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ATTORNEY-GENERAL'S  
DEPARTMENT  
P. O. BOX MB. 60  
MINISTRIES  
ACCRA

My Ref No. ....

21<sup>st</sup> DECEMBER, 2015

Your Ref No.  
Fax No: 667609 / 666625

REPUBLIC OF GHANA

THE CHAIRMAN  
THE ELECTORAL COMMISSION  
ACCRA

Dear Mrs. Charlotte Osei,

#### REPORT OF THE PANEL

I have the honour to present to you the Report of the Panel you appointed to deal with the issue of the Register of Voters, consequent on the allegations of a bloated Register of Voters.

May I, on behalf of my colleagues on the Panel, and on my behalf, thank you ever so sincerely for giving us this great opportunity for being of service of our dear country.

Very Sincerely Yours

A handwritten signature in green ink, appearing to read 'V. C. R. A. C. CRABBE', with a horizontal line underneath.

V. C. R. A. C. CRABBE

**REPORT OF THE  
PANEL ON THE BIOMETRIC VOTERS REGISTER**

**Introduction**

By a letter dated the 23<sup>rd</sup> October, 2015 and signed by the Chairman of the Electoral Commission, we were constituted a panel by the Commission to hear proposals from the various stakeholders, engage the critical stakeholders, collect and collate views from the stakeholders, analyze the views and at a public Forum, conduct the hearings in a free, transparent, fair and objective manner on the issue of the Register of Voters, and provide recommendations to the Electoral Commission..

This had been occasioned by the petitions and calls by some political parties, civil society groups and a number of Ghanaians for a new Register of Voters or an audit of the existing Register of Voters – all with a view to ensuring a more transparent and accountable process for examining and determining the petitions and other calls.

The Electoral Commission arranged the two day public Forum which took place on the 29<sup>th</sup> and the 30<sup>th</sup> October, 2015 at the Alisa Hotel. The hearings were broadcast live on radio, television and the internet for the benefit of citizens of Ghana who could not attend but who would wish to follow the proceedings – and others interested in the affairs of Ghana.

A call was made by the Electoral Commission to all people and institutions interested to attend and present their case or views at the Forum. The idea was in fulfillment of the

pledge of the Electoral Commission to discharge its constitutional mandate to conduct free, fair and credible elections and the commitment of the Commission to undertake, dispassionately, its commitment to duty.

Elections the world over are the means by which a people make their political choices – not by the gun, but by the power of the thumb or mark – the ballot box. By that means political leaders are elected, because the people are presented with alternatives from which they make their choices. The alternatives are a necessary condition. The absence of an alternative does not indicate popular support. The absence of the alternative disqualifies the election as not being genuine.

The origin of elections lies deep in the mists of history. From the Greece of Homer, the Tacitus of Germany there has always been an acclamation of a victorious leader in war. The concept of a winning side and a losing side has ever been with humanity ever since we decided to live in communities. We took sides in the election of our leaders.

There is a 6<sup>th</sup> century Athenian law which provided that in case of a civil turmoil, all citizens should join one side or the other – or lose the status of citizen. The rationale was that the abstention from the conflict by too many would lead to the establishment of a tyrant.

Today through the widespread use of elections we have travelled the road of representative government to the shores of responsible government.

In 1887 local elections were held in Cape Coast. It was described as "our humble effort to train up our people in the art of self government since that is professed to be the primary object which the British Government has in view"<sup>1</sup> This had been made possible by the Municipalities Ordinance, 1858. The Town Councils Ordinance 1894 brought in its wake municipal elections followed by the Municipal Corporations Ordinance, 1924 which made possible THE election of municipal members to the Legislative Council in 1927. A sequence to that was the formation in Accra of the Ratepayers Association and the Manbii Party. In Sekondi we had the Municipal Elections Association.

That Association declared as its main aim the education of "the community in the proper exercise of the privilege of electing representatives to consider, discuss, accept and endorse or oppose, entirely or partly Government measures affecting Sekondi"<sup>2</sup> The exciting events of this period of our history led Dr. J.B. Danquah in 1928 to write in his ***Epistle to Educated Youngmen in Akim Abuakwa:***

We have here a form of responsible government  
literally thrust upon us. It is for us to seize it and make  
it a polished and reformed form of government"

In those days qualification to vote was based on ownership of landed property and included later tenancy of a landed property. It was easy to determine who had the right to

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<sup>1</sup> Letter of 18<sup>th</sup> May, 1887 from F.C. Grant and others to White; Dispatch No 246 of July 1887, quoted in David Kimble **A Political History of Ghana**,418-419

<sup>2</sup> **Gold Coast Leader**, 16 July 1927

vote. There were no multiple registrations and that eliminated multiple voting. Perhaps people were more honest than we are now, in these matters.

### **The Petitions**

A number of petitions were received from the political parties and other organizations. In some cases the petitions were quite bulky. We have, however summarised the petitions as we understand them. The summaries are set out in **Appendix A**.

### **The Forum**

At the Forum, those who had presented petitions were able to air their views in their oral presentations. Some did with the help of the computer and the projector. Others did without the aid of modern technology. The presentations as well as the minutes of the Forum are attached as **Appendices B and C respectively**.

There was opportunity to ask and answer questions in elaboration or otherwise of what had been presented.

The Forum offered us the opportunity for a first hand idea of the fears and concerns of the stakeholders and the problems and challenges involved in the whole exercise of the preparations necessary for the holding of the presidential election and the general election and indeed in the holding of public elections in Ghana.

### **Further meetings**

The further meeting with the representatives of the political parties and others made it possible for those concerned – without the glare of publicity and the play to the gallery - to be frank and candid with us. It was interesting, educative and above all reflected how the stakeholders can be so sensible, so understanding of each other's concerns and appreciative of the work of the Electoral Commission

The minutes of those meetings are attached as **Appendix D**

### **The Issues**

Three main issues arose out of the petitions and the presentations at the Forum and at the further hearings:

- (a) Do we need a new register of voters?
- (b) Do we keep the existing register of voters?
- (c) Do we clean the existing register of voters?

The idea that we keep the existing register of voters misses the **fact** that a Register of Voters is not a static document, unchanged in its character and content. It is dynamic. Those who turn eighteen have a claim to be registered and are registered if they make the

effort to be registered. Those who depart this life must have their exit from the register of voters. And their names are removed. In that sense the Register of Voters is organic. It would thus be wrong to keep unchanged the register of voters used for the 2012 general election and the presidential election.

The reality is that the Electoral Commission does not now have in operation a register of voters known as the 2012 register of voters. True it is that a Register of Voters was used for the 2012 general election and the presidential election. But that is all that there was to it. That register of voters does not now exist.

That to an extent answers the question whether we would want to keep the 2012 Register of Voters. In the presentation of the Ghana Institute of Public Policy Options the point was made that the registers of voters for all of the public elections since 1992 had all been bloated. If we accept that as a fact, it is only to draw our attention to the fact that there was nothing wonderful about the 2012 Register of Voters. We need to move on.

If it had been bloated should we continue to have bloated Registers of Voters? The answer is really a big **No**. Yet it is a pointer to progress that we discern the mechanisms which lead to the "bloating" of the Register of Voters, that is, the human factor, generated by whom, that leads to the bloating of the Register of Voters. Who is responsible for the bloating of the Register of Voters?

Is the issue then one of having a new Register of Voters, for how do we guarantee that when a new register is being compiled, it would not end up being another bloated Register of Voters? That requisite guarantee was not forth coming from any quarter!

