



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

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

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Introduction

The democratization process in Africa is inextricably interwoven with elections. Elections give meaning to the concept of political representation and the protection of all the rights enshrined in the Universal Declaration of Human Rights and the Constitution of Ghana. 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 steal in 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, was the principal trigger of political conflict which erupted into ethnic violence and which ultimately degenerated into the Biafran war. Despite the various political and ethnic issues underscoring the conflict in Liberia, electoral rigging catapulted the nation into the civil war carnage which disgraced Africa and humanity. Elections have plagued Cote d'Ivoire, Togo, Benin, Kenya, Zimbabwe etc. The notorious phenomenon of “power sharing” can only be perceived as an “ad hoc” apology to a lingering cancer. Ultimately, Africa can only stabilize and deepen democracy through an electoral system which will put results beyond dispute.

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 a Rwanda-style civil war was imminent. Macho men became part of the process as candidates engaged them. Deaths occurred, several people were maimed. 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. As the final results were being awaited, NDC youth armed to the teeth 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 as once again, the prayer warriors congregated for God's intervention.

Integrity of the election process is holistic and refers to a state of completeness from beginning to the end of an electoral cycle. An old adage is often used by election analysts only amateurs steal elections on election day. Hence, the purity of elections must cover all

stages in the process, as well as fundamental institutional and policy choices related to the electoral system, competition and outcomes. [i]

Electoral Reform is akin to continuing education. It has no immediate end, especially in fledgling democracies. The process should be professional, non-partisan and transparent; it must be seen as a true reflection of the people's will by politicians and the citizenry alike.

It cannot be gainsaid that electoral reforms are imperative in Ghana today, after the Supreme Court case and 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, a much simpler one is required to meet the pressures of the public, weariness and lateness of the day at the close of a poll etc. The carbon copying system has to be improved upon.

The Biometric Device System must be streamlined to avoid breakdowns and the stress on the electorate involved in an adjournment of the poll.

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 “that 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. This is not only absurd but also exposes the EC as lacking any control mechanism to really check the actual number of pink sheets delivered to them.There

is the need for the Inter Party Advisory Committee (IPAC) to consider legislation to legitimize the use of serialized pink sheets in just the same way as there are unique polling station codes. Does it not matter that the pink sheets, which form the primary documents upon which election results are declared by the Electoral Commission, are not serialized to prevent their multiple use and abuse as was apparent in some few cases in the December 2012 Presidential elections?... 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”.

The learned Judge continued: “even though the above suggestion is likely to be a strain and an added burden on the EC, it is better to put such a stringent requirement on them, than to live with the type of mess that was created by the lack of control in the printing, marking, distribution and use of the pink sheets. If the pink sheets for now remain the only authentic, valuable and credible document upon which the results are declared, then everything has to be done to ensure their sanctity, credibility and legitimacy. 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 reference to unsatisfactory aspects of the process and recommended extensive electoral reform. [\[ii\]](#)

Former United Nations Secretary-General, Mr. Kofi Annan also called for reforms in Ghana's electoral system to address the flaws that were identified during the hearing of the election petition challenging John Mahama's presidency. He said the fact that the matter has been successfully adjudicated “must not blind us to the flaws in our electoral system that the judicial review has brought to light”. While congratulating both victors and vanquished, he added: “that we were able to resolve this contested result peacefully through our justice system is an encouraging illustration of the progress we have made as a society over the past two decades. Indeed, this transparent and impartial audit of an election by a court sets a precedent for Africa as a whole of which we can be proud. Ghana has once again lived up to its reputation as a beacon of democracy on the continent. This is an achievement in its own right, but also a solid foundation for lasting stability and prosperity. This success 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. We have a bright future to build together, as the Ghanaian people. The future begins today.” [iii]

David Kanga, a retired EC Deputy Commissioner who served over 20 years having stated that Ghana, compared with other African nations has a seasoned electoral process, 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.” [iv]

The challenges which face our electoral system could be tackled by strengthening some clearly identified areas including the following:

- First, strengthening the legal and systemic regime which regulate elections examining, improving upon, and applying legal measures and sanctions which relate to elections and election offences.
- 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 to ensure they have the capacity to meet their obligations. A political competition is as healthy as the players in the process.
- Fourth, an even playing field for all competitors in all departments of the competition.
- Fifth, regulating political financing and abuse of incumbency. Unbridled, undisclosed and dubious political finance undermine the integrity of elections. Financial contributions to politicians can be a substantial gateway to patronage, influence peddling and corruption. It can also lead to vote-purchasing especially among the low-income and deprived.
- Sixth, effective role of civil society players.
- Seventh, collective role of the ECOWAS, AU, aid donors which constantly review commitment of all players and interested parties to the process.

- Eighth, generating a system of trust between government and citizens and among the right minded governments of the international community; adopting standards which are acceptable to professional, competent and non-partisan Election Management Bodies (EMBs); as well as between domestic transnational CSOs; development partners and opposition.
- Ninth, broadening the participation of women, youth, minorities, people with disability etc by removing barriers to participation. Judicious application of quotas will enhance women's participation.
- Tenth, developing strategies aimed at diminishing winner-takes-all politics.
- Eleventh, strengthening the rule of law in order to ensure that political competitors and citizens have redress to all election-related controversies.

History of Reforms

The 1992 Elections in Ghana generated loads of controversy which led the New Patriotic Party (NPP) which lost the Presidential Elections to boycott the ensuing Parliamentary elections and publish the Stolen Verdict to catalogue a number of pitfalls. [v] The NPP called for reforms before it would participate in future elections.

In March 1994, an Inter Party Advisory Council (IPAC) was formed to bring representatives of the political parties together with the aim of building consensus on electoral matters, in partnership with the Electoral Commission (EC). The following reforms have taken place since 1992.

- First, in 1995 the EC discarded the existing register and compiled a totally 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 turn-out 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. The concept is to ensure understanding, uniformity and a level playing field for all.

