#### **December 30, 2015**

The General-Secretary
The New Patriotic Party
Head office, Accra.

Dear Sir,

# REQUESTS FROM THE NEW PATRIOTIC PARTY FOR A NEW REGISTER

Please find below a recap of the main points made in your letters and submissions; the chronology of relevant events since the receipt of the first letter; and the responses of the Electoral Commission to each of the issues raised by your Party.

On the 25th of July, 2015 your Party supported her request for a new voters' register with the following allegations:

- 1. That the case of Abu Ramadan and Another vs Electoral Commission and Attorney General disallowed the use of National Health Insurance Authority (NHIA) Identification Cards as proof of qualification to register, making the use of same for that purpose unconstitutional, void and of no effect.
- 2. That the EC has refused to undertake proper auditing and comprehensive de-duplication of the 2012 biometric register with the required transparency which stakeholders demanded.
- 3. That there is disparity in the total number of registered voters provided by the EC at different times during the 2012 election cycle.
- 4. That analysis of the 2010 population census and the 2012 biometric registration reveal several districts where the number of registered

- voters is in excess of the total population census figure for those districts.
- 5. That the 2012 register has a voter population that is 56.2% of the total population of Ghana, which is exceedingly high and unrealistic compared to other African countries.
- 6. That there are several calls by CSOs and FBOs raising doubts about the credibility of the register used for the 2012 national polls.

A further Petition received on August 18, 2015 contained the following additional allegations:

- 1. That there are 76,000 Togolese nationals on Ghana's voters' register.
- 2. That the Register contains pictures that have been edited.
- 3. That about 900 names on an entire polling station contain pictures scanned into system as evidenced by staple marks.

At an Inter-Party Advisory Committee (IPAC) meeting held on August 21, 2015, it was agreed by all parties that due to District Level Elections scheduled for September 1, 2015 and the need to hear all stakeholders on the voters' Register, all interested Parties were to submit their position on the Register by September 22, 2015.

Petitions were received from thirty-four stakeholders (including sixteen political parties and many CSOs and citizens of Ghana) and were duly considered and circulated subsequently at the Forum.

On the September 22, 2015 another petition was received from your Party with the following further and additional allegations:

1. That there are 2096 multiple registrations on the Register, involving:

- a. cases of double and multiple registrations with multiple photographs;
- b. double and multiple registrations with multiple voter ID numbers;
- c. same registration details and photographs in different Polling Stations.

On September 22, 2015 the EC announced the setting up of an Independent Panel of Eminent Ghanaians to evaluate all submissions received and examine all allegations arising therefrom.

On September 30, 2015 the IPAC meeting agreed to hold a public forum on the 29<sup>th</sup> and 30<sup>th</sup> October, 2015 in order to publicly address the issues concerning the Register. The Public Forum, held in the form of a public hearing, was successfully undertaken on those dates.

At the Forum, and on October 29, 2015, your Party made the following additional allegations:

- 1. That there are Minors, with age zero on the Register; and
- 2. That there are no residential addresses provided on the Register.

In addition, on October 3, 2015, with donor support, the Electoral Commission procured the services of an independent consultant to examine the Biometric Voters Register.

October 19 2015 the Commission wrote to the NPP to request for a copy of the Togolese register and the Shikakope Register used in the analysis contained in their petition of August 18, 2015.

Again, on 6 November 2015, the Commission received a response from the NPP submitting a soft copy of the Togo register and the Shikakope register dated September 1, 2015.

The Commission again wrote to the Togolese EC on November 10, 2015, requesting a copy of the Togolese register for examination.

The Commission again on November 11, 2015 wrote to the NPP seeking clarification from the NPP on the Shikakope Register dated September 1, 2015 which was the basis for the petition of 18 August, 2015 and further requested for an update on the analysis of Cote d'Ivoire and Burkina Faso registers as stated in the NPP petition of August 18, 2015.

