



Effects of Constituency Population Disparities on Electoral Representation in Ghana

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By
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Abstract:

This paper investigates the impact of population disparities on representation and electoral outcomes in Ghana. The study highlights how such imbalances may affect democratic representation and policymaking and proposes several solutions to address these anomalies with insights from other countries. Through empirical data analysis, the paper shows that electoral constituency malapportionment can significantly affect the representation of certain groups and parties' share of parliamentary seats. This paper's findings add to the understanding of Ghana's electoral politics and provide policy recommendations relevant to emerging democracies. Overall, this paper contributes to the ongoing debate on the importance of representation in democratic societies and offers practical solutions to improve electoral representation and outcomes in Ghana and other emerging democracies.

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Executive Summary

Subject to a few exceptions, Article 47 of the 1992 Constitution requires all constituencies to have nearly equal populations. However, significant population disparities persist among the various constituencies in Ghana. The population of some constituencies are about fourteen times the size of others. This discrepancy undermines the principle of one person, one vote and equal representation in parliament. The root of this lies in the conventional practice of creating constituencies based on local government administrative boundaries.

The problem of population disparities among the various constituencies is compounded by the distribution of powers concerning the creation of districts and constituencies. The 1992 Constitution grants the Executive the authority to create districts, while the responsibility to create and re-demarcate constituencies lies with the Electoral Commission (EC). However, the procedures and criteria for creating districts were not specified by the Constitution. This gap has been addressed by the Local Government Act, 1993 (Act 462) and its subsequent revisions, including the Local Government (Amendment) Act, 2016 (Act 936). Notably, certain provisions within these Acts are inconsistent with the Constitution and require reform.

The Local Government Act stipulates that the President may, by Executive Instrument, declare any area in Ghana as a district. It also empowers the EC to advise the President when creating new districts. The Act designates Members of Parliament (MPs) as ex-officio members of District Assemblies and bars them from being members of more than one District Assembly. Consequently, a constituency boundary cannot cross a district boundary, and new constituencies must be created within newly established districts. Failure to do so violates the Act. This situation is problematic as it violates the Constitution, compromises the EC's independence, and encourages Executive gerrymandering.

Article 47(5) of the 1992 Constitution mandates the EC to review constituencies at intervals of no less than seven years, or within twelve months after the publication of the census report, whichever is earlier. This ensures that each constituency has a population nearly equal to the population quota (total population divided by total legislative seats).

It is reasonable to state that the EC's constitutional obligation necessitates that Act 936 and its predecessors require the EC to advise the President on the creation of districts,

particularly concerning population thresholds. This requirement has been consistently maintained by Act 462 (1993), Act 936 (2016), and the intervening legislations. This compliance aims to meet the constitutional mandate that each constituency's population is nearly equal.

A pertinent question arises: why do some constituencies have significantly larger populations than others? For instance, the population of Kpone-Katamanso Constituency (417,334) in Greater Accra is approximately fifteen times that of Banda Ahenkro (28,179) according to the 2021 Census. This disparity means that an MP representing a constituency of about 28,179 people has a voter base over fourteen times smaller than one representing over 400,000 people. Consequently, a constituency with 28,179 people is overrepresented, while one with 417,334 people is underrepresented. Population imbalances among constituencies can significantly affect the fairness of election outcomes, democratic representation, and public policy (e.g. the \$1-million-USD per Constituency is an affront to social justice). These anomalies must be addressed as they seriously undermine democratic representation social justice.

In its current form, Act 936 does not only compromise the EC's independence and encourages Executive gerrymandering, but it also limits the EC's role in creating and re-demarcating constituencies. The Act technically and effectively assigns this responsibility to the President. Under Act 936, the EC can only convert districts created by the President into constituencies or split larger ones, but it cannot undertake comprehensive re-demarcation following best practices from other countries. To address these anomalies, the paper proposes the following recommendations.

Policy Recommendations:

1. ***Establish a Constituency Cap:*** Limit the number of constituencies in Ghana to a maximum of 276.
2. ***Reform and Align Legislation with the Constitution:*** Amend the Local Government Act to ensure it is consistent with the Constitution.
3. ***Adhere to Constitutional Reviews:*** Enforce strict compliance with the constitutional mandate for periodic reviews of constituency boundaries.
4. ***Prevent Constituency Splitting:*** Prohibit the division of larger constituencies to prevent undue pressure on the EC from MPs seeking to split their constituencies.
5. ***Ensure Population Parity:*** Use the constitutional requirement for population parity as the primary criterion for re-demarcation.

Address Population Disparities: The EC should take decisive action to rectify existing population imbalances among constituencies.

Introduction

The 1992 Constitution of Ghana, like that of many other countries, requires all constituencies¹ to be nearly equal in population without significant disparities. That is, each constituency is expected to be equivalent in population per the most recent census to guarantee the principle of equal representation in voting. Hence, population parity is a constitutional requirement for the creation of constituencies to guarantee the equal rights of citizens which is one person, one vote (Handley, 2018; Smith, 2011).

Unfortunately, there are significant population disparities among the existing constituencies in Ghana. For instance, the population of Kpone-Katamanso Constituency (417,334) in Greater Accra is about fifteen times that of Banda Ahenkro (28,179) per the 2021 Census. This defeats the constitutional requirement of population parity which expresses the principle of equal representation in voting and the principle of equality of votes (one person, one vote). Where there are significant disparities in population among constituencies, it creates discrepancies and makes some constituencies overrepresented and others underrepresented. In this way, the votes of the overrepresented constituencies (constituencies with fewer populations) will weigh more than those of the underrepresented constituencies (constituencies with higher populations). For instance, the weight of a vote from a constituency with 50,000 population is five times that of a vote from a constituency with a population of 250,000 (1:5) (Duchin and Schoenbach, 2023; Handley, 2018; Smith, 2011). This breaches the principle of equal representation in voting because it makes the votes of some citizens count more than others. This can tilt policy in favour of overrepresented constituencies.

¹ A constituency, an electoral constituency, electoral district, or parliamentary district are all geographic areas that are represented by a single elected official or a set of elected officials. These terms are often used interchangeably and may vary based on different countries' electoral systems. In some countries, the term "electoral constituency" may be used more commonly, while in others "constituency" or "electoral district" or "parliamentary district" may be the preferred terminology.

In practical terms, there may not be a significant difference among these terms. However, in some electoral systems, there can be subtle distinctions. For example, an electoral constituency may refer to an area from which a single representative is elected to a specific legislative body, while an electoral district could encompass multiple constituencies that elect several representatives.

In summary, while the terms are often used interchangeably, there may be nuanced differences based on the specific electoral system and the country in question.