- 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 minimises cost.
- Tenth, numbered seals for ballot boxes were introduced to build trust and eliminate suspicion. 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. Movements of ballot papers to central counting points are no longer applied.
- Twelveth, political parties are allowed to police ballot papers in printing houses and after.
- Thirteenth, biometric registration and biometric verification were introduced for the 2012 elections.

Post 2012 Elections Issues and the Need for Reforms:

We shall now tackle a number of the issues which arose from the Presidential Election Petition from the Supreme Court so as to suggest certain reforms which if ignored will tragically continue to haunt the Republic.

Voters Register

Ghana's Voters' Register has been a subject matter of controversy to date. In the Supreme Court, matters of concern were raised. Yet the EC announced on 9th May 2014 that it intended to carry out limited voter registration intended to register Ghanaians who have attained age 18 since the last registration in 2012 and also for those who were above 18 at that time, but could not register in 2012.

It is pertinent to ask: While there are problems with the Register, why don't we clean it before further additions? And what is the level of consultation with other stakeholders? Why is the public being taken for granted? When will the EC open up to public confidence-building measures?

The case at the Supreme Court revealed clearly that all is not well with Ghana's register. A case in point was the provision of a different voters' register to the New Patriotic Party, for instance. According to the NPP, the total number of registered voters that the EC furnished the Petitioners' party - the NPP - was fourteen million and thirty-one thousand, six hundred and eighty (14,031,680). Subsequently, it came to the notice of the Petitioners that the EC had on Sunday, 9th December 2012, declared the total number of registered voters as fourteen million, one hundred and fifty eight thousand, eight hundred and ninety (14,158,890). Furthermore, on the same date, the EC posted on its website the total number of registered voters as fourteen million and thirty one thousand, seven hundred and ninety three (14,031,793) showing a clear disparity of one hundred and twenty seven thousand and ninety seven (127,097). The Chairman of the EC, during the trial, could not provide any cogent reason for this discrepancy.

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 nation-wide 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 a process from the Supreme Court compelling the EC to disclose the actual figures for overseas registered voters, who were mainly people serving in missions or peacekeeping duties.

Finally, the EC could only provide 705 registered voters. The simple arithmetical difference of 529,368 “ghost” votes would never have been released or known and would have remained a matter of allegations and counter-allegations, controversy and dispute till today.

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. It is pertinent to wonder how this excess vote of 447,121 was not far removed from the 530,073 that suddenly appeared on the register to cater for the votes of the winner.

Upon further scrutiny of the voters' register, 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 also placed the duplicate names far apart from each other, making their detection difficult. 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.

The Chairman of the EC admitted all of these in court. Till date, Ghanaians have no idea as to what the exact number of registered voters in Ghana is. And yet, the EC wants to go ahead and conduct additional registration, without cleaning the voters' register? This, certainly, does not bode well for future elections in our dear nation.

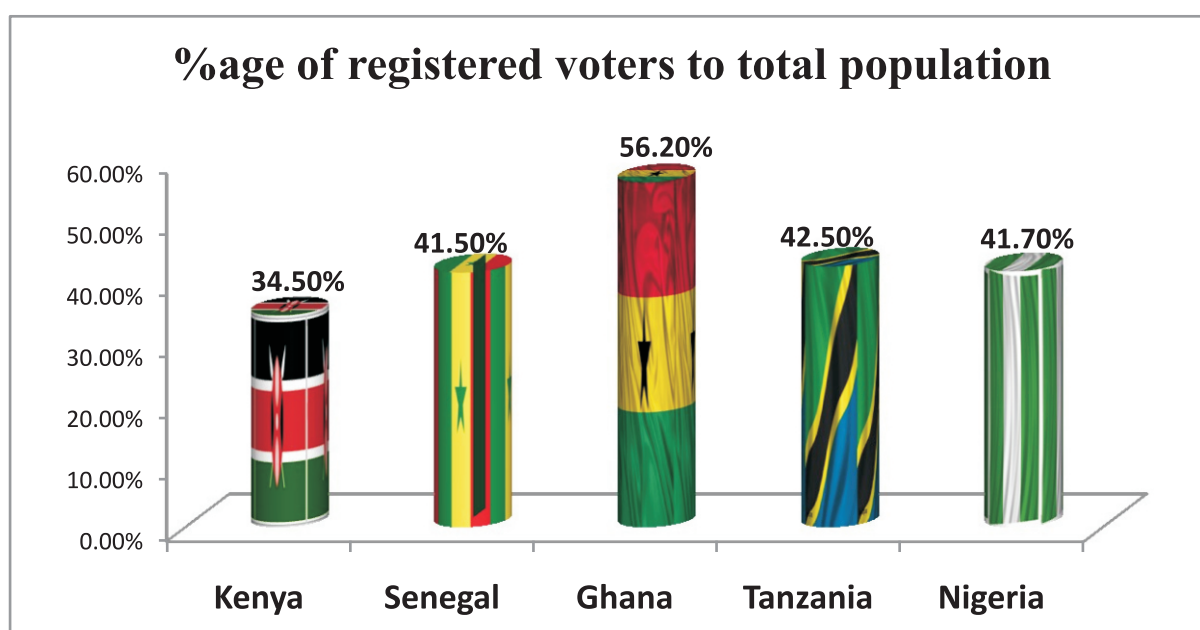
Admission by Dr. Afari Gyan and Call for Audit

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 a 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 that a comprehensive Public Audit should be conducted of the current Voters' Register with international participation, as a guarantee to its credibility. Auditing of voter registration should be of prime interest to the stakeholders of our electoral process. It provides, among other things, the opportunity to understand the processes for establishing/updating voter registers as well as assessing the resulting Voters' Register.

Audits of the voter rolls are a common feature across most parts of the world. 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. The audit was undertaken partly as a result of distrust among the local political parties regarding the impartiality of the electoral commission and partly because of the widespread protests that occurred during the registration process. [vi] Views must be sought from statistical and data experts in an open exercise to put to rest once and for all, every controversy surrounding the Voters' Register.