In a meeting on November 18, 2015 with officials of the NPP, the party clarified the register used for the Shikakope analysis and further confirmed that there was no further update on the analysis on the Burkina Faso and Cote d'Ivoire registers. On November 21, 2015, a second version of the Shikakope register was submitted by the NPP.

The EC on November 24, 2015 submitted another request to the Togolese EC for verification of the Togolese register provided by the NPP.

On November 27, 2015, the EC received a response from the Togo EC stating that they were unable to confirm the authenticity of the register submitted by the NPP as the Togolese register is a security document containing the private information of Togolese citizens.

Finally, on December 15, 2015, the EC received the final report from the Consultant on the Independent Review of the Biometric Voters' Register and on December 21, 2015, the final report from the independent panel of Eminent Ghanaians set up to look into the issue.

Following the receipt of the report of the Panel, the EC informed IPAC on December 22, 2015 of the receipt of the report and requested time to study the report and revert to IPAC and the general public on the Commission's position

and the contents of the Panel's report.

EC RESPONSE AND OUTCOME OF INVESTIGATIONS INTO CLAIMS AND ALLEGATIONS MADE BY THE NPP

Allegation 1: Abu Ramadan and Anor vs Electoral Commission & Attorney General disallowed the use of NHIA cards as proof of qualification to register making the use of same for that purpose unconstitutional, void and of no effect.

#### **EC** position:

In the Abu Ramadan case, the Supreme Court ruled that the use of NHIA cards, in their current form, was insufficient as proof of citizenship and consequently, the Electoral Commission (EC) was directed to stop accepting same as proof of citizenship for voter registration exercises.

Nowhere in the ruling did the Supreme court nullify all registrations by voters who presented NHIA cards as proof of citizenship. The Court in the course of the proceedings, declined the plaintiff's request to cancel all such registrations.

The EC shares the view of the SC that it would be fair and proper for all such persons to also be heard prior to the invalidation of their registration.

The view of the EC is therefore that the Abu Ramadan ruling cannot be the basis for the creation of a new register. The current challenge procedures under CI 72 are sufficient to deal with all registered voters who presented NHIA cards as proof of citizenship. Such voters must also be given the opportunity to present additional proof of citizenship if available, before they are struck off the register.

Allegation 2: EC has refused to undertake proper auditing and comprehensive de-duplication of the 2012 biometric register with the required transparency which stakeholders demanded.

#### **EC** position:

Guided by the need for stakeholder cooperation and support, the EC compiled the Biometric Register with extensive interactions with the political parties. Discussions covered issues of procurement, field operations and the exhibition of the register throughout 2011 and 2012. Political parties provided representation on the technical and legal committees that considered and drafted the appropriate laws for the registration and the verification of voters.

The EC displayed the Provisional Voters Register (PVR) in all registration centers after the mass registration in 2012 and in 2014 after the limited registration, to offer voters and persons qualified to be registered the opportunity to:

- Verify particulars
- Object to ineligible names in the PVR.

Additional to the verification of voters, Stakeholders (Political Parties)

- participated in adjudication of registration challenges through the district registration review committee
- participated in adjudication of suspected cases of multiple registrations after de-duplication
- objected against inclusion of names in the register during exhibition of the PVR.

After the 2012 elections, the software has also been upgraded to ensure de-duplication using the biometric data as well as biographic data of voters.

Accordingly, it is the view of the EC, that working with the political parties, the register has been progressively updated and de-duplicated since 2012. Over 150,000 names have been removed and the EC will continue to work with the political parties and all stakeholders to clean the register and undertake further de-duplication.

The allegation by the NPP is therefore inaccurate.

Allegation 3: Disparity in the total number of registered voters provided by the EC at different times during the 2012 election cycle.

## **EC** position:

The process of compiling the voters' register is divided into 4 stages;

- *Stage 1:* Collection of biographic data (using polling stations as registration centers)
- *Stage 2*: Compilation of the Provisional Voters Register (PVR) from collected data
- *Stage 3:* Exhibition of the PVR (for scrutiny, correction of personal details, inclusions and objections)

• *Stage 4*: Production of the Final Voters Register (after corrections arising from the exhibition).