That indeed, raises the question whether at the registration centre, the registration officer has capacity to determine the citizenship, or the age, of the person who presents herself or himself for registration.

Facial characteristics may be deceptive. A tall thirteen years old girl can be so done up in such a manner as to look over eighteen. How does the registration officer determine her age?. The other cases also raise their specific problems. It is easy to see a child of four or may be even eleven. It is not that easy to see a person before you as not a citizen of Ghana. It is the doubtful ones which may cause the problem for the registration officer.

Hence, the responsibility of all citizens of Ghana. Hence a careful look at the provisions of the regulations 16 and 22 of the Public Elections (Registration of Voters) Regulation, 2012 (C.I. 72) which make provision for challenges to be made even at the time of registration. If we love Ghana, if we want a clean Register of Voters, if we want free and fair elections we need to wake up to the clarion call of Mother Ghana to desist from engaging in an effort that would lead to the Register of Voters not being accurate. Accuracy of the Register of Voters may be difficult to attain, but since human ingenuity is not limited the propensity to cheat must be curbed. Thus the veracity of the Register of Voters depends on the honesty of all citizens of Ghana.



In the presentation of the Electoral Commission at the Forum, the point was made that there is a Register of Voters which is being kept up to date – all of the time. It was categorically stated that 150,000 records of multiple registration names have been deleted from the Register between 2012 and 2015 following the established adjudication process. And the process is ongoing. If that is accepted then it can be said that the current Register of Voters is different in some way from the 2012 Register. As we have already indicated there is no 2012 Election Register of Voters in being to form the basis of an argument that the current Register of Voters contains names which should not be in the register. Because, some at least, of those names must have been deleted.

Of particular interest are the presentations of the Institute of Democratic Governance, the Ghana Centre for Democratic Development, the Institute of Economic Affairs, Mr. Ben Ephson and the response to Mr. Ephson. Each of them is not a political party. Their presentations and Papers therefore can be accepted as objective, in the sense that they are not tainted by political colours. Their presentations are attached as **Appendix**

**E**

### **Statistical Considerations on the Register of Voters**

The New Patriotic Party in its submission to the Electoral Commission suggested that the Register of Voters included names of several categories of ineligible individuals, which consequently made it a 'bloated' Register. The invalid records in the Register pertained to

- (a) multiple registrations of some individuals
- (b) minors who were registered
- (c) foreigners who should not have been registered
- (d) the deceased whose names are still in the Register.

The Panel's effort to assess the validity of these claims, was constrained by the fact that the current system of identification and the manner in which individuals were registered, including the accepted forms of identification, did not allow for easy detection of the ineligible registrants, such as minors and foreigners. The Biometric Voter Registration system, however could detect and help eliminate duplicate records from multiple registrations of individuals

#### *Results of the analysis*

There is some evidence that the Register of Voters possibly contains a substantial number of names of people whose records are currently not valid. By all indications, the number of registered voters is not only unusually high, but it may be in excess of the potential number.

Based on the 2012 projected population of Ghana, provided by the Ghana Statistical Service, and discounting the population of foreigners, there were about 150,000 more individual records in the Register of Voters than the 2012 estimated population of persons aged 18 years and older of Ghanaian nationality (table 1). This would include some thousands of minors who were wrongfully registered.

As reported by the Electoral Commission in its presentation at the Forum, there were minors who registered for the 2012 elections, some of who returned to re-register in 2014 updating exercise, presumably because they had now turned 18 years. These registrations manifested as the multiple registrations in the subsequent registration exercise. It was also reported that through a "better adjudication process" 158,000 deletions had been done since 2012.

It would be difficult to determine whether or not there are still minors from the 2012 registration on the current register; such as those who registered then when they were less than 13 or 14 years and are therefore not yet eligible to be properly registered. In addition, there could be more minors who have entered the Register by registering in the limited registration period in 2014.

The 2014 exercise seems to have also yielded slightly more registered voters than the expected (projected) population of Ghanaians aged 18 years and older, as at 2014.

The other component of the apparent over representation of registered voters in the

population concerns the presence of non-nationals in the register. There is however, currently, no reliable objective way of confirming the citizenship of an individual. As many interventions at the Forum pointed out, the ideal would have been to rely on a national identification system, which should have rigorously subjected applications to stiffer checks. The national identification system has not advanced to that state.

**Table 1; Actual and projected population, estimated voter population, registered voters, and changes in eligible voter population, 2010-2016**

Years	Total; (All ages) <sup>a/</sup>	18 years and over	Population of Foreign nationality <sup>b/</sup>	Eligible voters in the population	Annual Death <sup>d/</sup>	Annual increase in eligible voter population 18+
2010	24,658,824	13,632,299	365,584	13,266,715	122,691	-
2011	25,235,265	14,037,743	376,457	13,661,286	126,340	347,125
2012	25,824,916	14,394,434	386,023	14,008,411	129,550	358,174
2013	26,427,755	14,762,478	395,893	14,366,585	132,862	358,174
2014	27,043,098	15,141,585	406,059	14,735,526	136,274	368,940
2015	27,670,173	15,531,367	416,512	15,114,855	139,782	379,329
2016	28,308,295	15,931,448	427,241	15,504,207	143,383	389,352

Source: Based on actual and projected population provided by the Ghana Statistics Service (GSS)

Note: \* 2010 population figure represents actual count from the 2010 Population and Housing Census

(a) Projected population for 2011-2016

(b) Foreign population aged 18 years and older for 2010 was 365,584, representing

2.69 percent of the population 18+ years. The same proportion has been assumed for the subsequent years

- (c) Eligible voters comprise the population aged 18 years and over who are Ghanaian citizen by birth, by naturalization or who hold dual citizenship one of which is Ghanaian.
- (d) Derived from Empirical Life Tables, which gives the estimated crude death rate of 9 per 100 among the population 18 years and older
- (e) Change in eligible population relative to the previous years.

The other element of the bloated Register is the situation with the names of the deceased remaining on the register. This, by far, appears to be the most critical both in terms of magnitude and copulative effect, and implications for the creditability of the electoral process. Death is expected and could have been dealt with more perceptibly in the legal frameworks and system design, yet there appears not to have been the necessary consideration given to how the names of such can be purged from the Register of Voters in some regular fashion

There are more than 100,000 estimated deaths each year to persons of Ghanaian nationality, aged 18 years and older. Applying the crude death rate of 9 per 1000 to the projected population of eligible voters, there are more than half a million deaths to be

expected between 2012 when the biometric registration was initiated and 2016 when the Register would be used again for elections.

Table 2: Estimated voter population, registered voters and estimated deceased in voters' register, 2010-2016

Year	Eligible voters in the population <sup>a/</sup>	Annual deaths of eligible voters <sup>b/</sup>	Surviving registered voters beyond 2012 <sup>c/</sup>	Estimated annual deaths among registered voters	Cumulative deaths of persons still in voters' register	Excess registered voters on eligible population
2010	13,266,715	119,400				
2011	13,661,286	122,952				
2012	14,008,411	126,076	14,158,890	63,715	63,715	150,474
2013	14,366,585	129,299	14,095,174	126,857	190,572	
2014	14,735,526	132,620	14,800,000	131,485	322,056	64,474
2015	15,114,855	136,034	14,667,999	132,012	454,068	
2016	15,504,207	139,538	14,535,987	130,824	584,892	

Source: Based on actual and projected population provider

Note: \* 2010 population figure represents actual count from the 2010 Population and Housing Census

(a) eligible voters comprise the population aged 18 years and over who are Ghanaian citizens by birth, by naturalization or hold dual citizenship one of which is Ghanaian. Projected population for 2011-2016

(b) derived from Empirical Life Tables which gives the estimated crude death rate of 9 per 1000 among the population 18 years and older.

