the reliefs that may be sought, grounds for annulling/cancelling presidential election result, offences in relation to a presidential election, punishment etc. In several other jurisdictions in Africa and elsewhere, the grounds for challenging the validity of the election of a president are clearly spelt out in an Act of Parliament.

Second, the absence of comprehensive provisions in Act 285, unlike the Representation of the People Law, 1992 (PNDCL 284), which applies solely to parliamentary election challenges, has the tendency to slow down the resolution of a presidential election petition in a court of law.

Third, Article 64 (2) of the Constitution must be amended so that in the course of a presidential election dispute, the person declared winner should not be sworn in ahead of the judgment.

Conclusion

Parliament should enact appropriate legislation and make other institutional arrangements to ensure that monies are provided for the EC timeously to avoid crash programmes and attendant deficiencies. A Political Elections Timeline or Timetable for Elections must be firmly agreed upon by the EC, Political Parties and other stakeholders and backed by legislation.

EC should streamline the procedures for compiling the Transfer, Proxy and Special Voting list.

The IT Division of the EC should be revamped to keep pace with latest developments in the industry and system.

The EC should plan its activities well in advance and publicly. The entire process, developments, stages reached, and what lies ahead at any given time should be publicized.

Continuous education for officials, political parties, and the public at large is imperative. The EC, the National Commission for Civic Education (NCCE), Civil Society Organizations (CSOs) should be involved. The incidence of rejected/spoilt ballot papers should be investigated and redressed through public education and other measures.

We should strengthen the role of the EC as an independent, professional manager of elections.

NOTES AND REFERENCES

[i] Accra, Supreme Court Judgment on the Presidential Election Petition, Akufo-Addo V. Mahama and Others.

[ii] Saturday 31st August 2013 Edition of the Daily Graphic.

[iii] Daily Graphic, 14 October 2013. Report on IEA Workshop on Review of Ghana's Electoral System

[iv] New Patriotic Party, The Stolen Verdict, Accra, 1993. Oquaye, Mike "The Ghanaian Elections of 1992 A Dissenting View", African Affairs, London 1994.

Oquaye, Mike Politics in Ghana 1982-1992, Delhi, Thomson Press, 2004.

[v] See Danquah Institute Press Release on Limited Voter Register Exercise, 29 May 2014

[vi] See Report of the IEA-GPPP Workshop on Electoral Reforms, Accra, 2013, p.8

[vii] Report of the Global Commission on Elections, Democracy and Security 2012. P. 5

* Prof. Mike Oquaye is a Professor of Political Science and a former 2nd Deputy Speaker of Ghana's Parliament.