This clearly means that until all the stages have been completed, all figures related to the register are provisional. In many cases the stages overlap due to the duration of adjudication of challenges and objections after registration (stage 1) and Exhibition (stage3). Indeed in a few cases requests are made for inclusion just before the production of the PVR and being mindful of the ruling of the *Tehn Addy* case, the Commission usually takes action on requests when possible.

The practice is to provide information on the voter numbers, as the EC goes through the various stages, to the political parties. In the case of the compilation of the 2012 Biometric Voter Register the process was as follows;

#### Stage 1:

In a briefing to Parliament after collecting the biographic data of applicants' in the mass registration, the Chairman of the EC reported the results of the registration as follows;

# i) Mass registration (4 phases) 24th March – 5th May 2012

# PHASE TOTAL 1 4,817,561 2 3,710,076 3 2,871,530 4 2,229,650 Total 13,628,817

### ii) Registration of Prisoners

Central	1,687	35
Greater Accra	.352	36
Volta	879	2
Eastern	4415	201
Ashanti	2612	88
Brong Ahafo	1093	24
Northern	497	30
Upper East	229	28
Upper West	199	4
Total	13,231	476

### iii) Mop -up Registration

REGION	<b>CENTERS</b>	VOTERS
Western		4,660
Greater Accra		1,555
Volta		237
Eastern		149
Ashanti		1,185
Northern		6,178
Upper East		2,506
Upper West		342
Total		16,812

He further stated that he expected the total figures to go up because of wrongly coded entries and planned late registrations that was to cover:

- Ghanaians abroad who were eligible for registration (Security Personnel on peace-keeping duties, diplomats and students on government scholarship)
- Persons whose registrations were challenged and were under review

#### Stages 2 and 3

Following de-duplication and correction of the several wrongly coded entries recorded during registration, a PVR with total registered Voters of **14,060,573** was displayed at all registration centers. During the Exhibition **8,955,882** voters representing **63.7%** visited their centers to check their personal details in the register.

The addition of late registrations and receipt of substantial returns from the adjudication of registration challenges and exhibition objections increased the number of registered voters on the PVR to 14,158,890.

#### Stage 4;

The total number of registered Voters for the FVR was 14.031.793.

This outcome was as a result of the final decisions to recommend inclusions/deletions from the various adjudication committees across the country.

Consequently, only one register was used by the EC for the 2012 elections and the EC did not present different registers to political parties during the election cycle.

Allegation 4: Analysis of the 2010 population census and the 2012 biometric registration reveal several districts where number of registered voters are in excess of the total population census figure for those districts.

## **EC** position:

The general connection of a Population Census to Biometric Voters' Registration is the usefulness of the census results in providing a basis for the planning decisions in a voter registration exercise.

#### Questions such as:

- Where to locate registration centers?
- What are the number of applicants to expect at the various centers?
- What quantity of materials to distribute to the various centers?

are usually answered by checking with the latest Housing and Population census figures. The projections calculated from these base figures help in the planning effort.

A simple comparison of registration numbers and census

figures at the district and constituency level even in the same year may not result in the same outcomes.

In the case of the 2010 Census and the 2012 Biometric Registration, the difference in figures in all the districts in Ghana may be on account of the following;

- Population growth (estimated annual growth rate for Ghana is 2.5%)
- Tendency of voters and candidates to go to their home towns and districts to register
- Draw of new economic activities
- Non-comprehensive nature of census (based on estimates)
- Transfers and postings of Public Officers, teachers, security personnel, etc.

The EC is therefore of the view that this allegation cannot be the basis for the creation of a new register.

Allegation 5: 2012 register has a voter population that is 56.2% of the total population of Ghana, which is exceedingly high and unrealistic compared to other African countries

#### **EC** position:

The measure of Voter Population of a country depends usually on the following factors; voting age, demography of country, political environment and coverage, laws guiding Voter registration exercises and other socio-economic factors.