In the process, it is recommended first, that the issue of “who is a Ghanaian?” should be conclusively resolved. The National Health Insurance Card is not legally designated for Ghanaians only. There are other nationals who hold these cards. But constitutionally, only Ghanaians can be registered as voters. So it is wrong for the EC to use these cards for proof of citizenship to register as the EC proposes to do. The National Identification Authority is yet to resolve the issue. All identification agencies, including the EC should have their isolated efforts combined by law to have viable ID which can be used for voting, National Health Insurance and other allied purposes. Furthermore, no registered voter shall guarantee more than one person. This will cut off the registration contractors. The Voters' Register will then become a continuous, credible process as people are born and reach the age 18. It is scandalous to continue with the unreliable, dubious identity systems and all the attendant problems they create for our electoral and other systems.

Second, Wide publicity and cooperation is required for limited registration. Article 2(3) of CI 72 Public Election (Regulation 2012) should be amended to read as follows “the Commission shall at least 21 working days before the first day of national registration of voters, inform political parties and the general public by publication in the gazette, the radio, television or any other medium of mass communication of a place it designates as registration centre. This shall include overseas 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. In the face of doubtful residential address, place of work address can help trace voters where necessary.

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; i.e.

- a) How many people are on Polling Station register?
- b) How many people are on the Electoral Area register?
- c) How many people are on the Constituency register?

This will allow for easy checks, assist voters to identify their stations to make verification easier.

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 voters' 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 because he is well-known in the locality, if he did not pass the biometric verification test. The argument that in such cases some voters will be disenfranchised does not hold water. Notwithstanding the citizen's right to vote, the process is always subject to rules and regulations. A voter who fails to register cannot visit the polling station and invoke his/her constitutional right to vote. Nor can such voter arrive after the time scheduled for voting and insist on his/her right to vote. Laws must govern every human activity in a civilized society. In fact the Constitution provides that a person wins a presidential election if he/she obtains a total of fifty percent plus one vote of the total VALID votes cast. A vote must be valid per existing laws before it should count.

Furthermore, verification aims at avoiding the mischief of double voting and misrepresentation which can dilute the right to vote of the qualified citizen. It is submitted that the efficiency of the biometric verification equipment should be guaranteed. We also recommend a back-up mechanism and equipment which allows verification by eyes in case of finger print authentication failure.

E-Voting

By this process, voting itself is done biometrically. One school of thought is that it is a logical follow-up to biometric verification. The other viewpoint is that the technical implications of E-Voting are many and we should perfect the use of biometric verification before plunging any further. Nevertheless, in order that the concept will remain on the front burner, the proposed Research Committee on Electoral Reform should invite public views and come out with concrete proposals aimed at completing the biometric process.

Pink Sheets

One big problem at the trial related to serial numbers. It was found as a fact that the EC printed pre-embossed pink sheets in excess, resulting in two-sets or more of pink sheets. Justice Adinyira said: “Instead of distributing one set, the EC unwisely distributed the booklets randomly and hence two sets of pink sheets with the same serial numbers were found at different polling stations”. Of course this should not happen again.

It has become clear that in order to guarantee the security of electoral materials, it is a standing practice of the EC to pre-emboss electoral materials with unique serial numbers. Hence ballot papers, ballot boxes, tamper-proof envelopes, stamps and the pink sheet have pre-embossed serial numbers.

According to Dr. Afari Gyan, whereas Regulation 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. And that the serial numbers have absolutely no relevance to the compilation and declaration of results since polling stations are identified by their unique codes. 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 turn-out at any specific time of postponement and reasons for the postponement.

There should be hard-copy back-up which should be signed by the Presiding Officer and agents of candidates, who should be given copies of all documentation. Legislation should be passed to serialize the pink sheet and also provide for other measures including the following:

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.

All the political parties must initiate measures to ensure the enactment of legislation compelling the embossment and recognition of serial numbers on declaration forms used in the conduct of general elections. Any credible electoral process contains legislation on how to guarantee the security of election materials. The form should be serially arranged, signed and copies given to party agents, with polling station names which must appear. Copies of collation forms should be filled out after the election and must be pasted at the collation center.

Adequate arrangement should be made to ensure that in case voting is interrupted, voting must be continued rather than started afresh. Indeed, the system should be capable of meeting challenges which may arise, such as days of continuous downpour, flood and thunder.

Same Polling Station Code with Different Results

Each polling station is identified by its name and by its polling code. The polling code is unique to each polling station. A bone of contention raised by the petitioners was that where two polling stations bear the same polling station code, it is impossible to establish which of the results is genuine.

The EC explained that the situation where the same polling station code shows different polling station results arises where the same polling station code was used for special voting and regular voting or where the polling station is split due to the large number of voters. Where the polling station is split into two, we have “A” and “B” and marked accordingly. We recommend this doubt should be avoided by very clear demarcation and distinction. [vii]

Declaration of Results

Results have often been declared, then changed later and later declared again and re-declared. It cannot be gainsaid that this is very crucial to the integrity of the process. 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. [viii]

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 EC must officially define what over-voting is in the interpretation section of the CI 75. The legal draftsmen/women should help.

It is recommended that in the appropriate law to be passed, the legal consequence of over-voting must be stated clearly. And that over-voting could amount to a complete annulment of the result of the election at that polling station. However, the voters at a polling station should be given the opportunity to cast their votes again where the result would affect the outcome of either the presidential contest or the parliamentary election as the case may be. The reason for this proposal is that over-voting is a phenomenon, the

occurrence of which undermines the principle of equal and universal adult suffrage of the Ghanaian adult citizen provided by the Constitution, whereby each registered voter, who casts his/her vote in the manner prescribed by the law can only have his/her vote counted once. The protection of this principle by the EC is the bedrock of the constitutional functions the EC is entrusted with.