In Ghana, this anomaly has resulted from the convention of creating constituencies from local government administrative boundaries. Local government administrative boundaries are created to bring the government closer to the people where population size is not the central focus (Bening, 2012; IMANI, 2018; Smith 2011). On the other hand, population size is the central focus in the creation of constituencies to express the principle of equal representation in voting. The principle of one person, one vote is not only in terms of voting rights but also in terms of the value of the vote. For example, if two constituencies of the same country with similar population size elect a representative each to the national parliament, the value of each person's vote in both constituencies will be nearly equal. However, if the citizens in one constituency are about five times the other's population size as it is the case in the above example, then, the value of their votes will not be the same.

In Ghana, the practice of creating constituencies from district assemblies'² boundaries has inadvertently made some citizens' votes count more than others. This is because in creating constituencies, the Electoral Commission (EC) works with at least two legal documents and synthesizes them in such a way that would avoid distortions as much as possible. These documents are the 1992 Constitution and the Local Government Act, 1993 (Act 462) with its various revisions (the latest is Act, 2016 (Act 936)).

Article 47 of the 1992 Constitution of Ghana mandates the EC to divide the country into single-member constituencies to elect MPs where each constituency is represented by one MP. It also directs that no constituency shall fall within more than one region and that each constituency shall as much as possible have an equal population. The EC is to consider means of communication, geographical features, population density, regions' boundaries, and other administrative or traditional areas. In this case, some constituencies might be relatively larger or smaller than others without significant variations to defeat the principle of equal representation in voting. Consequently, the Constitution mandates the EC to review constituency boundaries within seven years, or twelve months after the publication of the census, whichever is earlier, to maintain a reasonable balance of citizens living in each constituency.

According to (Act 936) (the other legal document the EC works with in creating constituencies), no person shall be a member of more than one District Assembly at any

² A district assembly is the governing body responsible for the administration and development of a district. It is composed of elected representatives and is tasked with making decisions on local issues, implementing policies, and managing resources within the district.

time. The Act makes MPs ex-officio members of the District Assemblies and debars a person from being a member of more than one District Assembly at any one time. Since no person can be a member of more than one District Assembly at any one time, logically no constituency can fall within two District Assemblies. Thus, although not expressly stated by the Constitution, a constituency cannot be divided by a district boundary. That is, no constituency can fall within more than one district³. This is the logic that the two legal documents that the EC works with to create constituencies espouse. It is this conundrum that the EC faces that makes it difficult for it to comply with the constitutional requirement that all constituencies must have nearly equal populations. The method the EC has adopted in re-demarcating constituencies within the Fourth Republic is to assign at least one district to one constituency which has been criticized as arbitrary (Smith, 2011) and problematic (Bening, 2012).

Research Objectives

This paper seeks to examine the effects of constituency population disparities on electoral representation in Ghana. This will entail an in-depth analysis of electoral and census data to identify disparities in constituency size and their potential impact on democratic representation and governance. The objective is to establish empirical evidence of how population differences can result in unequal parliamentary representation, subsequently affecting policy formulation and resource allocation. By leveraging insights from other countries, the research seeks to devise practical solutions specifically tailored to the Ghanaian context. These recommendations aim to contribute to the ongoing discourse on the significance of representation in democratic societies and to provide actionable strategies for enhancing electoral representation and outcomes in Ghana, with implications for other evolving democracies.

The paper is structured as follows: The first section provides an overview of the history of constituency creation since independence. The second section examines the current population distribution among constituencies in Ghana. Section three focuses on the impact of constituency population disparities on electoral outcomes and representation. The fourth section delves into past attempts to address constituency population disparities within Ghana's Fourth Republic. Section five discusses similar issues and their solutions in other countries. Finally, the last section provides the conclusion of the paper and offers policy recommendations.

³ A district is a specific geographic area within a country defined for administrative purposes. It can include multiple towns, villages, or cities. Districts are typically the basic units of local government administration.

Methodology

This study uses both qualitative and quantitative research methods to analyse population disparities across different constituencies in Ghana. It draws data from the Ghana Statistical Services' Population and Housing Census Reports for 2000, 2010, and 2021, as well as the EC's elections dataset. The census and electoral data are analysed using Excel and Google Sheets. Additionally, information from published books, research monographs, peer-reviewed journal articles, press statements, and newspaper articles is incorporated to provide context and a deeper understanding of electoral representation issues. The study aims to analyse the relationship between constituency population disparities and electoral representation in Ghana and draw conclusions and recommendations based on its findings.

The History of Constituency Creation in Ghana since Independence

This section looks at the number of constituencies prescribed by the various constitutions since Ghana's independence and looks at whether the constitution sets an upper limit or not. Second, it considers the body responsible for creating constituencies and the basis for their creation. Third, it discusses how these have contributed to the present population disparities among the various constituencies in Ghana.

The creation of constituencies in Ghana dates back to the 1950s and was guided by the various Constitutions. The 1957 Independence Constitution stipulates that the National Assembly shall consist of a Speaker and not less than 104 MPs and shall not exceed 130 MPs. Thus, the 1957 Constitution sets a minimum and maximum number of constituencies.

The 1960 Constitution, the Republican Constitution of Ghana, indicates that the National Assembly shall consist of a Speaker and not less than 104 Members but provides no ceiling. That is, the 1960 Constitution sets a minimum but no maximum number of constituencies to be created (Asare, 2012; Bening, 2012). The 1969 Constitution, the Second Republican Constitution, provided that the National Assembly shall consist of not less than 140 and not more than 150 elected members (Asare, 2012). Thus, like the 1957 Constitution, the 1969 Constitution provides a ceiling to the number of constituencies that can be created. The 1979 Constitution, the Third Republican Constitution, states that there shall be a Parliament of Ghana which shall consist of not less than 140 elected members (Asare, 2012; Bening, 2012). Like the 1960 Constitution, and unlike the 1957 and 1969 Constitutions, the 1979 Constitution did not provide a ceiling for the number of constituencies to be created.

The 1992 Constitution, the Fourth Republican Constitution, states that there shall be a Parliament of Ghana which shall consist of not less than 140 elected members. Like the 1960 and 1979 Constitutions, the 1992 Constitution does not provide a ceiling for the number of constituencies to be created.

Concerning the body responsible for the creation of constituencies and the basis for their creation, all the constitutions were clear on the body responsible for the creation and re-demarcation of constituencies. They were also clear on the timing and to some extent, on the basis for the re-demarcation of constituencies. In respect of the timing, the Constitutions stipulate that the re-demarcation of constituencies should be at intervals of not less than seven years, or within twelve months of the publication of census figures whichever is earliest. Before the 1979 Constitution, the earlier Constitutions conferred the creation and re-demarcation of constituencies on the Boundary Delimitation Commission while the 1979 and 1992 Constitutions gave that role to the EC (Bening, 2012). Since Ghana attained political independence, four Boundary Delimitation Commissions have delineated administrative areas and boundaries and their reports were published in 1958, 1964, 1968 and 1972 (Bening, 2012).