These determinants differ from country to country and as such simply comparing voter populations without situating the figures properly within context, does not provide a clear picture of the situation.

In comparing 2015 figures from Ghana, South Africa and

Kenya, the voter populations of the countries were measured as follows:

Country			Kenya
Est. National Pop.	27. 7 million	52 Million	45 Million
Est. Voter Pop.			22 Million
Reg. Voters	14.8 Million	25.1 Million	14.3 Million
% Voter Pop.	55%	62%	49%
% Reg. Voters	53%	48%	32%

The reasons for Ghana's relatively high score are:

- Processes for challenging registration of prospective voters in other jurisdictions are more effective.
- The voter ID card is the de-facto national ID card in Ghana, hence the higher numbers due to enhanced demand for it as a means of identification.
- The existence of a compulsory national ID system in most comparative countries.
- No automatic linkages of voter registration to the births and deaths registry in Ghana, hence a high number of deceased persons still on the register.

Consequently, an alleged high percentage of voters on Ghana's register *simpliciter* cannot be the basis for the creation of a new register.

Allegation 6: Calls by CSOs and FBOs for a new Register raising doubts about the credibility of the Register used for the 2012 polls.

#### **EC** position:

CSOs and FBOs who raised doubts about the register, based their calls largely on the submissions and allegations made in the media by the NPP and other affiliate groups.

Indeed at the Voters' Register Forum, most of the political parties and CSOs were inclined towards a cleaning of the current register rather than the creation of a new register.

Further, whilst acknowledging the immense contribution of CSOs and FBOs to our national governance, the Commission is of the view that critical decisions to be made by the Commission should be based on the national interest and sound bases and not merely public calls by CSOs and FBOs for particular outcomes, however well intentioned they may be. It is the considered view of the Commission, that allegations made by all stakeholders must be examined and subjected to requisite analysis, and so mere allegations and doubts on the credibility of the Register should not be the basis for the creation of a new register.

#### Allegation 7: 76,000 Togolese on Ghana's voter register

# **EC** position:

In examining the identity and status of the 76,000 Togolese alleged to be on Ghana's Register, the EC found that they were all duly registered during the mass registration period in 2012.

Most of the voters were registered in districts in the Volta and Northern Regions. These districts include Keta, Ketu South, Ketu North, Akatsi South, Akatsi North, Adaklu, Agotime Ziope, Ho Municipality, Kpando Municipality and Tatale/Sanguli. Our conclusion from this examination is that the voters are duly qualified under the laws of Ghana to be on Ghana's Register.

The NPP did not provide any proof of the citizenship status of these persons and did not show any proof that they were not entitled to be registered in Ghana. Registration on the register of another country, under the current laws of Ghana, does not take away one's eligibility to be on the Ghanaian Register.

The Commission was also unable to confirm the authenticity of the Togolese Register used by the NPP in their analysis as the Electoral Commission of Togo declined to provide the EC with a copy of its register or confirm the authenticity of the soft copy of the register used by the NPP. It is important to observe that in the petition of the NPP dated August 18, 2015, the party claimed to have based its analysis on copies of the register displayed in Togo prior to their elections. However, upon request from the EC for the register used in the analysis, the NPP presented a soft copy of the Togo Register which the Togolese Electoral Commission says it had not given out to any third parties.

Finally, Ghana's Constitution permits dual nationality and admits the possibility of acquiring citizenship through many modes such as naturalization, adoption, and marriage. It would therefore be improper and unconstitutional to simply remove the names of persons on the register on the mere allegation that they appear on the register of another country without giving them the opportunity to provide proof of their citizenship of Ghana.

Seeking to remove names of persons who appear on the registers of Togo, Burkina Faso and Cote d'Ivoire in our view, would be an arbitrary and discriminatory application of the law. Would the Commission therefore be required to obtain the registers of all countries of the world and remove the names of persons who appear on such registers as well as Ghana's?