(c) shaded figures show number in the Voters' Register discounted by expected

deaths in the preceding period/year.

(d) number by which voters in the register exceed estimated eligible population.

*Implications of the findings*

Further analysis of data, based on the reported number registered in 2012 and 2014, shows that as many as 580,000 estimated number of voter deaths would have occurred cumulatively by the 2016 elections and may well remain in the Register of Voters. It is not clear how many of these deaths have actually been identified and their records expunged from the Register of Voters through the established procedures.

This constitutes about 4 per cent of the eligible voters on the Register. Whether or not definite steps are taken to eliminate or at least minimise invalid records, depends on how the margin is viewed. Yet, for a national data base whose value transcends its immediate purpose, there are quality considerations to be maintained. On the one hand, the margin is almost twice the margin by which most presidential elections were won and more than ten times the margin in the preceding elections. On the other, the Electoral Commission forms part of the national statistical system and the data generated from their processes, from registration to voting, and the data base are potentially an essential component of the official statistics. Broadly considered, this is too wide a margin to entertain, for several reasons.

In the context of the elections it is important to ensure that the "human factor" such as checking and ensuring that a single ballot paper is given to each voter during an election, is not powered by substantial margins that provide room for manipulating and manoeuvring the outcome.

1. The margin is too wide beyond the tolerance limit, given that presidential elections are won by a much narrower margin.
2. The issue of multiple registrations, is believed to have been adequately dealt with by the system governing the biometric registration. It is assumed that inherent in the biometric voting is the elimination of the possibility of double registration and voting, impersonation, and rigging of various forms. This argument hinges on the principle that gives confidence that no other individual can use another's name or identity. Yet there are reportedly valid reasons why these malpractices may still be issues of concern:
  - (a) in 2012, the "no verification no vote" rule was not necessarily maintained across polling stations.
  - (b) moreover, for the next elections it is not clear what will result from this condition being eliminated from the guidelines.



- (c) voting in different polling stations could well be possible, since the results from verification machines are not integrated and analysed in this light, in post-elections quality assessment.
3. With reports of observers and some party agents not being allowed to operate in some polling stations, and in some cases reportedly attacked, the operations of some polling stations may well not be under the required observation and vigilance on which the integrity of the process depends.
4. Even when the voting and counting at the polling stations have managed to proceed without incidence, there are accounts of manipulations at the collation centres. These irregularities are dependent on the number of potential voters (records on the Register of Voters ) in two main ways:
- (a) first, from the invalid records there are margins that can be mopped up by inflating the numbers of votes cast;
- (b) second, from the eligible registered voters who do not turn up to vote additional margins are introduced;
5. To the extent that these accounts are true, the existence of such margins on the valid records undermine the quality of elections: such as transparency, fairness, validity and reliability of the results.

It would therefore be necessary, to limit the scope the margin may offer for the padding vote counts to make up the difference between the votes cast and the potential votes. If these efforts should be effectively thwarted, not only should the margins be reduced to the minimum, but there should also be parallel processes of collation of results so that the results can be independently checked and validated by different official sources.

6. The challenges presented by the "human factor" are often cited with some resignation to leaving the situation as it stands, and expecting that the political parties are largely to blame. But where there are no takers, the givers fail in their plot. The fundamental question is the extent to which the Electoral Commission is willing to allow the political parties to connive with some "bad nuts" to corrupt the system, which essentially subvert the will of the people
7. Judging by the sheer numbers, the Electoral Commission's proposition to display the Register, with Political Party representatives, the Electoral Commission and citizenry to identify and point out invalid names, is not a viable approach. Particularly when the persons who identify these records are expected to expend their time, energy and resources not only to provide the evidence but also to testify before a court of competent jurisdiction. The efficacy of the current provisions may be assessed by the fact that in spite of this system having been in place, there were 8,000 registrants in 2014 who may have been minors on the list since 2012.

8. The signal is that the system is not effective in achieving the set goals of eliminating invalid records from the Register and must be reconsidered. It is said that you cannot do the same thing and expect different results. The challenges with relying on the ordinary citizen to suggest who may not be eligible to vote or which names should not be in the Register stem from the fact that,

- (a) the list is not ordered in a way that would make it possible to spot invalid records (alphabetic order and not following residential address system; too many names for anyone to manage the task)
- (b) not enough time given for the exercise.
- (c) there is the assumption that people are known in their communities.
- (d) the potential for several persons having the same name.
- (e) the setup is potentially confrontational.

9. The consequences of a "bloated" register (or numerous invalid records) are not ignorable. Maintaining a Register with so many invalid records has the implications of

- (a) potentially rewarding corrupt practices of not only those who will come to lead the country but also of public servants and those given temporary responsibility of managing the voting system;
- (b) the most ingenious wins over the will of the people

(c) perpetuates violence in communities.

10. Mitigating the effect of a "bloated" register can best be achieved by a multipronged approach that starts with careful consideration of engendering as clean a Register of voter as possible.

**Table 3: Requirements and scope of activities related to the type of register**

Actions/Activities	Relevance to the Register		
	New	Updated	Cleaned up
1. Open voters' register	No old records	Maintain most of old records	Maintain most of old records but fewer than in updated register
2. Register Ghanaians 18 years and over	Register all persons anew	Register only the newly 18 yrs and >18 yrs not previously registered	Register only the newly 18 yrs and >18 yrs not previously registered
3. Validate/verify information in register	All information entered anew	No verification in the updating stage	Verification required for all who want to be on the register
4. Eliminate ineligible persons/invalid records	No records to eliminate	Eliminate only duplicates and any others only upon challenge upheld in District Court and its authorisation	Eliminate only records that have not been validated/verified
5. Deriving the number of potential voters	Most likely the middle range number (excludes the records of the dead, but could introduce new ineligible)	Largest number of voters (having all records of the dead, and any other category of ineligible not previously identified) but could introduce some new ineligible	Smallest number of voters on record (having eliminated not only all records of the dead, but also of minors and foreigners who heed to warning of possible legal sanctions) but could introduce some new ineligible
6. Conduct analyses on the database	When Re-registration is	When updating exercise is completed	When clean-up exercise is completed

	completed (comparing age-sex and regional/district distribution of registered persons with that of general population, and of the current updated register),	(comparing age-sex and regional/district distributions of registered persons with that of general population, and of the current updated register	(comparing age-sex and regional/district distributions of registered persons with that of general population, and of the current updated register).
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It seems that doing nothing more than the usual updating and waiting for the citizenry to pursue those who are illegally registered, will engender the most bloated register, by the mere fact that very few of the names of the dead are likely to be brought up.

*Cleaning versus registering anew*

Generally, it might be difficult to justify leaving more than half a million invalid records in the Register that we seek to characterize as credible. It may be expedient to try to find a middle ground to creating a new register through a completely new registration process. The Electoral Commission could consider extending the exhibition exercise to have voters confirm their names on the list, an indication that they would want to maintain their voter status.

The benefits include signaling that the Electoral Commission is doing something about the known flaws in the Register; the more cost-effective approach is being used. In the same way that a new registration would have required citizens to physically appear for

registration, the cleaning would require that they appear to confirm. The major difference is that they spend less time because no forms are filled.