Thus, we know the bodies responsible for the creation and re-demarcation of constituencies and the timing for carrying out the re-demarcation exercise. In terms of the basis for the re-demarcation, all the constitutions emphasized population and recommended that consideration be given to physical features, means of communication, geographical features, density of population, ethnic groupings, regional, administrative, and traditional boundaries. However, what is not very clear in the various Constitutions is the specific mix between the population and the other practical factors such as means of communication, etc. Most of them were not clear on the percentage of population variations between and among constituencies that should be reached to trigger re-demarcation.

Among the various Constitutions, it is only the 1957 Constitution that was clear on the percentage of population variations between and among constituencies that should be reached to trigger re-demarcation. It stipulates that when the population in any constituency gets to 170% of the population quota (average population per constituency), there should be a re-demarcation or creation of new constituencies. This specific trigger provided by the 1957 Constitution has not been highlighted by subsequent ones. This omission is also a

contributory factor to the population disparities between and among the various electoral constituencies in Ghana today.

To better understand the causes of significant population disparity among constituencies in Ghana, it is important to determine whether constituency boundaries were merged with local government administrative boundaries. It is also important to determine whether the creation of constituencies was preceded by the creation of district assemblies/local government boundaries⁴. This is because parliamentary constituencies and local government districts are created for different purposes therefore merging them has the likelihood of creating or worsening population disparity among constituencies (Bening, 2012; IMANI, 2018; Smith, 2011).

The creation of district assemblies is to bring the government closer to the people, to facilitate service delivery, and to promote development. Parliamentary constituencies are created to elect legislators to represent citizens' interests in parliament and to make laws (IMANI, 2018; Smith, 2011). Again, whereas population parity is a major requirement for constituencies; physical and geographical features, means of communication, population density, ethnic groupings, regional, administrative, and traditional boundaries are the main focus of district assemblies. It is worth stating that the creation of administrative boundaries is the duty of the President through the Minister of Local Government while the creation of constituencies is the role of the EC. The EC's independence is compromised where it has to create constituencies because the Executive has created districts especially where the constituencies' boundaries are not different from the districts' boundaries.

The genesis of where constituency boundaries were merged with district assemblies' boundaries can be traced to the 1960s. In the early 1960s, President Nkrumah espoused the principle that parliamentary constituencies and administrative boundaries should be conterminous (Ghana, 1964, as cited in Bening, 2012). This was to enable the government to get closer to each community at the grassroots level. In line with President Nkrumah's proposition, the 198 administrative districts created in 1964 automatically became parliamentary constituencies in 1965 (Bening, 2012). However, when Nkrumah's

⁴ Local government boundaries are the defined geographic limits within which a local government operates. Boundaries can be drawn based on various factors such as population, geography, and administrative convenience. They determine the jurisdiction of local government entities and can affect service delivery, taxation, and governance

regime fell to the 1966 military coup, the principle of merging parliamentary constituencies with district assemblies' boundaries was reversed.

In reversing the merger of districts and constituency boundaries, population quota became very significant in the 1969 Constitution. In fact, before the promulgation of the 1969 Constitution, the 1967 Constitutional Commission proposed 140 constituencies with a population quota of 55,000 to advance the principle of population equality (Bening, 2012). The Siriboe Commission adopted the principle of equality of population of constituencies but allowed a deviation of up to ten per cent to accommodate geographical features, population density, administrative, and traditional boundaries. The 10 per cent deviation was to ensure fairer representation for the more rural and less densely populated regions. It is significant to note that the EC, since the Siriboe Commission of Enquiry into Local Government and Electoral Reforms in 1968, has given a weight of 90 per cent to population and 10 per cent to practical factors (Bening, 2012; IMANI, 2018).

Although the principle of merging local government boundaries with electoral constituencies was reversed in the 1969 Constitution, it has been repeated since the early 1990s. This happened when the 45 newly-created administrative districts by the Provisional National Defence Council in the late 1980s became constituencies in the early 1990s (Aubynn, 2002; Boon and Wahman, 2015). Sixty new constituencies were created out of the 45 new district assemblies created in the late 1980s ahead of the 1992 elections where each district was assigned at least one constituency. Within the Fourth Republic, two constituency re-demarcation exercises have taken place, and each was preceded by the creation of new administrative districts (Bening, 2012; Frimpong, 2017). In 2004, 28 additional districts were created to bring the total number from 110 to 138. This was ahead of the 2004 re-demarcation exercise that witnessed the creation of 30 new constituencies to bring the number of constituencies in Ghana to 230 (Ayee, 2008; Frimpong, 2017; IMANI, 2018). Again, in 2012, 42 additional districts were created ahead of the 2012 re-demarcation exercise that saw the creation of 45 new constituencies to bring the number to 275 (Bening, 2012; Mohammed, 2015).

In creating the new constituencies, the EC allotted at least one constituency to each newly created district. Enunciating the principle adopted in the creation of the constituencies, the EC Chair, Dr. Afari-Gyan, stated, "...to begin with, each district is given one constituency..." (Smith, 2011, p. 4). Some scholars saw the principle adopted by the EC as absurd because it breaches the principle of population parity, a major requirement of the 1992 Constitution for re-demarcation (Bening, 2012; Smith, 2011). Table 1 below shows the regional

breakdown of the number of district assemblies and parliamentary constituencies that Ghana had at the onset of the Fourth Republic in 1992.

Table 1: Number of Districts and Electoral Constituencies between 1992 and 2012

No.	Region	No. of Districts (1992)	No. of Const. (1992)	No. of Districts (2004)	No. of Const. (2004)	No. of Districts (2012)	No. of Const. (2012)
1.	Ashanti	18	33	21	39	29	47
2.	B. Ahafo	13	21	19	24	27	29
3.	Central	12	17	13	19	19	23
4.	Eastern	15	26	17	28	26	33
5.	G. Accra	5	22	6	27	13	34
6.	Northern	13	23	21	26	31	31
7.	U. East	6	12	8	13	13	15
8.	U. West	5	8	5	10	11	11
9.	Volta	12	19	15	22	24	26
10.	Western	11	19	13	22	22	26
National		110	200	138	230	215	275

Source: Compiled by the author based on census data and ideas from Aye (2008) & Mohammed (2015)

In 1992, there were a total of 110 administrative districts and 200 constituencies in Ghana. The Ashanti Region had the most districts (18) and constituencies (33), while the Upper West had the fewest districts (5) and constituencies (8). By 2004, the number of districts had increased by 28 to 138. In response to this increase, the Electoral Commission (EC) created 30 new constituencies by dividing 30 existing ones.

To comply with the provision in Act 462 that no person can be a member of more than one District Assembly at any time, the EC was compelled to assign at least one constituency to each new district. The allocation of the new constituencies to the regions was as follows: Ashanti Region (6), Greater Accra (5), Brong-Ahafo, Northern, Volta, and Western Regions received three new seats each while Central, Eastern, and Upper West got two each. Finally, Upper East received one seat. In this way, the EC did not use the population quota as required by the constitution.