Further, at a subsequent meeting between the Commission and the NPP on November 18 2015, the NPP stated that it could not provide an update on the analysis of the Togolese register (which in the party's petition of August 18, 2015 the party claimed only ten percent of the analysis had been completed). At the said meeting, the NPP also informed the Commission that it had discontinued the analyses of the Burkinabe and

Ivorian Voter Registers.

It is the view of the EC that the allegation by the NPP regarding the presence of 76,000 Togolese on Ghana's Register is therefore unsubstantiated and not supported by the citizenship laws of Ghana.

#### Allegation 8: Edited pictures on register

#### **EC** position:

The Biometric Register has multiple layers of data protection and integrity assurance and does not permit the possibility of pictures on the register being edited.

The consultant's report on the Independent Review of the Biometric Voters Register also supports the position that this is not possible and that the system has adequate integrity and has not been compromised. We would be happy to share the Consultant's report with the NPP.

Allegation 9: About 900 names on an entire polling station with pictures scanned into system as evidenced by staple marks.

#### **EC** position:

It is untrue that all the registrations at the Shikakope-Apekuitome Polling Station are fictitious. It is further untrue that there are staple marks on the pictures and that these pictures were scanned into the system.

Two holes in the Red background cloth used for capturing photos during the mass registration period in 2012 have been mistaken or alleged by the NPP to be staple pin marks observed in the register of Shikakope- Apekuitome Polling Station(D020902) in the Ketu South district. An enlargement of the pictures clearly shows the holes in the red cloth used as

background for the photos during the registration exercise.

Further checks in the voter registration database confirm the voters were properly and legally registered. Their forms 1A and 1C are available for inspection. The NPP also had agents at the registration centres during the registration exercise.

Further, their full biometric and biographic information are available on the system, as well as the dates and times of registration. A few samples from the register are inserted below (names have been removed to protect privacy of voters).

In addition, the independent BVR expert brought in by the Commission has confirmed the validity of these registrations, the integrity of the BVR system and that further, photos cannot be scanned into the system to create a voter registration. All registrations must be generated via the BVR kits, with live pictures.

Voter ID: 9592014428

Polling Station Code: D020902



REGISTRATION DATE: 05-05-2012 8:26:25 AM



Voter ID: 9592014485





REGISTRATION DATE: 05-05-2012 8:35:21 AM

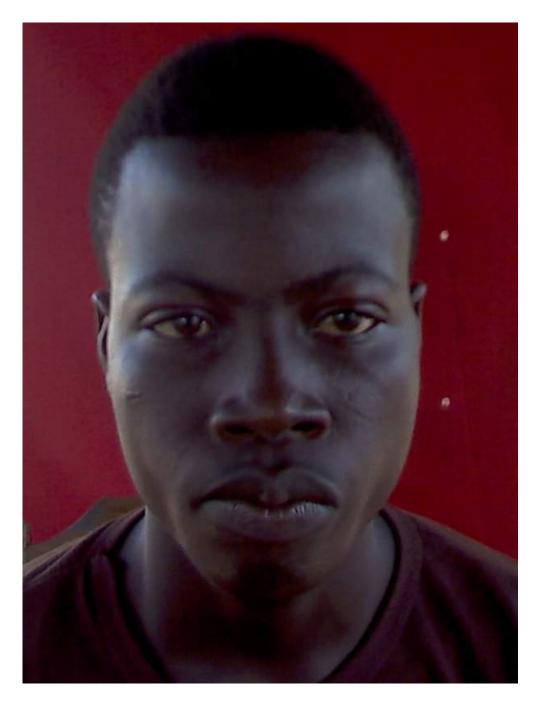






REGISTRATION DATE: 05-05-2012 9:16:22 AM

Polling Station Code: D020902





er ID: 9592014550

REGISTRATION DATE: 05-05-2012 9:41:06 AM

Full Name: xxxxxxxxxxxPolling Station Code: D020902



Voter ID: <u>9592014634</u>

REGISTRATION DATE: 05-05-2012 12:11:58 PM





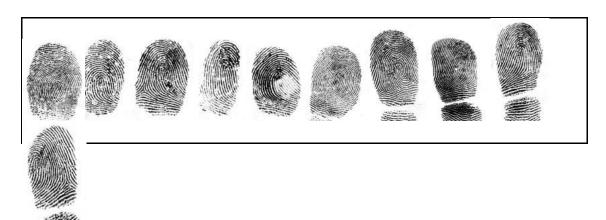
REGISTRATION DATE: 05-05-2012 12:59:59 PM