Rather than make others responsible for maintaining voters' names on the list, the individuals should themselves do that. This also avoids the issue of people looking for documents to support any claim to get a record removed. This is largely what happens with the current system of hoping invalid names would be detected. It would be important to use this opportunity to call on all who are not eligible to voluntarily get their names off without facing any prosecution.

Conditions	New Registration	Cleaning of Register
Those who visit the polling centre	Get registered onto the new register	Record is validated and retained
Those who do not visit	Are not entered into the New Register	Are not retained on the Clean Register
Time required		Individuals will spend less time at Polling Centres since no forms are filled
Resources required	Substantial	Less than the full scale registration (but more than simple confirmation of names on the register)
New law required	Would require a new law	Would require a new law
Legal provision for individuals to choose to register	It is the individual's responsibility to get on the list	It is the individual's responsibility to get on the list
What if someone was not available or was indisposed	Apply the provisions of the Registration regulations	Same provisions should be made as with new registration;

## The Technology

There were five categories of issues raised about the Register of Voters: multiple voting, multiple registrations, the names and pictures of non-Ghanaians and of minors on and of the deceased in the Register of Voters.

The current system for the presentation of the Register of Voters was acquired in preparation for the 2012 general and the presidential elections, after concerns about the bloated Register of Voters in 2008. It had been determined by the Electoral Commission and with the consensus of all of the political parties, that the objective of the procurement of the biometric system for the registration of voters and for voting on election day was to address multiple registration and multiple voting. The new feature of the Register of Voters is computer based recognition of thumbprints,

The system has been deployed and used for one general election and a number of other local elections. Therefore, there has been extensive experience, it was thought, and record of operational use of the system. These recorded performances of the system would be invaluable in determining the future of the Register of Voters.

The system follows these principles:

- (a) collect 10 digit fingerprints

- (b) all log in access authentication is by thumbprint verification of authorized users;
- (c) authentication of thumb print verification of authorized users;
- (d) all communication from user and other parts of system is encrypted thus requiring a hard to break secret key to access the information;
- (e) the issued voter Identification numbers are traceable to a particular registration equipment;
- (f) the registration equipment would only be used at a scheduled time,
- (g) all the data in the register come from the registration equipment which combines biographical information, photograph and thumbprints .
- (h) registration equipment cannot be attached directly to the voter register data base computer

As the system was designed for resolving **only** multiple voting and multiple registrations it cannot contribute to addressing the issue of persons who are not citizens of Ghana, of minors, nor or deceased persons.

The system appears to have eliminated multiple voting and drastically reduced



the potential for multiple registrations.

The option of electronic voting was raised. In this scenario the voters cast their vote by manipulating a machine themselves. There was no consensus on which immediate problem of the Register it addresses and there were doubts expressed about our readiness as a country to avail ourselves of yet another system. This concept would also require additional effort at building consensus and making specifications clearer.

There were noted cases of issues with the system including software implementation errors; operator errors, insufficient number of thumbprints (requirement for a minimum of 6 thumbprints or else an exception processes that failed), erroneous adjudication decisions by parties and others. We also saw during the demonstrations at the Forum the tedium of operators who manage sensitive equipment facing communication faults and the occasional need to restart the equipment.

The Electoral Commission stated that the planned enhancements of the system include better logging, enhanced adjudication user interface for resolving multiple registrations

There were allegations of non-Ghanaians on the Register of Voters. However these remain allegations as no convincing evidence was provided. As the proponents

could not prove that the persons whose names have appeared on another country's register were indeed not Ghanaians, failed to provide details and rather asked the Electoral Commission to go and find the evidence, it is difficult to come to a conclusion on an opinion.

In computer science, there is a theorem which says that one is able to make an informal claim if, and only if, there is a mechanical procedure that is, a programme for it. So, if one makes a hand wave or a leap of faith claim and is challenged, one must show the complete running mechanical procedure. Hence, a computer scientist would look for direct and clear evidence called running code

There appears to be a general appreciation that the difference between an old or a new register is merely semantic. There will inevitably be a "new" register for the elections as there will be new registrations, deletion of deceased and deletion of identified defects through due process. There was consensus that before considering a whole new platform for a Register of Voters meaning of new register, with new features beyond thumbprints and planned enhancements the Electoral Commission, might assess the current register first

A prerequisite for a new Register of Voters is a clearly stated new feature to address a particular mischief. This would require consensus among the political parties

on the feature. But in all our deliberations with the stakeholders there was no known new technical feature suggested apart from the mention of the Nigerian chip to discover non-Ghanaian and minors attempting to register.

Out of the 33 written proposals submitted, 9 proposed a new Register and 15 proposed some form of improvement to the Register of Voters, 2 were conditional while 7 offered a variety of proposals not directly related to the Register.

Credibility can be gained when rule and processes are known ahead and the operation yields predictable outcomes. To maintain the integrity of the Register of Voters the existing structures for updates must function routinely and correctly'

#### **Preparation of the Register of Voters**

The preparation of the Register of Voters is based on the Public Elections (Registration of Voters) Regulations, 2012 (C.I. 72).

The Regulations set out the qualifications for registration. Foremost in the list is the requirement that the person presenting himself or herself is a citizen of Ghana. Once one is not a citizen the other qualifications do not come into play. Citizenship therefore plays an important part in the registration exercise. And yet it is difficult for us in Ghana to determine by the look of a person that the person is or is not a citizen of Ghana. We have not as yet settled the issue as Cote d' Ivoire has done and therefore the issue of the determination of

who is a citizen will plague us for years to come – until we face the issue squarely and set the doubts at rest.

There are then the evidence of identification:

- (a) a passport, however obtained,
- (b) a driver's licence however obtained,
- (c) a national identification card, however obtained.
  
- (d) national Health Insurance Card, however obtained.
  
- (e) an existing voter identification card, however obtained.
  
- (f) one voter registration identification guaranteed for, however obtained.

"However obtained" is a very big issue in our country. And we all know the plague. So why hide our heads in the sand?

We pick up the relevant regulations for our present purposes. Regulation 3 provides that each electoral area shall have a register of voters consisting of the voters registers of the polling stations in the electoral area. Each constituency shall have a register of voters consisting of the register of voters of the electoral area within the constituency.

Of particular importance to us are regulations 16 and 22 which are reproduced in full.

16 (1) A person appointed to register voters, a person authorized by the Commission to monitor the registration of voters or a person qualified to be registered as a voter may challenge a person applying to be registered as a voter on the ground that the applicant does not satisfy the requirements provided in regulation.

(2) Where a person's application for registration is challenged and that person claims to be qualified to be registered as a voter,

- (a) the person making the challenge shall complete the voter registration challenge form as set out in the Form Three of the Schedule;
- (b) the registration officer shall complete the registration form on behalf of the applicant but shall not issue the applicant with a voter identification card;
- (c) the registration officer shall complete the registration form together with the completed voter registration challenge form to the district electoral officer ; and
- (d) the district electoral officer shall send the completed voter registration challenge form together with the completed voter registration

challenge form to the District Registration Review Committee established under regulation 17.

22 (1) The Commission shall cause the provisional register of voters of each polling station to be displayed for public inspection at the registration centre for the period that the Commission by notice in the Gazette and the media specifies.

(2) During the exhibition period

- (a) any registered voter may inspect the provisional register of voters to ascertain that the particulars on that voter's identification card are the same as the particulars contained in the provisional register of voters and in case of any discrepancy, request the exhibition officer to make the necessary correction in the provisional register;
- (b) any person whose application for registration during the registration period was accepted and whose name but other particulars do not appear in the provisional register of voters may make a claim as set out in the Form Five of the Schedule for the name and particulars of that person to be entered in the provisional register; and

(c) a person entitled to be registered as a voter may object as set out in [the] Form Six of the Schedule to a person whose name [the] appears in the provisional register of voters on the ground that the person is not qualified to be registered as a voter.