Personnel

The composition and the tenure of the EC itself has been discussed, with a number of issues and options coming into play. 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?

In the first place, 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. This is recommended for Ghana. We need to build consensus and two-third parliamentary approval is one way of ensuring that the minority is respected. The commissioners preside over a process which affects all. It is just right that what affects all should be approved by all. 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. The rationale is that this will keep the commissioners on their toes. Nevertheless, the counter argument is that the EC has conducted a number of successful elections in Ghana resulting in smooth changes of government and there is no need for a change. Furthermore, there is the need for real security of tenure for the commissioners to function effectively.

Accountability mechanisms must be established to regulate the EC. The administrative machinery of the EC should be overhauled. The number of errors, acts of omission and commission which the EC Chairman himself admitted in Court as “administrative lapses” cannot be ignored. The appointment process should be streamlined and all positions advertised and subject to a clearly defined competitive process. Since the IT system impacts heavily on the process, the staffing situation should be re-examined by the Public Service Commission. All future staff recruitment should be done in collaboration with the Public Service Commission and publicized. The procurement system and process should be overhauled. It is further proposed that in line with the constitutional provision as captured in Article 187 (2) which mandates the Auditor General to audit the accounts of all public institutions including the EC, the accounts of the EC should be audited and reported to Parliament to enhance transparency and accountability.

Returning Officers should be made permanent staff of the EC to strengthen the capacity of those crucial officials on election day. In this connection, the position of Returning Officer should be merged with that of EC District Officer. A deputy may be appointed to strengthen the process permanently. Such officers should have continuing training/education.

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 for at least a three-month period, spread over a year before elections. Like other staff, vacancies should be advertised on local community radio stations and national newspapers, TV and internet, at least two weeks ahead of recruitment. 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.

EC officials have been liable for breaches of the laws governing the process, including the constitutional imperative that Returning Officers should sign the pink sheets. Whether permanent or temporary staff, offenders should be prosecuted.

During the filing of papers for presidential candidates, it was alleged that some EC officials took bribes. No prosecution took place. The EC Chairman himself told this writer of several double registrations that took place when the Biometric Registration exercise was taking place. The culprits were never prosecuted. In certain jurisdictions such as Nigeria and Liberia, the institutions responsible for elections have powers to investigate and prosecute suspects. This writer does not recommend such powers for the EC. By law they should be compelled to hand over all such 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.

Training

Specialized institutions, Think Tanks and Civil Society Organisations (CSO's) should participate in training programmes organized by the EC. Training should occupy a two-year period spread conveniently. Working groups should be encouraged at such training sessions to make the training very practical and sustainable. Dedicated funds should be allocated to the process.

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 Agents

An unresolved controversy which was heralded during the recent Presidential Election Petition Case at the Supreme Court was the role of polling agents. Are they 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?

Dr. Afari Gyan was asked in Court

Q. Sir I am suggesting to you that it is not the business of the polling agents to supervise the work of the election officials but to observe the conduct of the poll?

A. My Lords, I agree that the agent is not supposed to supervise but he plays an active role at the station.

Q&A. Is the polling agent involved in the actual administration of the elections? No

Q&A. Does he/she count votes? No.

Q&A. Does he/she inspect ID cards? No.

Q&A. Can he/she confront anyone directly at the polls? No.

Q. So the presiding officer is in charge of the polling station?

A. Absolutely.

Yet, solicitors for the respondents argued strenuously that petitioners' agents signed the pink sheets and thereby committed their party. Which is which? The judges themselves appeared uncertain.

This controversy must be clearly resolved by legislation before the next election. Agents have in the past been reportedly paid to abandon polling stations and sign blank forms in advance.

- First, it is recommended that 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”. Hence, it is recommended that we amend the Public Elections Regulations, 2012 (C. I. 75) to enable polling agents participate in the special voting in order to ensure the efficient discharge by polling agents of their duties without any constraint on Election Day.
- 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

Lack of the peoples' trust in the election managers is an obtrusive jinx which continues to plague Ghana's democratic strides through the electoral process. Public trust remains jerky and is related to which political party is in power. The fundamental systemic rules need to be reviewed, legislated upon, promulgated and backed by unending public education to remove the blemish attached to the EC.

Elections do not only test the autonomy, impartiality of the moderators of the process, the commitment of the ruling body to fairness, but also the resilience of civil society to sustain free and fair elections. Public confidence is the outcome of this equation. The system grows out of genuine efforts to correct systemic weakness. Confidence-building measures emanate from the capacity and readiness of the EC to address grievances. Constant and timeous responses from the EC in addressing fears, queries and suspicions is recommended. Cooperation of the government and compromises crafted and adopted by political parties in re-engineering the electoral system are vital. This requires knowledge of what political forces were at work on the inception of party politics in 1992 and who the principal protagonists of the system were, the relative power they wielded and the agenda they pursued. What and whose interests did they seek to serve? Were there negotiations with other interested parties, what was the relative strength of these parties and to what extent were their views fed into the process?

In Ghana, members of the EC were initially exported wholesale from the National Commission for Democracy (NCD) staffed with PNDC/NDC loyalists. The initial step was flawed because the military regime was poised to metamorphose into a civilian administration. Suspicion had reigned since then despite NPP victory in 2000. There is the need to re-engineer and put the past behind us.

Public Education

Elections stimulate strong passions in the body politic. Apart from the disappointing conduct of election officials, security personnel and overzealous party followers, ignorance plays a crucial role. The resultant effect of lack of knowledge is that everyone becomes his own interpreter, with resultant chaos.