If the EC had followed the population quota in assigning the 30 new seats, the distribution would have been different (see table 2). Ashanti Region would have gained an additional five seats to bring its total to 44, while Greater Accra gains eight more to bring its

total seats to 35. Northern and Upper West would have to give up three seats each while Brong-Ahafo, Eastern, Volta, and Upper East would each give up two seats as shown by table 2.

Table 2: 2000 Census Data; Administrative Districts and Electoral Constituency Data 2004

No.	Region	Pop. (2000 Census)	No. of Districts (2004)	Average Dist. Pop. (2004)	No. of Const. (2004)	Average Const. Pop. (2004)	Ideal No. of Seats	+/- No. of Const.
1.	Ashanti	3,612,950	18	172,045	39	92,640	44	5
2.	B. Ahafo	1,815,408	13	95,548	24	75,642	22	-2
3.	Central	1,593,823	12	122,602	19	83,885	19	0
4.	Eastern	2,106,696	15	123,923	28	75,239	26	-2
5.	G. Accra	2,905,726	5	484,288	27	107,619	35	8
6.	Northern	1,820,806	13	86,705	26	70,031	23	-3
7.	U. East	920,089	6	115,011	13	70,776	11	-2
8.	U. West	576,583	5	115,317	10	57,658	7	-3
9.	Volta	1,635,421	12	109,028	22	74,337	20	-2
10.	Western	1,924,577	11	148,044	22	87,481	23	1
National		18,912,079	110	171,928	230	82,226	230	0

Source: Compiled by the author based on 2000 census data and ideas from Smith 2011 and Mohammed (2015).

The figure for the average district population (171,928) is ascertained by dividing the total population (18,912,079) by the number of districts (110). Also, the figure for the average constituency population (82,226) is ascertained by dividing the total population (18,912,079) by the number of districts (230). The ideal number of seats per region in column 8 is determined by dividing each region's population by the average constituency population (82,226). For example, Ashanti Region (44) is $(3,612,950/82,226)$.

In 2012, 45 new constituencies were created and distributed among the regions as follows; Ashanti (8), Greater Accra (7), Brong-Ahafo (5), Eastern (5), Northern (5), Central (4), Volta (4), Western (4), Upper East (2), and Upper West (1). This distribution worsened the existing population disparities among the constituencies. As a result, Ashanti, Central, and Western Regions are underrepresented, while the rest of the regions are overrepresented. Some regions would need additional seats to achieve population parity, while others would have to relinquish seats based on the 2010 census report (see table 3 below). This would mean that the Eastern Region would give up four seats. Brong-Ahafo, Northern, Upper East, and Upper West Regions would give up three seats each while Volta Region would give up two seats. This would make a total of 18 seats to be shared among the underrepresented regions such as Greater Accra (10), Ashanti (6), and Central (2).

Table 3: 2010 Census Data; Administrative Districts and Electoral Constituency**Data 2012**

No.	Region	Pop. (2010 Census)	No. of Districts (2012)	Average Dist. Pop. (2010)	No. of Const. (2012)	Average Const. Pop. (2012)	Ideal No. of Const.	+/- No. of Const.
1.	Ashanti	4,780,380	30	159,346	47	101,710	53	6
2.	B. Ahafo	2,310,983	27	85,592	29	79,689	26	-3
3.	Central	2,201,863	19	115,888	23	95,733	25	2
4.	Eastern	2,633,154	26	101,275	33	79,793	29	-4
5.	G. Accra	4,010,054	13	308,466	34	117,943	44	10
6.	Northern	2,479,461	31	79,983	31	79,983	28	-3
7.	U. East	1,046,545	13	80,503	15	69,770	12	-3
8.	U. West	702,110	11	63,828	11	63,828	8	-3
9.	Volta	2,118,252	24	88,261	26	81,471	24	-2
10.	Western	2,376,021	22	108,001	26	91,385	26	0
National		24,658,823	216	114,161	275	89,668	275	0

Source: Compiled by the author based on 2010 census data and ideas from Smith 2011 and Mohammed (2015)

The figure for the average district population (114,161) is ascertained by dividing the total population (24,658,823) by the number of districts (216). Also, the figure for the average constituency population (89,668) is ascertained by dividing the total population (24,658,823) by the number of districts (275). The ideal number of seats per region in column 8 is determined by dividing each region's population by the average constituency population (89,668).

Current population distribution among constituencies in Ghana

From the above, it is obvious that the current population distribution among the various regions is highly skewed. The consequence is that some regions are underrepresented while others are overrepresented. Thus, there are inter and intra-regional population disparities which are supported by the national 2021 PHC data. Table 4 below shows that the current population distribution among the various regions is highly skewed such that Greater Accra is underrepresented by 15 seats. That is, it needs 15 extra seats to bring its representation to par with the rest. Conversely, the Eastern region is overrepresented and needs to give up seven seats to bring it to par with the rest.

While the inter-regional population disparity is obvious, there are alarming disparities among constituencies within region (intra-region) and between regions (inter-region) that deviate significantly from the national average of 112,116 recorded in Table 4.

Table 4: 2021 Regional Population Census Data and Allocation of the 275 Constituencies

No.	Region	2021 Population	Number of Const.	Average Const. Pop.	Pop. Quota (Ideal No. of Const.)	+/- No. of Const.
1.	Ahafo	564,668	6	94,111	5	-1
2.	Ashanti	5,440,463	47	115,755	48	1
3.	Bono	1,208,649	12	100,721	11	-1
4.	Bono East	1,203,400	11	109,400	11	0
5.	Central	2,859,821	23	124,340	25	2
6.	Eastern	2,925,653	33	88,656	26	-7
7.	G. Accra	5,455,692	34	160,462	49	15
8.	North East	658,946	6	109,824	6	0
9.	Northern	2,310,939	18	128,386	20	2
10.	Oti	747,248	8	93,406	7	-1
11.	Savannah	653,266	7	93,324	6	-1
12.	Upper East	1,301,226	15	86,748	12	-3
13.	Upper West	901,502	11	81,955	8	-3
14.	Volta	1,659,040	18	92,169	15	-3
15.	Western	2,060,585	17	121,211	18	1
16.	Western North	880,921	9	97,880	8	-1
National		30,832,019	275	112,116	275	0