(3) The Commission shall in addition to the publication provided in subregulation (1), post the provisional register on the website of the Commission.

We ask but a simple question:

Do all involved in the election processes obey - abide by - these regulations?

For we conceive, how can we have a bloated register if these provisions of the electoral law are observed, are obeyed? These provisions, these particular regulations are crucial to the cleanliness of the Register of Voters. Do we have a right, moral or otherwise, if we do not do our duty to our nation, to complain about the state of the Register of Voters, when we all had the opportunity to see to it that the Register of Voters is a clean Register?

All the ingredients for having a clean Register of Voters are contained in the Public Elections (Registration of Voters) Regulations 2012 (C.I. 72). How far have we discharged our responsibilities as citizens of Ghana in obedience to the electoral laws? We cannot help

but quote from the Speech on the Right of Election, of the election of Lord of Mayor of Dublin on 10<sup>th</sup> July 1790, of John Philpot Curran:

The condition upon which God hath given liberty to man is eternal vigilance: which condition if he break servitude is at once consequence of his crime, and the punishment of his guilt.

Let us consider our origins. We were not made to live as brutes. We were made to follow virtue and knowledge and the wisdom which comes out of the honest application of knowledge. If we complain about bloated registers of voters, we all have failed ourselves since 1992. We all as citizens of Ghana have failed Mother Ghana.

#### **Register of Voters**

Article 42 of the Constitution gives every citizen of Ghana the right to vote. That enables the citizen to be registered to vote. That involves two things: the right to vote and the exercise of the right to vote.

The right to vote and the exercise of that right are for us constitutional rights. There is the tendency to confuse the two. No verification, no vote, when the citizen's name is on the Register of Voters ? How do we exercise that right? Hence article 45 which give authority to the Electoral Commission

- (a) to compile the register of voters,
- (b) to demarcate electoral boundaries,



- (c) to conduct and supervise elections,
- (d) to educate us on the electoral process and its purpose,
- (e) to undertake programmes for the expansion of the register of voters, and
- (f) to perform other functions.

Article 51 gives the Electoral Commission the authority to make Regulations for the registration of voters and the conduct of elections and referenda. Therefore we need to scrutinize the Regulations and be sure that the Regulations cover the electoral issues. Much depends on those Regulations and what they contain.

The task of registration is not an easy one. How does the registration officer determine that a particular person is a citizen of Ghana? That officer cannot do that. That is the reason why the Provisional Registers are exhibited. That is why there are provisions in the Regulations (C.I. 72) to deal with challenges. That is the crux of the matter. So how then do we ensure a clean Register of Voters. By enforcing the provisions of regulations 16 and 22 of C.I. 72. By checking the Provisional Register of Voters to be sure that the Register is clean. If we do not do that, we can make all the noise about the Registers being bloated. It also means that we must ensure that the format and particulars provided in the Register are enough to enable any one to check on the authenticity of the registration.

The registration form which a citizen fills in is important. It should provide particulars of the citizen: House No, evidence of residence; workplace; postal address - important particulars to enable the citizen to be identified. For if we rely on pictures and the beauty of one's face, we are making a sad mistake. The more sophisticated we make the processes, the more we shall complain about the cleanliness of the Register of Voters. Bloated register! How did that come about? It started with the registration. What are the problems of registration?

It starts with the particulars of the registered voters as recorded in the Provisional Register of Voters which can be verified physically. We shall for ever complain about the cleanliness of the Register of Voters. Where we miss the opportunity or fail to check the Provisional Register of Voters. We have compromised our own integrity to complain.

However, the Electoral Commission might consider a review of the requirements for the registration of voters as documents of the nature of passports or driving licences are not as reliable as one would have wished. The use of money to fraudulently acquire such documents is a well known issue. Therefore additional information which can lead to the identification of the voter where there is a challenge, for example, should be considered. The requirements can be discussed at the meetings of the Inter Party Advisory Committee meetings as part of the on going electoral reforms.

### **The Legal Framework**

The Constitution, in article 42, confers on every citizen of Ghana of not less than eighteen years, the right to vote and is, therefore entitled to be registered as a voter for the purposes of public elections and referenda.

The exercise of that right to vote is governed by article 45 of the Constitution which in paragraph (a) of that article, confers on the Electoral Commission the functions of compiling the Register of Voters and revising the Register at such periods as may be determined by law. Article 45 in paragraph (e) also enjoins the Electoral Commission to undertake programmes for the expansion of the Register of Voters.

These constitutional requirements clearly place the obligation on the Electoral Commission to make it possible by all legitimate ends for the citizens of Ghana of not less than eighteen years, and of sound mind to be registered to vote at public elections and referenda.

It is thus quite clear that although there would be a complete Register of Voters for a particular election or referendum that register is not static. The Constitution enjoins the Electoral Commission to revise the register and therefore clean the register undertaking programmes which lead to the expansion of the Register of Voters.

It is, therefore, an on-going exercise not confined to a particular period of time. But ready and available for any particular election. The Register of Voters is therefore being constantly changed in its content. As the citizen reaches the age of eighteen years and being of sound mind the citizen becomes entitled to be registered as a voter.

That means that any other person, not even the Electoral Commission, has the right to deny a citizen the exercise of the right of the citizen to be registered to vote.

But who is a citizen? That is provided for by Chapter Three of the Constitution. This Chapter of five articles states the basic requirement for being a citizen. Article 9 confers power on Parliament to make provision for the acquisition of citizenship of Ghana. Article 8 was amended to make room for dual citizenship.

Article 6 is in these terms:

- (1) Every person who, on the coming in force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana.
- (2) Subject to the provisions of this Constitution, a person born outside Ghana after the coming into force of this Constitution shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana.

(3) A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

(4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana, who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

The determination of who is a citizen is thus a serious and an important matter for the purposes of registration of a person as a citizen to vote at public elections or referenda – an issue which cannot be left to, indeed cannot be determined by, a registration officer.

In *Olympio v Commissioner for the Interior*, the High Court, Accra, on the 30<sup>th</sup> July 1969 held the submission of Mr. Olympio, the son of the President of Togoland. "as a citizen of Ghana by descent and as such did not require the permission of the Commissioner for the Interior or of any other body to stay in Ghana." Having been declared by the High Court to be a citizen of Ghana, Mr. Olympio, a national of Togoland, would have been entitled to have his name in the Register of Voters and to vote at public elections or referenda in Ghana.

The *Olympio Case* was in 1969. But the principles of that case regarding citizenship of Ghana are relevant. Sylvanus Olympio, a son of the President of Togoland claimed the citizenship of Ghana on the basis that

- (a) his grandmother, Madam Nanageh Afeh, known as Fides Afe, was born at Keta,
- (b) his mother Diana Theresa Olympio, Nee Grunitzky, was born in Keta and baptized in Keta,
- (c) his mother was the granddaughter of Chief Aweku Amegashie of Keta and the daughter of Hodzdinya Amekpo Amegashie of Keta and Amekpor Freeman Amegashie all of Keta.

That case was not decided under the 1992 Constitution. But mark the words of clause (1) of article 6 of the 1992 Constitution:

Every person who on the coming into force of this Constitution is a citizen of Ghana by law shall continue to be citizen of Ghana.