It is important to put all the revised election laws, rules and regulations in one form and extensive education given thereon. The French became the founders of modern administrative law when they devised the “*Droit Administratif*” to regulate public administration. 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 a process which is at the root of our very existence as a State and people. Elections belong to the public. In the interest of transparency and peace, we should refer ourselves to the old Latin expression *quod omnes tangit ab omnibus approbetur* what concerns all must be approved by all. There should be a national project labeled: “The Public and National Elections”. The aim is to create a new public awareness and participation at all levels of national elections with particular emphasis on the legal regime. The end result will be a new public ownership that will deepen public trust and increase election legitimacy. Elections belong to the people and the old paternalistic approach by the EC should end. In this connection, the following are proposed:

- First, intensified public education in English and local languages on electoral processes, laws/regulations, Dos and Donts.
- Second, assurance to the public that all electoral officers are servants not masters.
- Third, that election offences are very grave offences which relate to the will of the people to decide who should rule over them and that offences should and will be punished. And that it is the duty of citizens to expose all offenders since such people threaten the very security of the nation.
- Fourth, the public deserve transparency at all stages of the electoral process from registration to declaration of results.
- Fifth, the EC's National Collation Center should be a huge hall to accommodate EC officials, political party agents, representatives of Civil Society Organisations,

observers, the media and other interested persons. Regional and District equivalents should be established to allow people know first hand what is happening in Accra. For the benefit of the public, the media should be given all available information to transmit live all results once they are certified at the National Collation Centre.

Abuse of Incumbency and Money Politics

The 1992 Constitution of Ghana demands fairness in political competition. Article 55 guarantees the right of the citizen to engage in competitive politics. It further provides for equal access to state media resources. The rationale is that political parties impact on the whole nation. They are a source of selecting the President, Ministers, MPs etc who become public officers regulated by Article 284 a code of conduct for public officers. Their journey to such responsible positions cannot be started on corrupt practices, lest they corrupt the legitimacy of the entire process.

The rise of uncontrolled political finance threatens democracy everywhere in the world, and robs democracy of its unique strengths - political equality, the empowerment of the disenfranchised, and the ability to manage societal conflict peacefully. Election with integrity has been defined as election that is based on the democratic principles of universal adult suffrage and political equality as reflected in international standards and agreements, and is professional, impartial and transparent. [ix] We need a new law on political party income and expenditure generally and particularly with regard to ceiling on election expenses. This has been done in many democratic nations.

State Funding

It is recommended that the Akosombo 2 Declaration on Enhanced Public Support for political parties should be translated into law. Recommendations include the following:

There is the need and urgency for the establishment of Political Parties Support Fund (PPSF) which should be managed by a special Committee of the EC. Membership of a proposed seven-person Committee include two from the EC (one of whom shall chair) the Accountant General (or representative), the Attorney-General (or representative) and three representatives of political parties one from the ruling party, one from the largest minority party and one other from the other parties.

In order to ensure judicious access to the fund, an allocation formula was developed as follows:

No.	Item	Percentage	Basis for sharing
1	Equity principle	30	Equality
2	Institutional Development (training of staff and party officials, rental of office space, auditing/accounting services, procurement of office equipment)	15	Equality
3	Research/public education (policy research, documentation, library services and outreach)	15	Pro rata
4	Election Campaign cost (for vehicles, public address systems, training of polling agents and their allowances)	25	Pro rata
5	Reward for performance (based on representation in Parliament)	8	Pro rata
6	Women Participation should address two concerns: reward political parties that field women candidates and support female candidates	5	60% pro rata & 40% performance-based as a reward for parties with minimum of 30% of their candidates as women
7	General fund management	2	

Funding arrangements include the following:

i. Sources of funds – the major source of funds will be a seed and annual budgetary contributions by the state, contributions from development and international partners, corporate bodies and individuals.

ii. 5% of the election campaign cost should be set aside for possible presidential run off. Where there is no run off, the money set aside will be added to the following year's general fund allocation.

- iii. Election campaign funds should be accessible not less than six months before general elections.
- iv. The fund will not give additional support to political parties for bye-elections.
- v. Political parties accessing the fund will be held to strict accounting and auditing standards. The cost of accounting and auditing of the political parties will be charged to the PPSF.
- vi. Only political parties can access the Fund.

It is crucial to note two innovations which were adopted by the political parties in 2009.

First, at the commencement of the programme, political parties which contested in the previous elections, should all be supported from such a fund. Thereafter, a party which will benefit from the fund should obtain a minimum of either:

- a) one (1) percent of the total valid votes cast in the preceding presidential election; or
- b) one (1) percent of the total valid votes cast in the parliamentary elections.

It is the further viewpoint of this writer that funding for political parties should not become an instrument for the proliferation of political parties. Ghanaians should learn that the party system connotes the aggregation of political viewpoints to present strong, 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. It is true that we have three main traditions that underpin party politics in Ghana – the Danquah/Busia/Dombo Tradition, the Nkrumah Tradition and the Rawlings Tradition. If individuals come to believe that on the least provocation they can quit their traditions and form their personal parties supported by the State, this will not augur well for our political development.

In the development of the politics of issues, ten parties crowding the hemisphere will confuse our people, especially the illiterates. Some of the parties cannot even bring research to bear on the process, cannot afford party agents at elections and their presence on ballot papers have contributed to the spoilage of ballot papers in our elections. They should be encouraged to amalgamate. Indeed, Ghana needs three viable political parties and at worst with accommodation for one more.

It is recommended that for a political party to qualify for assistance, it should have had at least five (5) percent of the total valid votes cast at the previous election at both the parliamentary and presidential levels; or it should have representation in Parliament at the material time; that is, commencement of the programme.

Third, it should have a history of having had three (3) percent votes in three consecutive parliamentary elections.

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 the overarching 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 out-dooring 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 and also that in the re-alignment exercise, the EC woefully failed to address the problem of equity and fairness to all, by ensuring equal representation.

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

Our analysis shows that, Upper East got 15 seats from 1,046,545 people; Greater Accra has four times more human beings than Upper East. Therefore, $15 \times 4 = \underline{60}$. By this, the EC should have given Greater Accra 60 seats, going by population. By what stretch of imagination can we deprive Greater Accra vis a vis the Upper East of 26 more seats? Is it land size or any other factor?