Voter ID: <u>9592014667</u>

REGISTRATION DATE: 05-05-2012 1:47:02 PM





Angation 10: Cases of double and multiple registrations with multiple photographs.

# **EC** position:

It has been demonstrated that the system was capable of removing over 150,000 multiple registrations from the register. It was further demonstrated that there is a clear, multi-level transparent procedure of Adjudication when humans check the machines' findings. It was also demonstrated that there are very few cases of multiple registrations which resulted from either: Human error, system allowed error margin or insufficient biometric data (no fingerprints were captured or low quality fingerprints).

The magnitude of multiple registrations in the current Register is very acceptable by any standard (estimated at hundreds in the entire register of 14.8 million people). The register does not have the multiple registration challenge that is being alleged.

As stated in several fora by the Commission, there are a few cases of multiple registrations still in the register. These duplicates are in the register for the following reasons:

- Accuracy level of AFIS (the biometric software) engine is 99.98% (as per specifications)
- Insufficient Biometric data (Voters who registered with less than 6 fingers)
- Low quality fingerprints
- Human error during Adjudication processes

The EC has introduced programmes to eliminate these multiple registrations. These include:

- Installation of a De-duplication system that matches biometric and biographic data. This ensures that duplicates of Voters with no (or insufficient) biometric data are detected during exhibition of the register.
- Upgrading of AFIS (software) and Voter

#### Registration systems

• Establishing a better adjudication process with the assistance of political parties at IPAC.

In our view, 2,096 alleged multiple registrations out of over 14 million entries are in line with duplicates expected to pass through the system. A percentage of less than 0.02% should not be the basis for the replacement of the entire Register.

# Allegation 11: Double and multiple registrations with multiple voter ID numbers;

#### **EC** position:

This is a false allegation as shown below. And cases of multiple registrations, have been explained in the preceding Allegation.





#### ALLEGATIONS - MULTIPLE REGISTRATIONS

#### **OPERATOR ERROR**-USING SAME FORM 1A HRF (HAND WRITTEN FORM) TO 2 DIFFERENT VOTERS

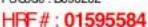
Voter ID: 7942015707 REG.DATE: 05-04-2012

5:15:35 PM

Full Name: SAMUEL KOW

ABBKAH Age: 31

PSCode: B090202



Voter ID: 7942015707

Voter ID:

7942015715





Voter ID: 7942015715 REG. DATE: 05-04-2012

5:17:54 PM

Full Name: SAMUELKOW

ABEKAH Age: 31

PSCode: B090202

HRF#: 01595584





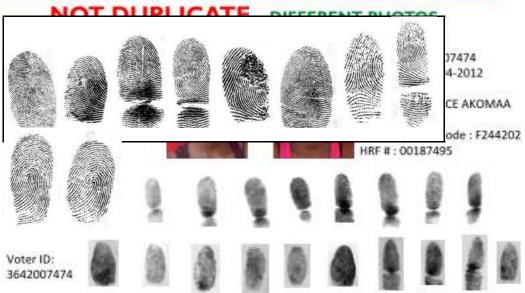








#### FALSE ALLEGATIONS - MULTIPLE REGISTRATIONS





#### ALLEGATIONS - MULTIPLE REGISTRATIONS

#### NO BIOMETRIC DATA AVAILABLE

Voter ID: 5805000287 REGISTRATION DATE: 24-03-2012 2:19:27 PM Full Name: AMMA SERWAA