If Mr. Olympio a Togolese is alive - and he so desires – we believe he is entitled to have his name and photograph in the Register of Voters compiled in reliance on articles 42 and 45 of the Constitution.

We mention this case to raise the issue that the determination of who is a citizen of Ghanaian and therefore who has **the right** to register to vote in public elections and referenda in Ghana is not that simple.

In fact the issue of citizenship arose in *Larden v Attorney-General and Ors No. 1 and (No 2)* of August 1 and 12 1957 and October 25 1957, respectively. They dealt with the citizenship of the plaintiff and eventually led to the enactment of the Deportation (Othman Larden and Amidu Baba) Act, 1957. The plaintiff was to be deported. He claimed Ghanaian citizenship. To avoid all legal arguments that Act was enacted.

There was also the *Alhaji Alifa Osuman Larden Lalanmie* Habeas corpus case which led to a contempt of court case involving Mr. Krobo Edusei then Minister of the Interior and Mr. Erasmus Ransford Tawiah Madjitey then the Commissioner of Police and eventually, again, to the enactment of the Deportation (Indemnity) Act 1958, No 47 of 1958

We must learn the lessons of our own history.

It is as well as to remember that the determination of a person's citizenship is always a "retrospective" issue. Citizenship is traced from parents and grandparents – even under article 6 of the 1992 Constitution. Thus the citizenship status of parents and grandparents has to be taken into account.

Citizenship of Ghana, as by law established, starts with us, with the 1957 Constitution granting Dominion status in the Commonwealth of Nations. At that time citizenship was based on being a British subject. From that flows the citizenship of many a citizen of Ghana, born **before** Independence.

Those born **after** independence will still have to reckon with the citizenship status of their parents or grandparents which, most likely, will go back to 1957.

Clause (1) of article 6 of the Constitution is premised on what one was, that is, the legal position before the coming into force of the Constitution. In this light, clause (1) of article 6 is retrospective as well as prospective in character – from **before** to **after** to **now**.

It has a few implications:

- (a) a person who was a citizen of Ghana, but has voluntarily renounced the citizenship of Ghana before clause (1) of article 6 came into force is not a citizen of Ghana on the coming into force of the Constitution, and is, therefore, not covered by clause (1) of article 6 of the Constitution.. At the time when the Constitution came into force that person did not have the status of a citizen of Ghana. The voluntary act is important. It was that person's choice - obviously not lightly taken. That person has thrown away, by that person's own voluntary act, the citizenship of Ghana. That person was not, by the laws of Ghana, a citizen of Ghana. On the coming into force of the 1992 Constitution that person could not, would not continue "to be a citizen of Ghana." That person was not



"on the coming into force of [the] Constitution" a citizen of Ghana.

- (b) a person who had not exercised the choice of rejecting the citizenship of Ghana in favour of the citizenship of another country is covered by clause (1) of article 6. That person has not taken an **active step, a voluntary step** to reject, to **renounce** the citizenship of Ghana. It has the added implication that, that person who held on to the citizenship of Ghana as well as the citizenship of the other country may well be covered by clause (1) of article 6 if the laws of the other country permit dual citizenship and does not require that person to renounce the citizenship of Ghana. The fact that Ghana, before the 16<sup>th</sup> December, 1996, did not then recognize dual nationality meant that, that person could not claim the citizenship of Ghana in addition to the other nationality. The citizenship of Ghana was latent which became activated by the amendment to article 8.

Article 8 of the 1992 Constitution as amended is, also, retrospective as well as prospective in character. It gives to a person who is a citizen of Ghana the right to acquire the citizenship of any other country - subject, it must be added, to whether the other country by its laws accepts that kind of dual nationality. But that is a matter for the laws of that country.

Article 8 does not create the right to citizenship. It is dealing with a person, who is a citizen of Ghana whether that person became a citizen of Ghana before or after the amendment of the previous article 8.

It is important to note that article 8 as amended is meant for Ghanaians – that is to say, persons, who are citizens of Ghana who wish to become citizens of other countries. In other words to have dual citizenship under the Constitution of Ghana one must first be a citizen of Ghana.

A German, for example, who wishes to acquire the citizenship of Ghana has to satisfy the laws of Germany before dealing with the laws of Ghana. If the laws of Germany do not allow dual citizenship that person would be acting in accordance with the laws of Germany and would have to face the consequence relative to the laws of Germany.

Indeed the Memorandum to the Constitution of the Republic of Ghana (Amendment) Act, 1996 (Act 527) which brought in the amended article 8 states categorically that,

“.....following the numerous petitions to government on the issue of dual citizenship, particularly from Ghanaians residing outside the country, coupled with the known sizeable

contributions towards national development made by those  
Ghanaians, government considers it appropriate that the  
constitutional provision which prohibits dual citizenship for  
Ghanaians should be repealed."

The reference here is to Ghanaian. If you have renounced your citizenship of  
Ghana, you are not a citizen of Ghana.

Clause (2) of article 8 makes the position clear enough. Whether one is or was a  
citizen of Ghana, once that person holds the citizenship of any other country, that person  
cannot hold any of the public offices of state specified in that clause. It did not otherwise  
bar a citizen of Ghana from registering to vote in a public election or a referendum.

Section 16 of the Citizenship Act 2000(Act 591) merely repeats article 8 as  
amended. Thus if one accepts *Marbury v Madison*, the Constitution, and not the  
Citizenship Act, 2000 governs the issue.

It is clear then that the amendments effected by the 1996 amendment to the 1992  
Constitution, that is, the Constitution of the Republic of Ghana (Amendment) Act 1996 (Act  
527) in respect of article 8 would be retrospective as well as prospective in character. The  
relevant words are, "A citizen of Ghana." Therefore, once you are a citizen of Ghana you  
are covered.

The rationale is that citizenship is a matter of status. Once one has acquired citizenship whether by birth, naturalization, registration or whatever, one continues all through one's life time to have that status unless, of course, by a voluntary act, one throws away, renounces, that citizenship. Hence the words, "other than marriage" in clause (1) of article 8. Hence clause (3) of article 8 as amended which relates to loss of the citizenship of Ghana by marriage and the restoration of the citizenship of Ghana on the dissolution of the marriage. The restoration is an automatic constitutional right. The Regulations are intended to be procedural. The adjectival law cannot supersede or over-ride the substantive law. The Regulations are facilitative.

It should be noted here that citizenship is bound up with allegiance. Allegiance is an obligation of fidelity. Hence the restrictions imposed by clause (2) of article 8 of the Constitution. It may be acquired as in naturalization or registration. But, above that, it is a natural allegiance which one acquires at birth. It is therefore intrinsic and, but for paragraph (a) of clause (5) of article 9 as amended, is perpetual. Thus under our Constitution the right is not perpetual. A citizen of Ghana by birth has the right conferred by the Constitution to renounce that status.

And once that person renounces the citizenship by birth, that status is gone forever. It has been so even before the 1957 Constitution. And since then the law in that respect

has not changed. If that person renounces the citizenship of the other country without acquiring the citizenship of a country that person become stateless.

The Minister for the interior may have to examine the legal status of those who had renounced the citizenship of Ghana and yet claim to be citizens of Ghana by holding a Ghana passport. The passport may have been fraudently obtained. And acquaint the Electoral Commission of the loss of citizenship of Ghana. We thus have to be careful how we use a Ghana passport for the purpose of registration to vote as evidence of citizenship.