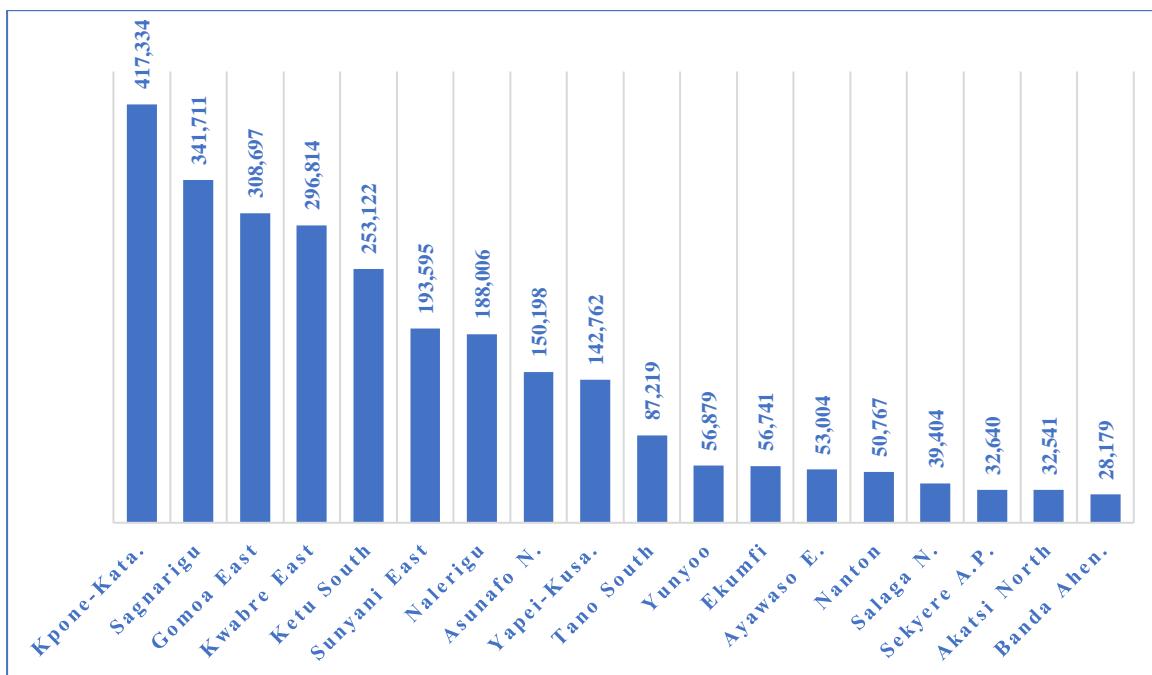
Source: Compiled by the author based on 2021 census data and EC's 2020 Registered Voters

The figure for the average constituency population (112,116) is ascertained by the total population (30,832,019) by the number of districts (275). The ideal number of seats per region in column 8 is determined by dividing each region's population by the average constituency population (112,116). For example, Ahafo Region (5) is (564,668/112,116).

Highlighting the inter/intra-regional constituency population disparities, Figure 1 below shows some disturbing population disparities among selected regions. In the Ashanti Region, for instance, Kwabre East with a population of 296,814 is over nine times that of Sekyere Afram Plains 32,640. Similarly, Kpone-Katamanso of the Greater Accra Region's population of 417,334 is about eight times that of Ayawaso East (53,004) in the same

region. Furthermore, Ketu South of the Volta Region’s population of 253,122 is about eight times that of Akatsi North with a population of 32,541. The population of Kpone-Katamanso (417,334) in Greater Accra is about thirteen times that of Sekyere Afram Plains (32,640) of the Ashanti Region and Akatsi North (32, 541) of the Volta Region respectively. It is about fifteen times that of Banda Ahenkro (28,179) in the Bono Region. Similarly, Sagnarigu of the Northern Region’s population of 341,711 is about ten times that of Sekyere Afram Plains and about eleven times that of Akatsi North and Banda Ahenkro respectively. Likewise, Gomoa East of the Central Regions’ population of 308,697 is about nine times those of Sekyere Afram Plains and Akatsi North respectively and about eleven times that of Banda Ahenkro. These disparities violate the principle of equal representation in voting because it makes the votes of some citizens count more than others. This population disparity is often translated into policymaking where state policy favours overrepresented constituencies.

Figure 1: Inter/Intra-regional Constituency Population Disparity for Selected Constituencies per the 2021 Census



Source: Compiled by author based on 2021 census data

Thus, figure 1 illustrates eye-opening population disparities among different regions which sheds light on the significant differences in population across various constituencies in Ghana. Given these intra/inter-regional population disparities among constituencies in the light of the constitutional requirement of population parity, the question is, how did we get

here and how do we address them? Leaving the constituencies as they are currently means that some citizens' votes would weigh more than others which violates a cardinal principle of democracy and representation which is equality of votes (one person, one vote).

The impact of constituency population disparities on electoral outcomes and representation.

Emanating from the above is the fact that, the constitutional aspiration of parity of votes and equality of population among constituencies envisaged by the framers of the 1992 Constitution does not reflect the realities on the ground. This is because there are significant disparities among constituencies within and among regions. This has serious implications for electoral outcomes, political representation, and policymaking (Ansolabehere *et al*, 2003; Bratton *et al*, 2012; Duchin and Schoenbach, 2023).

First, it violates the principle of equality of votes which is a cornerstone of democratic representation. This principle holds that each citizen's vote carries equal weight and that every individual is entitled to an equal say in the formation of government. Malapportionment, which refers to the population disparity among constituencies, is a violation of this principle. When electoral rules are designed to ensure that each cluster of voters receives representation proportionate to their number, it helps to ensure that each citizen's vote carries equal weight. In most representative democracies, the electoral system is structured to prevent malapportionment. However, in cases where this is not done, it creates a situation where some citizens' votes weigh more than the votes of others. This can lead to an imbalance of power, where certain groups of citizens are overrepresented, while others are underrepresented. Constituencies that are overrepresented tend to have a disproportionate influence on policy decisions, while those that are underrepresented may find their voices marginalized (Handley, 2018; Smith, 2011). In this way, the principle of equality of votes is compromised, and democratic legitimacy is undermined. The United States experienced a similar situation before the 1960s (McDonald, 2004; Smith, 2011)

Second, it creates a discrepancy between the distribution of votes and seats where political parties do not receive seats in proportion to their votes (McDonald, 2004; Smith, 2011). Population discrepancies among constituencies can cause a party to have more or fewer seats than its total share of votes in an election. In the 2020 elections, for instance, the Banda seat was won with 8,277 votes, meanwhile the first runner-up for Kpone-Katamanso pulled 39,546 votes but failed to get to parliament. This is because the 39,546 votes although about five times that of 8,277 that won the Banda seat, were not enough to

win the Kpone-Katamanso constituency. The total effect of this can create a discrepancy between a party's seat share and votes in parliament (Duchin and Schoenbach, 2023; Samuels, 2001; Smith, 2011).

It can also result in situations where geographical units have a share of legislative seats that are not equal to their population share. For example, Banda with a population of 28,179 is represented by one seat while Kpone-Katamanso with 417,334 is equally represented by one seat (see Figure 1 above). Thus, significant population disparities among the various constituencies can create strong biases in electoral systems if they systematically favour some political and geographical groups over others.