Next, let us take Upper West. It has 11 seats from 702,110 people. Greater Accra is almost six times by population (actually 5.7 times). If you multiply 11×6 , Accra should have 66 seats. No land size schism or other fathomed factor can justify such inequity.

Regarding the Northern Region, it has 2,479,461 people and was allotted 31 seats. On pro-rata population basis, Greater Accra's seats should be 50 not 34.

In the case of Volta Region, the population of 2,118,252 has 26 seats. Taking that factor, it warrants 49 seats for Greater Accra.

The EC informed Parliament and the public that it had done a weighting on the basis of 9 to population and 1 to land size. But first, it took into consideration constituencies which MUST be created by the creation of new districts by the government. This is problematic. First, the creation of many districts are fallacious in law since many are disqualified by the legal requirement in terms of population. Second, no law mandates the creation of new constituencies for new districts.

The creation of new districts in less than six months to elections was misguided. No government should have the power to do so in future. Whereas there is a population qualification mandated by law (Local Government Act, 1993 Act 462), the law should have been applied.

Act 462 Section 1 (4) provides as follows:

(4) The Electoral Commission shall, before making recommendations to the President under subsection (3), consider factors including

- (a) in the case of
 - (i) a district, that there is a minimum population of seventy- five thousand people;
 - (ii) a municipality, that the geographical area consists of a single compact settlement and that there is a minimum of ninety-five thousand people;
 - (iii) a metropolis, that there is a minimum of two hundred and fifty thousand people; and
- (b) the geographical contiguity and economic viability of the area, namely, the ability of an area to provide the basic infrastructural and any other developmental needs from the monetary and any other resources generated in the area.

Only the contiguity element was amended in 2012. Notably, a minimum population of 75,000 is required to create a district. 46 new districts were created by the NDC government. The census results showed clearly that at least 25 of the existing districts which were divided could not qualify as districts in terms of the minimum population required by law.

The details are as follows:

Northern Region

- 1) West Gonja (population of 84,727) was divided into West Gonja and North Gonja. The two could not hold.
- 2) Zabzugu Tatala; (123,854) was divided into Zabzugu and Tatala.
- 3) Tolon-Kumbungu (112,331) was divided into Tolon and Kumbungu
- 4) Yendi Municipality (199,592) was divided into Yendi Municipality and Mion district. When the entire municipality of Yendi remains, Mion district which is left is about 40,000 and cannot form a district.

Upper East Region

- 5) Talensi Nabdam (115,020) was divided into Talensi district and Nabdam district.
- 6) Bawku Municipality (217,791) became Bawku Municipality, Binduri district and Pusiga district. Bawku took the chunk. But if you qualify Bawku as a municipality and allocate 95,000 to it, the remaining 122,000 cannot qualify as two districts. The two districts become an illegality.

- 7) Lawra district (100,929) was divided into Lawra district and Nabdam district. At least one did not qualify.

Volta Region

- 8) Adaklu Anyigba district (64,404) was divided into Adaklu district and Avetime district. In fact Adaklu Anyigba even as it stood, did not qualify as a district and the two districts should be expunged
- 9) Krachi-West (122,105) was divided into Krachi-West and Krachi Ntsumuru. Two districts cannot hold.
- 10) Akatsi (128,461) was divided into Akatsi North and Akatsi South.
- 11) North Tongu (149,188) was divided into North Tongu and South Tongu.
- 12) North Dayi (93,649) was divided into Kpando Municipal and North Dayi. The entire population did not qualify the area for even one. But they were given both a municipality and a district.

Whereas seven districts were divided to create more constituencies in the Volta Region, only two qualified to be so divided Hohoe and Ho. The rest constituted sheer illegality and the political gerrymandering emanating from a presidential bait, which the EC fully swallowed.

Brong Ahafo Region

- 13) Sene (118,810) divided into Sene West and Sene East.
- 14) Tain (108,386) divided into Tain and Banda.
- 15) Dormaa Municipality (159,789) divided into Dormaa Municipality and Dormaa West Assembly. If you take 95,000 minimum for the municipality, the remaining 64,789 cannot support a District Assembly.

Western Region

- 16) Amenfi West (161,166) divided into Amenfi West and Amenfi Central. But you have to show an appropriate equal mathematical division. Otherwise one will fail, e.g. 80,000 and 71,166.
- 17) Mpohor Wassa East (123,996) divided into Wassa East and Mpohor.
- 18) Juaboso (111,749) divided into Juaboso and Bodi.
- 19) Bia (116,332) became Bia West and Bia East.
- 20) Aowin Suaman (138,415) became Aowin and Suaman

Eastern

- 21) Akwapim South Municipality (123,501). Divided into Nsawam Adoagyiri and Akwapim South. The two cannot hold. The municipality alone takes a minimum of 95,000.

Ashanti Region

- 22) Asante Akim North municipality (140,694) was divided into Asante Akim Central municipality and Asante Akim North Municipality.
- 23) Sekyere Afram Plains (93,937) was divided into Sekyere and Afram Plains.

Greater Accra Region

- 24) Dangbe East (130,795) divided into Ada East and Ada West.
- 25) Dangbe West (122,836) divided into Shai Osudoku and Ningo Prampram

The disparity in the number of registered voters in Ghana is totally irrational and unacceptable. Table C below is self evident. 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.