As regards subsections (5) and (6) of section 16 of the Citizenship Act, it is submitted that a person must first be a citizen of Ghana **before** – we would emphasize the **before** – that person can obtain dual citizenship under the laws of Ghana. And thus if that person has renounced the citizenship of Ghana, that person is not a citizen of Ghana – and cannot get dual citizenship status under the laws of Ghana.

Equally, a person who had lost his citizenship before the coming into force of the Constitution on the 7<sup>th</sup> January 1993 was not recognized as a citizen of Ghana under article 6 of the Constitution.

Thus it is important to note that citizenship under the Constitution is not determined solely by reference to 7<sup>th</sup> January, 1993 because with us citizenship goes back to 1957.

And since the Constitution is the supreme law and all other laws inconsistent with the Constitution are to that extent void, it is submitted that subsection (5) of section 16 of the Citizenship Act, 2000 (Act 591) does not seek to revive citizenship that has been lost.

The reason is that subsection (5) of section 16 relates to one of the processes for the acquisition of the citizenship of Ghana which, in an instant case, will be prospective not retrospective – the language of the subsection is, “which shall be effective from the date of issue.”

The Minister for the Interior has a discretion. The Minister has the right to, and can, reject an application to register where the Minister is not satisfied with the application for registration. What the law requires is that, in the words of paragraph (a) of article 296 of the Constitution, the exercise of the discretionary power is “fair and candid”.

The Electoral Commission as it exists today, owes its existence to the 1968 Constitutional Commission. In their Proposals<sup>3</sup> the Constitutional Commission echoed the sentiment of the people of Ghana had been which expressed to them that in relation to reforms in the electoral system the creation of an independent Electoral Commission, was essential. The Commission would be charged with the organisation and running of elections in the country.

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<sup>3</sup> Paragraphs 281 to 290

In this connection they decided that the Commission should be made up of a sole Commissioner. It was felt by some that a multi-member Commission would ensure that no person or group of persons would be able to dominate the work of the Commission. They did not accept that view. It was their considered view that whether or not the Commission would be able to attain the independence of action and impartiality worthy of that high office could depend on the character of the institution and the calibre of the person appointed.

They thus proposed a machinery which, other things being equal, should be able to withstand any attempts to undermine it. Considering the high calibre required of the office-holder in their scheme of things and the potential volume of work, they were of the view that a sole Commissioner would be able to do the job, and achieve the objective sought.

In their deliberations in that regard, they considered two main questions, namely, the degree of independence that should be given to the Commission and, the scope of its responsibilities. As regards the degree of independence they were faced with two main alternatives:

- (a) to establish the Electoral Commissioner whose manner of appointment and control should be independent of the Executive, with a judicial tenure of office and to surround the Commissioner with all the paraphernalia of a judge including the provision of an independent staff and conditions of service, or

(b) to establish as in the past, a purely administrative device by handing over to a senior civil servant the administrative responsibility of the business of managing elections acting through the usual channels of the administrative organisation.

They were more attracted by the former for, the latter, as recent experience clearly shows, could command little political impartiality and public confidence. Hence the proposal of the establishment of the Electoral Commission which would consist of a sole Commissioner known as the Electoral Commissioner. To afford the Electoral Commissioner the required independence of the Executive, the Commissioner would be appointed by the President in consultation with the Council of State. The Electoral Commissioner should enjoy the status of a Justice of the Court of Appeal, should be provided with a staff independent of the administration, and all the administrative expenses of the Commission including the salaries, allowances and pension should be a charge upon the Consolidated Fund.

Though they proposed that the Electoral Commissioner should enjoy the status of a Court of Appeal Judge, they were unable to recommend that the Commissioner should necessarily be a lawyer, for there was no compelling reason why only a lawyer, could perform the task.



Concerning the scope of responsibility of the Electoral Commission they considered that the Commission should be the only authority in the State which shall be responsible for the holding of all public elections both at the Local Government and Central Government levels as well as referenda. They also proposed that in order to avoid 'gerrymandering' the Electoral Commissioner should be the body to review the boundaries of constituencies from time to time as and when the Commissioner deems necessary after taking into consideration population shifts and other factors basic to the demarcation of electoral districts.

The Constitutional Commission of 1978 endorsed the recommendations of the 1968 Commissioners. The Committee of Experts of 1991 also endorsed the creation of the Electoral Commission as an institution which should concentrate on the traditional functions of the electoral processes.

We have gone into this little history in order to underscore the importance of the work of the Electoral Commission in its place among the institutions established by the Constitution to safeguard the practice of democracy. Where we lack constitutional memory, where we lack institutional memory we shall continue to grope in the dark

#### **The Role of the Inter Party Advisory Committee**

The Inter Party Advisory Committee was formed out of the strategic need to involve the political parties actively and constructively in the design and implementation of the

programmes of the Electoral Commission. As the most vocal and organized of the major stakeholders, the political parties have made invaluable contributions in resolving disputes and improving the electoral system through the mechanism of the Committee. Both at the national, regional and district levels before, during and after the 1996 presidential and general elections. It was in addition to that experience and role that the compelling needs to institutionalize the committee has been advanced.

Given the positive contributions that the political parties could make to good governance and the growth of our democratic society, it was important to guide the formation of those parties by spelling out the conditions under which they may operate. The rationale was to avoid the repetition of the excesses of Ghana's past history of party politics, to consider issues of national integration of political stability and to anticipate future problems.

The role of political parties in that regard is

- (a) to promote unity through a membership that cut across sectional divisions in the country.
- (b) to mobilize the citizens of Ghana for participation in the political process

- (c) to provide alternative choice of programmes and government personnel to the people;
- (d) to generate an atmosphere for the free expression and discussion of national issues;
- (e) to influence the formation of well informed public opinion, and
- (f) to provide avenues for training for public leadership.

For the purpose of this exercise, the recommendations giving the Electoral Commission the mandate to act are the only ones, noted. Three of the recommendations for the formation of political parties are pertinent, namely,

- (a) an organization should not operate as a political party unless it has been duly recognized and registered as such by the Electoral Commission;
- (b) for the purposes of registration, a political party must furnish the Electoral Commission with a copy of its constitution and the names of its national officers and satisfy the Commission on a number of specified conditions;

- (c) the objectives, programmes and activities of a political party must conform to the Directive Principles of State Policy enunciated in the Chapter Six of the Constitution;

An organization should not operate as a political party unless it has been duly recognized and registered as such by the Electoral Commission in accordance with clause (7) of article 55 of the Constitution.

The Electoral Commission is given extensive control over the financing of political parties by virtue of clause (3) of the Article 55 of the Constitution. In particular

- (a) political parties must submit statement of assets and liabilities as at the date of registration within thirty days of registration to the Electoral Commission;
- (b) political parties must submit yearly approved audited accounts to the Electoral Commission;
- (c) the Electoral Commission must submit a yearly report of the accounts and balance sheet of all registered political parties to Parliament;

- (d) political parties must submit to the Commission accounts of election expenses audited by duly qualified and approved auditors, within three months after every election.

*Structure of the Committee*

The Inter Party Advisory Committee at the national level would have party headquarters representation such as the General Secretary or Chairman of the Party. At the national level, all inter party issues and problems of importance conveyed from districts and regions will be coordinated and resolved giving them the final decision for adoption. The ultimate objective is to ensure peaceful, transparent and acceptable elections to all.