Age: 15-MAR-70

Polling Station Code: G111401

HRF #: 00426678





Voter ID: 5805000295 REGISTRATION DATE: 24-03-2012 2:32:19 PM Full Name : AMMA SERWAA

Age: 15-MAR-70

Polling Station Code: G111401

HRF#: 00426678

Voter ID: 5805000287

NO FINGERPRINTS CAPTURED

Voter ID: 5805000295

NO FINGERPRINTS CAPTURED

#### ALLEGATIONS - MULTIPLE REGISTRATIONS

#### ADJUDICATION ERROR

DUPLICATE FLAGGED BY THE SYSTEM BUT WAS W RO NGLY ADJUDICATED

Voter ID: 5038006077 **FEGISTRATION DATE:** 04-04-2012 8:55:23 AM

Full Name: GYMAH THOMPSON

Age: 16-MAY-66 PS Code: G260202 HFF#:01835576





Voter ID: 5038009287 PEGISTRATION DATE: 11-04-2012 4:34:05 PM Full Name: GYMAH THOMPSON Age: 16-05-1966

PSCode: G260102 HFF#: 01835861

Voter ID: 5038006077





















Voter ID: 5038009287

















Allegation 12: Same registration details and photographs in different Polling Stations.

#### **EC** position:

This is a clear case of multiple registration with systems in place and appropriate facilities to detect and expunge.

#### Allegation 13: Minors with age zero on register

#### **EC** position:

A software bug in the voter registration program caused the system to produce these incorrect entries. The error affected 120 entries. The bug has been found and fixed.

A software bug affecting 120 entries in a register with over 14 million entries cannot in our view be the basis for the creation of a new register.

#### Allegation 14: No residential addresses on register

## **EC** position:

The EC collects residential addresses of all applicants during registration. The aim for collecting this data is to make it available to political parties and the public for purposes of campaigning and cleaning of the roll.



determination that will be satisfactory to all parties.

#### **CONCLUSION**

It is the considered view of the Electoral Commission that a

good case for the need for a new Register has not been made by the NPP.

The Commission further wishes to point out that the 2012 Register was created with the active collaboration of all political stakeholders in Ghana. Indeed, the NPP contested the 2012 general elections on the basis of the same register and filed a Supreme Court petition against the outcome of the presidential election as declared by the EC. In that petition, the NPP sought for its candidate be declared the winner of the 2012 presidential elections contested on the very same Register.

The NPP as well as other political parties collaborated with the EC in the process of updating the Register during the 2014 limited registration and exhibition process. That process essentially updated the 2012 Biometric register which the NPP now alleges to be flawed.

In addition, the NPP and other political parties contested the recent Talensi and Amenfi-West by-elections and expressed confidence in the outcomes of both elections, based on the current Register.

Further, 19,527 citizens of Ghana contested the 2015 district assembly elections, and 39,682 candidates contested the 2015



7, the request for a new Register makes no mendations on the process to be adopted in creating a new Register to ensure that the results to be produced would be different from the current Register.

In addition, preparing a new register implies that the existing Voters ID and the attestation of new registers by existing voters would be unacceptable as this would essentially import the alleged flaws of the existing register on to the new Register. It would therefore be important to ensure that citizens who intend to register and do not have valid Ghanaian passports, drivers' licenses and National Identity cards have a means of identifying themselves. The NPP has not made any recommendations that would ensure that many citizens of Ghana are not unduly disenfranchised in the process of creating a new Register.

From all the foregoing, the Electoral Commission is of the view that the current Biometric cannot therefore by any measure be said to be "incurably flawed" and not fit for purpose. The Commission posits further that a case for the need for a new Register has not been convincingly made.

The Commission welcomes the opportunity to work with all stakeholders, including the NPP, to ensure that an even more credible Register is available for the 2016 elections and towards a peaceful, transparent and inclusive electoral process in 2016.

DATED IN ACCRA, 30<sup>th</sup> DECEMBER, 2015