Third, population disparities among constituencies can also have a significant impact on policymaking (Ansolabehere *et al*, 2003; Bratton *et al*, 2012; Chazan, 1979; Samuels, 2001). This happens where the overrepresented constituencies, whose share of legislative seats exceeds their share of the country's population, tend to benefit more from policymaking. This is because their demands can be accommodated at lower costs than underrepresented constituencies, whose share of legislative seats is less than their share of the country's population. This policy bias in favour of the overrepresented constituencies can lead to the legislative agenda being disproportionately influenced by their MPs, whose votes carry more weight than those of underrepresented constituencies. In Ghana, the \$1-million-USD per Constituency policy is an example of situations where overrepresented constituencies can benefit from government policies. Another example is the policy of sharing the MP's Common Fund equally among the 275 MPs to support development activities in each constituency irrespective of population differences.

To address this issue, some countries have implemented policies to ensure that all constituencies have relatively equal populations to justify their equal access to resources including representation. It is essential to recognize the impact of population disparities on policymaking and take remedial measures to ensure that all constituencies have equal representation and access to resources. This will promote fairness and equity in the policymaking process, leading to better outcomes for all citizens (Ansolabehere *et al*, 2003; Chazan, 1979; McDonald, 2004).

Past attempts to address constituency population disparities within Ghana's Fourth Republic

The analysis of the two constituency re-demarcation exercises carried out within Ghana's Fourth Republic reveals minimal efforts to address population disparities between

constituencies. The focus was more on creating additional constituencies than ensuring their populations were as close as possible to the national average. As a result, the re-demarcation exercises actually worsened the existing population disparities among the various regions and constituencies. The subsequent paragraphs provide the details of the two re-demarcation exercises.

In 2004, a redrawing of the boundaries affected 30 out of 200 (15%) parliamentary constituencies in Ghana, resulting in the creation of 60 constituencies, with a net increase of 30. The changes included various permutations, such as dividing single constituencies into three or two and combining two constituencies to create three new ones. However, the distribution of the newly re-demarcated seats was not uniform across the country. For example, the Ashanti Region saw six new constituencies carved out of six existing ones. Similarly, the Brong-Ahafo Region had three new constituencies created from three existing ones, and the Central Region saw two additional constituencies created from two existing ones. The Eastern Region also saw two new constituencies created from two existing ones (Frimpong, 2017).

The Greater Accra Region gained five new constituencies from four existing ones. The Northern Region had three new constituencies carved out of four existing ones. The Upper East Region got one new constituency by splitting an existing constituency into two while the Upper West Region saw the splitting of two constituencies to create two new ones. The Volta Region had three new constituencies out of three existing ones. Finally, the Western Region gained three new constituencies by dividing three existing ones into six (Frimpong, 2017).

In 2012, the boundaries of 44 out of the 230 (19%) constituencies were redrawn to create 45 new ones, distributed among the country's 10 regions. In the Ashanti Region, eight new constituencies were created out of eight existing ones (Frimpong, 2017). In the Brong-Ahafo Region, five new constituencies were carved out of five existing ones, and in the Central Region, four new constituencies were created out of four existing ones as follows (Frimpong, 2017).

The Eastern Region had five new constituencies formed from five existing ones. Seven new constituencies were created out of six existing ones in the Greater Accra Region (Frimpong, 2017). The Northern Region had five new constituencies created from five existing ones. The Upper East Region had two new constituencies carved out of two

existing seats. In the Upper West Region, one new constituency was created by splitting an existing constituency (Frimpong, 2017). The Volta and the Western Regions had four new constituencies each created out of four existing ones in each region (Frimpong, 2017).

From the analysis presented above, it can be observed that the EC's method of constituency re-demarcation involves the division of bigger constituencies to create one or two new ones. It also involves the addition of two existing constituencies to create three new ones. The problem with this approach is that the MPs in larger constituencies may put pressure on the EC to divide their constituencies. Additionally, this method has the potential to increase the risk of executive gerrymandering. The two re-demarcation exercises that followed the creation of new administrative districts where the EC assigned at least one constituency to each of the newly created districts support this apprehension (Bening, 2012; Smith, 2011).

This also compromises the independence of the EC as it has to create a constituency once a district is created. It can disenfranchise some citizens if the work of the Ministry of Local Government and the EC are not synchronised (which again, compromises the independence of the EC). An example was the inability of the people of Santrokofi, Akpafu, Lolobi and Likpe (SALL) to elect an MP during the 2020 election because they did not have a constituency. The Guan District where the people of SALL reside was created in 2020 roughly a month before the elections (Ghana-EC, 2024). The creation of a constituency requires that the EC lays a Legislative Instrument (LI) before Parliament that takes 21 days to mature. At the time, there was not enough time to comply with the legal and procedural requirements to create a constituency. Moreover, parliament went on recess on the same day the Guan District was created and returned after the elections. In the end, the people of SALL could not elect an MP. The EC has been accused by the public for 'disenfranchising' the people of SALL because they feel the EC's independence has been compromised.

The 1992 Constitution mandates the EC to periodically review the constituency boundaries every seven years or twelve months after the publication of census data, whichever comes earlier. However, despite Article 47(5) of the Constitution explicitly stating that "The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of

Ghana, whichever is earlier, and may, as a result, alter the constituencies,” only two re-demarcations have been conducted in over three decades.

The aforementioned analysis highlights that previous constituency reviews and re-demarcations resulted in the introduction of new constituencies. It is important to note, however, that a review does not necessarily imply the creation of additional constituencies. Rather, it could result in the modification of constituency boundaries, which may increase or decrease the number of constituencies. Furthermore, it is plausible that the number of existing constituencies may remain unchanged following the review process.

This lack of periodic reviews has the potential to contribute to population disparities among constituencies. Scholars have pointed out that the first re-demarcation should have been carried out in 1999 (da Rocha, 2004), based on the emphasis placed on “whichever is earlier” in the Constitution. It is therefore imperative that the EC conducts regular reviews to ensure that constituencies are adequately represented and that the principle of equal representation is upheld. Such reviews will ensure that constituencies remain relevant and reflective of the population they represent, thereby promoting a fair and just democratic process in Ghana. Other nations have done this and Ghana can take a cue from them.

How similar issues have been addressed in other countries

It is not uncommon for countries to experience population disparities among their voting districts or electoral constituencies. To ensure that each citizen’s vote carries fairly equal weight, many countries have implemented rules and criteria for redistricting/re-demarcation. These guidelines typically include factors such as population size, administrative and geographic features, and the frequency of the redistricting process. By adhering to these guidelines, states/ countries are able to maintain fair and balanced representation for their citizens. The United States for instance has faced several challenges in ensuring fair representation in the House of Representatives (Duchin and Schoenbach, 2023; McDonald, 2004; Smith, 2011). Apart from grappling with the issue of population disparity among voting districts, the country also had to tackle periodic adjustments in the number of Congressional seats.