TABLE C:

GREATER ACCRA REGION		
NO.	CONSTITUENCY	REGISTERED VOTERS
1	Ledzokuku	126,429
2	Dome-Kwabenya	125,947
3	Ashaiman	125,358
4	Ablekuma Central	122,009
5	Ablekuma North	113,496
6	Dade Kotopon	112,416
7	Madina	105,737
8	Anyaa Sowutuom	105,147
9	Tema West	103,964
10	Shai-Osudoku	40,615

11	Ada	34,391
12	Sege	31,519
13	Ningo Prampram	51,801
ASHANTI REGION		
1	Oforikrom	109,597
2	Kwabre East	95,424
3	Asawase	94,813
4	Suame	90,305
42	Bosome Freho	29,888
43	Afigya Kwabre North	29,575
44	Fomena	24,012
45	Ahafo Ano South East	22,859
46	Akrofoom	22,010
47	Sekyere Afram Plains	12,082
BRONG-AHAFO REGION		
1	Techiman South	94,336
2	Dormaa East	29,226
3	Pru West	25,955
4	Sene West	25,899
5	Nkoranza North	25,676
6	Berekum West	22,757
7	Sene East	20,265
8	Dormaa West	19,417
9	Banda Ahenkro	13,439
WESTERN REGION		
1	Prestea-Huni Valley	100,914
2	Tarkwa-Nsuaem	98,748
3	Bia East	27,813
4	Mpohor	23,301
5	Suaman	20,891
CENTRAL REGION		
1	Komenda/Edina/Eguafo/Abrem	77,232
2	Mfansteman	79,869
3	Gomoa West	66,515
4	Gomoa East	36,633
5	Hemang Lower Denkyira	33,312
6	Upper Denkyira West	34,639
EASTERN REGION		
1	Fanteakwa North	29,770
2	Achiase	28,554
3	Atiwa East	28,231
4	Atiwa West	27,485
5	Fanteakwa South	24,363
6	Akim Swedru	19,035
VOLTA REGION		
1	Ketu South	126,659
2	Krachi Nchumuru	28,957

3	South Dayi	26,640
4	Agotime-Ziope	26,450
5	North Dayi	24,162
6	Krachi-West	22,768
7	Akatsi North	18,800
8	Adaklu	17,940
UPPER WEST REGION		
1	Sissala West	27,085
2	Lawra	25,327
3	Nandom	24,236
4	Lambussie	20,571
5	Nadowli East (Daffiama)	17,177
UPPER EAST REGION		
1	Builsa North	27,730
2	Garu	27,507
3	Nabdam	18,940
4	Bolga East	17,883
5	Builsa South	16,757
NORTHERN REGION		
1	Tamale South	91,380
2	Tatale	27,108
3	Chereponi	26,844
4	Nanton	22,190
5	Damango	21,142
6	Daboya	20,396
7	Yagaba-Kubori	20,298
8	Yunyoo	19,119
9	Salaga North	13,274

We insist that no geographical land mass argument can justify this contortion in population terms. We should not live with an injustice where 126,429 registered voters (Ledzokuku) make one constituency and 12,082 (Sekyere Afram Plains) make another. The unexamined life is not worth living.

Presently, the new assemblies have created a further burden for government and District Assembly funds are not forthcoming. District Assemblies are destitute and helpless. So what were additional DAs created for? Simply for some ad hoc political advantage? Nations built on such porous premises cannot stand the test of time. The EC as a constitutional body should together with an independent commission, demarcate all assemblies and constituencies on clearly established criteria.

Security

Security at election has plagued the Republic. Whatever party is in office, its operatives including ministers, DCEs etc have been accused of intimidation, high-handedness, and abuse of incumbency. The general perception is that the Regional and District Security Committees as currently constituted with political operatives chairing them, lack the neutrality, capacity and professionalism to deal with electoral offences. It is recommended that security should be depoliticized. Our national Constitution and Criminal Law should be amended to strengthen the Ghana Police generally. Furthermore, the Ghana Police should be given exclusive responsibility over security and mandatory prosecution of all electoral offences. In other words, all election offences should be prosecuted. It should be re-echoed that the Attorney-General's exclusive power over public prosecution and the filing of nolle prosequi should be re-examined if electoral justice should be attained in Ghana.

It is ridiculous to have in our Statute Books, Section 46 of Act 284, where it is provided under the Representation of the Peoples Act that the written consent of the Attorney-General is required before the prosecution of persons accused of election offences. Why are we so funny? The Attorney-General is an interested, partisan person!

It is further proposed that adequate training in electoral affairs should be given to the police generally, and further diploma and certificate courses given to a Special Elections Unit of the Ghana Police. This is a challenge to our governance institutions.

Election Monitoring

The view is sometimes expressed that Ghana's democracy has reached maturation and there is therefore, no need for election monitoring. This is wrong. There is the need for the presence of both foreign and local observers to ensure the integrity of the process, reduce tension, fear and suspicion. They contribute to public acceptance of election results.

Certain recommendations are necessary to improve upon the system.

- First, election observation should not concentrate on Voting Day casting the ballot, counting of votes and declaration of results. There is the need for foreign and domestic observers to cover the entire chain of election management from the beginning to the end. These include preparation of the voters register; the

campaign process which include abuse of incumbency, media coverage which may impugn on “free and equal access” to all political parties and integrity of the entire process which hangs on complying with the laws and rules which regulate the elections. Donors must change their election funding strategy which is essentially a boom and bust approach huge amounts are spent close to elections and a little spent before or after. A systematic sustainability approach is recommended.

- Second, there is the need for better cooperation between foreign and local observers to ensure sustainability. Donors must help build capacity of local citizens to monitor, report and assess their own elections. This will ensure sustainability.
- Third, an over-arching trans-national body has been suggested. A team led by Kofi Annan which carried out a global study on improving the integrity of elections worldwide recommended the creation of a new civil society organization called Electoral Integrity International that is dedicated to bringing global attention to countries that succeed or fail to organize elections with integrity. They argued that as at 2010, there was no transnational organization dedicated to bringing global attention to countries that succeed or fail to organize elections with integrity.
- Fourth, this writer recommends 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 any 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 and all the problems attendant to it. Research, education, security etc will be collective and further strengthened. It will reduce election-related conflicts which threaten us all.

Media

The role of the media should be fully recognized and legalized. In any future legislation upon political party funding the media should be recognized and duly funded. The media constitutes the ears and eyes of the people during elections. By their broadcast, the citizen

at home or at work is made aware of events covering the elections. It was tragic that during 2012 elections, the media were excluded from the category of Special Voters, despite such recognition in previous years. In the proposed law governing elections, comprehensive legislation should be passed to guarantee the media's right to vote as Special Voters and have full liberty to monitor and report on elections on voting day.