Before the 1960s, rural-urban population shifts had caused severe imbalances in voting districts across many state legislatures in the United States (Smith, 2011). As a result, rural populations were overrepresented while urban populations were underrepresented, thereby giving the former significantly more power in state legislatures.

This violated the constitutional guarantee of a “one-person, one-vote standard.” To address this issue, the U.S. Supreme Court ruled that each voting district should have an equal population size (Handley, 2018; McDonald, 2004; Smith, 2011). In this way, each person’s vote would carry the same weight, regardless of where they live or which district they belong to. This ruling ensured fair representation for all citizens in state legislatures.

Prior to 1913, Congressional seats were adjusted to reflect the number of states and the nation’s growing population. Over time, the number of seats increased from the original 65 seats in 1776 to 435 in 1913. However, since then, the number of seats has remained constant, despite the continuous growth of the population. In 1929, federal law fixed the number of Congressional seats at 435. The allotment of seats to each state is reviewed every ten years after the census figures are published. The total population of the United States is divided by the 435 seats to get the average population to determine the number of seats to be allotted to each state. Meanwhile, each state is guaranteed at least one seat (Duchin and Schoenbach, 2023; Handley, 2018; McDonald, 2004).

Per the 2020 census, the United States has a population of [331,108,434](#) (Census Bureau, 2020), and when this number is divided by the 435 Congressional seats, the average population per seat is 761,169. However, since states’ populations are not evenly divisible by 761,169, and given that each state is guaranteed at least one seat, the aforementioned states – Delaware 990,837, South Dakota (887,770), North Dakota (779,702), Alaska (736,081), Vermont (643,503), and Wyoming (577,719) – were all assigned one seat each. Although Delaware, South Dakota, and North Dakota had their population above the average population, they had one each while Alaska, Vermont, and Wyoming also had a seat each although their population fell short of the national average (761,169). This is how the US has dealt with the issue of population disparity and periodic expansion in the number of seats (Handley 2018, Smith 2011). Thus, in the United States, population size has been the main consideration for allotting seats to voting districts, however, due regard has been given to administrative and geographic features (state boundaries) to ensure fair representation (Handley, 2018; McDonald, 2004; Smith, 2011).

Like the United States, countries around the world have been faced with the challenge of population disparities. To address this issue, several nations have implemented periodic re-demarcation exercises. For example, Ireland re-draws its multi-seat constituencies every twelve years (Coakley, 2008; Johnston, et al. 2012). The United States

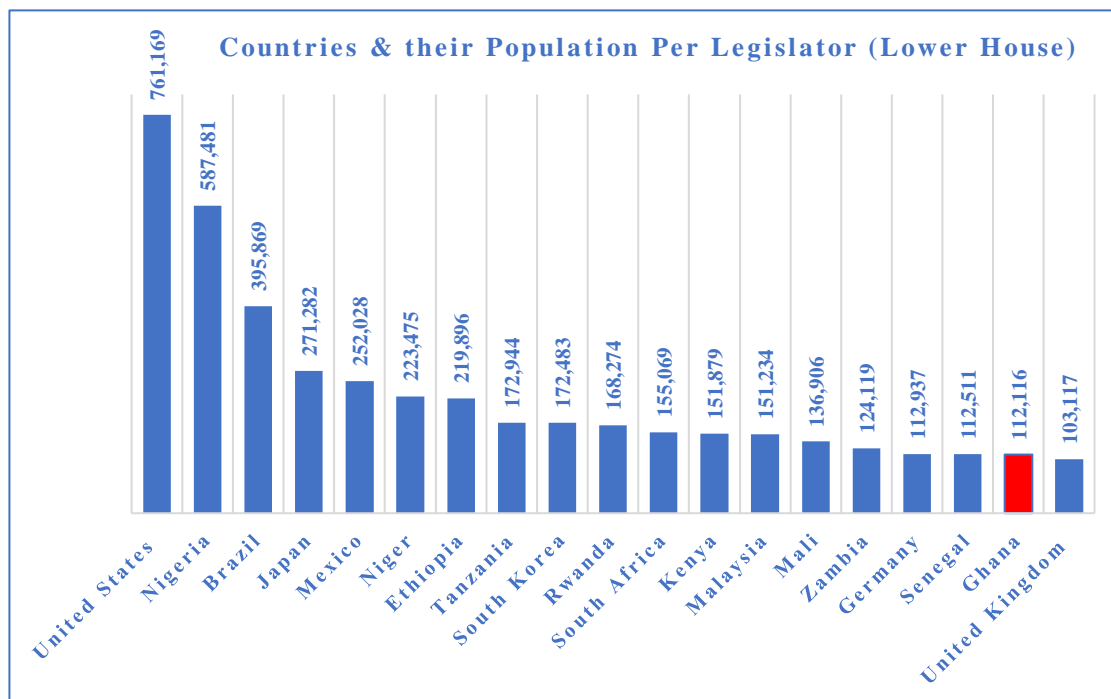
and countries such as Botswana, Canada, India, Japan, Kenya, Lesotho, Malaysia, Mauritius, Mexico, Nigeria, Pakistan, Papua New Guinea, Tanzania, and Yemen have electoral laws or constitutional provisions requiring re-demarcation every ten years (Handley 2018). In the United Kingdom, the Parliamentary Constituencies Act of 1986 mandates redistribution every eight to twelve years (Handley, 2018; Johnston, et al. 2012). Similarly, Australia and Ghana are required to delimit at least every seven years, while Bahamas, Fiji, New Zealand, Turkey, and Zimbabwe redraw their constituencies at least every five years.

Some countries have established specific criteria that trigger re-demarcation. For instance, in Czechia, a deviation of 15% from the population quota triggers redistricting, while in Germany, the threshold is a 25% deviation from the average population (Handley 2018). Through these re-demarcation exercises, countries aim to balance the number of legislative seats and population, as well as population size per voting district (constituency). This is intended to ensure fairness in allocating legislative seats and control the cost of representation (McDonald, 2004; Samuels, 2001; Smith, 2011). To further reduce the cost of representation, the United States by law has capped its Congressional seats at 435 to ensure that population per legislator does not fall below a certain threshold. South Africa has maintained 400 seats since it transitioned from the apartheid system in 1994.

Figure 2 below provides a pictorial view of the population per legislator in the Lower Chambers of 19 selected countries (11 African countries and 8 others). This ranges from a higher figure of 761,169 citizens per American MP contrasting a low figure of 103,117 per UK MP. Per figure 2, Ghana is one of the countries with a lower number of citizens per representative, and Ghanaian MPs are among the MPs with the least number of citizens from the 19 selected countries. On average, an MP in Ghana represents 112,116 citizens, whereas their counterparts in the United States, Nigeria, Niger, Kenya, Rwanda, South Africa, and Senegal represent 761,169, 587,481, 223,475, 151,879, 168,274, 155,069, and 112,511 citizens, respectively. Ghana is the second country with a lower average of citizens per MP, which is marginally higher than the United Kingdom. Furthermore, it has the lowest average of citizens per MP among all the remaining ten selected African countries, comprising Nigeria, Niger, Ethiopia, Tanzania, Rwanda, South Africa, Kenya, Mali, Zambia, and Senegal.

Thus, countries have encountered population disparities among their voting districts or electoral constituencies. In dealing with this, they have implemented rules for redistricting/ re-demarcation to ensure fair and balanced representation for their citizens. The United States, for instance, tackled it by putting a ceiling on the number of its Congressional seats and used periodic redistricting/ re-demarcation of Congressional seats. Other countries such as Ireland, Botswana, Canada, India, Japan, Kenya, and South Africa, have implemented periodic re-demarcation exercises to address the issue of population disparities. South Africa for instance has not increased its number of seats since 1994.

Figure 2: Selected Countries and their Population per Legislator (Lower House)



Source: Compiled by the author based on 2020 to 2022 census and electoral datasets.

Conclusion and Recommendations

This paper examines the impact of population imbalances on electoral outcomes in Ghana and how such imbalances can affect democratic representation. Through data analysis, the paper shows that population imbalances significantly affect democratic representation and the fairness of election outcomes. The paper proposes several solutions to address the issue which are relevant to other emerging democracies. These include strict adherence to the constitutional requirement of periodic review of constituency boundaries every seven years and the setting of an upper limit to the number of constituencies. Overall, the paper contributes to the ongoing debate on the importance of fair representation in democratic

societies and offers practical solutions to improve electoral outcomes and fair democratic representation in Ghana and emerging democracies.

Suggested solutions or policy recommendations to address the issue.

It has been shown that population imbalances among parliamentary constituencies can significantly affect the fairness of election outcomes and democratic representation as well as having skewed policy impact. To address these defects, countries have implemented rules and criteria for redistricting to ensure fair and balanced representation. Based on that, this paper proposes several recommendations for Ghana which are relevant to other emerging democracies.

1. Set an Upper Limit to the Number of Constituencies:

Consideration should be given to setting an upper limit to the number of constituencies, as it is the case in the US and other countries, to prevent the temptation to create more constituencies whenever there is redrawing of administrative boundaries. The analysis above shows that unlike other countries, little effort has been made in Ghana's Fourth Republic to address the issue of population disparities among constituencies using re-demarcation. The focus has been on the creation of additional constituencies as was the case in the United States until 1929 when federal law capped Congressional seats at 435.

Ghana has had a history of capping parliamentary seats. The 1957 and 1969 Constitutions capped the number at 130 and 150 respectively. This is a best practice used by countries to address similar problems. Ghana can go back to it by fixing the limit at the current 276 as done by the United States in 1929 when it fixed the number at 435. It can utilise the seven-year periodic review mandated by the constitution to adjust the constituency boundaries based on population shifts. Taking a cue from the United States, which guarantees at least one seat to each state, Ghana can guarantee each region at least between two and four seats given our unique development peculiarities.

Setting an upper limit to the number of constituencies would require periodic re-demarcation of constituency boundaries where some regions will gain seats and others will give out seats as done in other countries discussed above. This data can show the trend of population shifts that will help policymakers develop appropriate policies to address them. Since the issue of seat gains and losses directly affects legislators, they can help create the required policies to address them.

2. Reform and Align Legislation with the Constitution:

Reforming the Local Government Act and streamlining it with the Constitution would mark a major step towards addressing the significant disparities between constituencies and prevent discrepancies in representation. The Local Governance Act, 2016 (Act 936) as amended by Act 940, specifies that no person shall be a member of more than one District Assembly at any time. The Act also regards an MP as an ex-officio member of a Metropolitan, Municipal and District Assemblies (MMDA) and therefore cannot belong to more than one MMDA. This inadvertently merges a district assembly's boundary with that of an electoral constituency although the two are distinct and serve different purposes. Moreover, the roles of MPs are not closely linked to the roles of Metropolitan, Municipal and District Chief Executives (MMDCEs).

The position of the Local Government Act also means that the creation of administrative districts automatically activates the creation of new constituencies since an MP cannot belong to more than one MMDAs. This is inconsistent with the 1992 Constitution as it can lead to executive gerrymandering, since the creation of districts is the duty of the executive, it can skew the creation of districts for electoral benefits. It can also compromise the independence of the EC. The paper recommends the streamlining of the Local Government Act with the constitution to prevent executive gerrymandering (manipulation of electoral boundaries) and to also protect the independence of the EC.

3. Adhere to Constitutional Reviews:

Policymakers should ensure the periodic review of constituency boundaries every seven years as mandated by the constitution to maintain a reasonable balance of citizens living in each constituency. Article 47(5) of the 1992 Constitution requires the EC to review constituencies at intervals of not less than seven years, or within twelve months after the publication of the census whichever is earlier, and may, as a result, alter the constituencies.

As Ghana is considering constitutional review, it is also time to consider setting a threshold that would trigger a constituency review as stipulated by Ghana's 1957 and 1969 Constitutions and as done in some countries. As stated above, Czechia fixed a deviation of 15% from the population quota while Germany allows a 25% deviation from the average population (population quota). Ghana can consider a deviation of 25% which per the literature is the highest (Handley 2018).

4. *No splitting of bigger constituencies to create new ones:*

Policymakers should desist from splitting bigger constituencies to create new ones. This is because the approach has the potential for MPs whose constituencies are relatively larger to put pressure on the EC to divide their constituencies. This not only puts pressure on the EC but also deviates from best practice. As pointed out above, splitting bigger constituencies to create new ones out of them has not solved the problem but has worsened it.

5. *The constitutional requirement for population parity should drive re-demarcation:*

Policymakers should ensure that population parity – a cardinal constitutional requirement for the creation of constituencies is upheld to guarantee the equal rights of citizens and the principle of equal representation in voting. Article 47(3) specifically stated that “The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.” Article 47(7) defines the population quota as the average constituency population (total population divided by total number of constituencies). Two things are to be highlighted here. First, the use of the word *shall* by the constitution under Article 47(3) means that consideration for population size is the key factor in constituency re-demarcation (Smith 2012). Second, since the use of the phrase *shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota*, could be ambiguous, the first recommendation which proposes a deviation of 25% could resolve this ambiguity.

6. *Address Population Disparities:*

To prevent overrepresentation and underrepresentation, the EC has to take bold steps to address the existing population disparities among constituencies. It can be guided by Table 4 above to determine which regions would gain seats and which regions to give out seats. Then it can call stakeholders’ meetings to discuss the issue.

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