A Media Watch Committee is recommended to monitor the reporting of all elections-related issues. This will ensure accurate information on the entire process and a confidence building mechanism. Several benefits will accrue improved working relationship between the EC and political parties, enhanced transparency in operations and the peace of the nation.

In addition, Special Training Sessions should be held for media personnel attached to elections and paid for from public/donor funds. There is the need to update the aspect of the media specializing on elections on the various processes and procedures adopted by the EC and the underlying rationale. This will ensure that reporting is accurate and also that nothing is hidden or veiled. Certificate and diploma courses should be arranged as part of the process. We should, as a nation, develop journalists in specialized areas and Election Studies should be introduced accordingly.

The poll media's role in the electoral process should extend to comprehensive exposure to the use of technology by the EC. This will go a long way to assure the public that cyber fraud will not endanger the process. In 2012, General Obasanjo had to intervene in an ugly incident arising from suspicion that an unknown private company was employing ICT to cheat in the elections. Incidentally, the EC initially denied that any such company was working with them. In the end, it turned out the company was actually working for the EC. If the media knew the truth from the beginning it would have helped.

Notably, the EC has installed a LAN (Local Area Network) at its Head Office to link all the over 100 computers on its premise and a WAN (Wide Area Network) to link its regional and district offices. These and other systems should receive adequate media exposure and understanding.

Constant Continuing Studies

We should continue to systematically study all nagging issues relating to our elections. The unexamined life is not worth living. 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 some spoilage deliberate and criminal acts? A serious scientific study can reveal a lot.

Rule of Law and Court

Law should be understood and accepted by all as the regulator of human activity and conduct in the civilized society. The legal system and the courts should be strengthened and made part and parcel of the entire electoral process. Our registration exercises and our elections have been far more suspect and violent than we care to admit. Events at Agbogbloshie, Chorkor, Akwatia, Chereponi etc depict how people act with impunity because they feel their parties in government would support them. Recently the Attorney-General categorically refused to prosecute an NDC official who drove through an NPP crowd, maimed and killed with impunity. All laws relating to elections must be revised and made part of the new “Elections Offences Act”. Indeed, the Elections Courts must be open on election day. Strong, independent courts are imperative to protect the rights of all voters, to enforce the laws pertaining from registration, voting, counting and declaration of results without fear or favour. Further training should be organized for judges.

Mechanisms must exist for the police to investigate elections complaints and prosecute with dispatch. Tardiness and lack of transparency in handling election complaints increase fear, suspicion, rumor peddling and ultimate violence.

Inter-Party Advisory Committee (IPAC)

The IPAC has been at the centre of electoral reform in Ghana since 1993, as an association of political parties in Ghana, working along with the EC. Its role is consultative and advisory and has no legal backing. 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. The closer the political parties get to the EC, the better for all of us.

There is the need for the formation of Regional Inter Party Advisory Committees. In every region, a representative from each party with a representation in Parliament would constitute a team with the responsibility of monitoring the activities of the regional EC. Furthermore, we need to have district Inter Party Advisory Committees. In each district, a representative from each party with a representation in Parliament would constitute a team to work with and monitor the activities of the district EC.

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 results, 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 (PNDC Law 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, there must be an amendment of section 46 of Act 284, Representation of Peoples Act, which requires the written consent of the Attorney-General before election-related crimes could be prosecuted, to allow the police to carry out prosecution of all election-related violence.
- Fourth, 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.

Countervailing Authority

Elections in Ghana have become acrimonious partly because of fierce battle to capture the essential prize in politics – the Presidency. The political terrain in Ghana is patently underscored by Executive dominance resulting in acrimonious battles to capture this ultimate prize. Hence, a cry against “winner-takes-all”, a quest for a “power-sharing” or proportional representation to ensure all-inclusiveness and diminish unbridled partisanship. While recognizing these alternatives, we take the viewpoint that the essence of our malady is presidential autocracy. The recommendation is that we should recognize, provide for and guarantee the role, power and authority of other institutions and bodies as a power-sharing mechanism.

The establishment of countervailing authority will through constitutional engineering go a long way in ameliorating the “winner-takes-all” phenomenon. Recommendations for policy review include: ending the hybrid system and strengthening the authority of Parliament; establishing a large and powerful and independent Council of State to check the application of power in any form – Executive, Legislative, Administrative etc; strong, autonomous, viable, elected, well resourced and effective decentralized authorities; strong and independent State institutions at all levels including Judiciary, CHRAJ, Lands Commission etc.

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 Time Table for Elections must be firmly agreed upon by the EC, Political Parties and other stakeholders and backed by legislation. This will avoid some of the ad hoc measures and pronouncements which create confusion and distrust in the process.

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 Organisations (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] Report of the Global Commission on Elections, Democracy and Security 2012.
- [ii] Accra, Supreme Court Judgment on the Presidential Election Petition, Akufo-Addo V. Mahama and Others.
- [iii] Saturday 31st August 2013 Edition of the Daily Graphic.
- [iv] Daily Graphic, 14 October 2013. Report on IEA Workshop on Review of Ghana's Electoral System
- [v] 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.
- [vi] See Danquah Institute Press Release on Limited Voter Register Exercise, 29 May 2014
- [vii] This part of the presentation has been leaned on presentations of the NPP IPAC Team made to the EC led by Mr. Mac Manu.
- [viii] See Report of the IEA-GPPP Workshop on Electoral Reforms, Accra, 2013, p.8
- [ix] Report of the Global Commission on Elections, Democracy and Security 2012. p.5
- [x] The details of this concept have been discussed in the IEA Monograph No. 35 titled: “Addressing the Imbalance of Power between the Arms of Government Search for Countervailing Authority” Accra, Institute of Economic Affairs, I.E.A., June 2012.



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