The Regional Inter Party Advisory Committee at the regional level will have party executives as representatives at regular monthly meetings, with periodic attendance by party executives from the headquarters. The meetings will essentially discuss peculiar regional issues and problems of relevance to the parties. Additionally, the Regional Committee will co-ordinate issues of sufficient importance to be conveyed to the national level for resolution or agreement. The District Inter Party Advisory Committee at the district level has responsibility for grass root level issues and problems affecting the parties with the a view to reaching agreements or resolving them at the grass roots level at monthly District meetings.

### *Membership*

The Inter Party Advisory Committee is made up of all of the political parties registered by the Electoral Commission namely at present, the Convention Peoples Party (CPP), Democratic People's Party (DPP), the Egle Party (EP) the Great Consolidated People's Party (GCPP) the People's National Convention Party (PNC), the National Reform Party (NRP), the United Ghana Movement (UGM), National Democratic Congress (NDC) and the New Patriotic Party (NPP) amongst others. Currently, the numbers of political parties affiliated to the Committee as members are 24.

Article 55 of the Constitution requires that political parties must be national in character to qualify for registration. It is therefore expected that all political parties registered at the Electoral Commission as members of the Committee would be able

- (a) to ensure that the objectives, programmes and activities of political parties conform to the Directive Principles of State Policy as required by the Constitution.
- (b) to perform the role of educating and informing their members and ultimately informing the Electoral Commission on relevant matters of electoral concerns.

- (c) to exercise supervisory functions over the financing and management of their respective parties.

The Inter Party Advisory Committee affords, indeed, the best opportunity to deal with the problems of registration of voters, the concern of the political parties regarding the performance of the functions of the Electoral Commission and generally with issues on all aspects of the work of the Electoral Commission. We wonder, therefore, why the present problems of the bloated Register of Voters had not been adequately dealt with by the Inter Party Advisory Committee.

We perceive the Committee's usefulness as essential and practical which calls for the Ghanaian's inherent instinct to settle disputes in the traditional manner of **mii kor ahenfie**

We recognize the importance of compromise, moderation, and consensus the ultimate of political maturity in the workings of the Inter Party Advisory Committee - if handled properly. We feel that in its counsels, with sincerity and sagacity, much of the problems of the political parties themselves as well as of the Electoral Commission can be resolved in a respectful mature manner.

### **The Challenges**

In dealing with the registration of voters there comes to mind two types of challenges: fraud related challenges, and operational and administrative challenges. In relation to any register of voters there is always the potential threat of fraud by those who are not qualified to vote who seek to register to vote by falsely lying about their eligibility, in our case, about their age or claim that they are citizens of Ghana. These result in three potential types of fraud: multiple registration, registration of foreigners and registration of minors.

The biometric system was introduced to take care of the multiple registration and thereby avoid multiple voting. It was not meant to detect minors and foreigners. The reality is that it has failed to get rid of the minors and the foreigners.

#### *Administrative and Operational*

The administrative and operational challenges must be considered in the area of the continuous update of the Register of Voters. The Register of voters must be kept up to date by adding new voters that is persons who have attained the age of eighteen years, those older than eighteen years, who did not register in their polling station in the earlier registration exercise and removing the names of deceased persons from the register of voters.



The question thus arises as to how accurate is the data captured by the registration staff.

The allegation concerning the names and photographs of minors in the Register of Voters does not consider that the biometric system cannot decide a person's age. The biometric system of registration is not set up to expose minors. To deal with that menace other procedures are required. The Electoral Commission has admitted that there are 8,000 names of minors who also committed double registration offences but their names have been removed. It is not clear if there are any other names and photographs of minors on the Register who also did not register twice and therefore have not been detected.

While the operational procedures will minimize the future registration of minors, an effective filter of the current register to filter out existing minors is still required. Biometric

technology can be used to compare the data compiled by the Electoral Commission with other existing data bases such as that of the National Identification Authority, the National Health Insurance Authority, the Driver, Vehicle and Licensing Authority, the Social Security National Insurance Trust, and such like organizations.

#### *Allegations on foreigners on the Register*

On the allegations on the name and photographs of foreigners in the Register of Voters it has been demonstrated that those who made the allegation have not convincingly shown the sources of the registration for which the photographs have been obtained. It has therefore not been established what error margins there were. From the examples shown by the Electoral Commission it was found that what was presented as a match pertained in some cases is two completely different photographs.

Moreover, the question of who is a Ghanaian is more of a legal definition and more of the work of the National Identification Authority rather than that of the Election Commission. Therefore, assistance from the other data bases again is required, a similar filter is suggested. As the registration for the National Identification Authority is not yet compulsory, comparison with that data base will not help in filtering the foreigners but comparison with the National Health Insurance Authority, the Driver Vehicle and Licensing Authority data bases where people state their nationality with or without the incentive to lie may be useful.

#### *Allegations of multiple registrations on the Register*

In respect of the allegations of multiple registration, It has been demonstrated that the system is capable of removing over 150,000 multiple registrations from the Register. It was further demonstrated that there was a clear, multi-level transparent procedure of

adjudication provided by the Regulations for the registration of voters when officials of the Electoral Commission are checking the machine generated comparisons. It was also demonstrated that there are very few cases of multiple registration which result from human error, system allowed error margin and insufficient biometric data. No fingerprints were captured nor was there low quality fingerprints.

The magnitude of the multiple registrations 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 challenges.

*The biometric data base compromised*

In all the discussions we have had on this issue the experts inform us that there is no evidence that the biometric system was breached. That, of course, does not mean that it could not have happened. To safeguard the integrity of the system, it would be necessary for systematic checks to be conducted on the machine-generated data and other data base features, such as timing of the registration, incidence and locations of out-of-working hours registration,

The system security requires an upgrade to deal with the new cyber threats which are changing rapidly. The Guidelines of the Federal Bureau of Investigation of the United States of America, for the protection of the data base of the type and importance envisaged

for the Electoral Commission will require, we are told by the experts in the field an investment of over a hundred million United States Dollars. For our purposes there are both time and costs constraints if we wish to increase technical knowledge and cyber security.

*Human Resource -Temporary Staff*

The great challenge with the administrative issues is that all Information Technology systems are as good as the people using them. The "Garbage in Garbage Out" principle is fundamental. Unqualified registration staff will compromise the accuracy of the data. The Electoral Commission has a real challenge as the registration staff are temporary and generally recruited a few days prior to the registration exercise.

These are the men and women who operate the system. These are the persons who register other persons. These are the persons who can commit registration fraud or allow fraud to be committed. These are the persons who can be said to be responsible for registration errors. For example in 2012 there were more than 1,000, 000 displaced voters due to operators' errors which required five months to correct. It is imperative that the registration staff are highly reliable and highly skilled.

It is thus submitted that

- (a) the Electoral Commission should recruitment computer literate staff probably using university students or national service personnel;

- (b) consider a longer period of training with emphasis on "hands on" training which is so essential;
- (c) consider establishing clear operational procedures and increased supervision of the field staff who must be scrupulous in the performance of the functions of the Electoral Commission

*Human Resource – IT department:*

The role of the Information Technology Department is a very critical one in the entire process spanning registration, voting, collation of results and quality assurance and evaluation. That role is very important in the preparations for successful public elections. As at present the Information Technology Department does not have the required knowledge, skills and capacity. The Department itself did not adapt to the change in the technology and to the many operational procedures of the Electoral Commission. The Department includes a number of "data entry" clerks who were needed when the requisite data used to be entered centrally at the Headquarters of the Commission. Now, the technology has enabled decentralization and now that almost all of the data are entered at the polling station and integrated at district level, the functions of "data entry clerks" are no longer required at the Department while other functions of highly skilled technical support personnel are required. It is therefore essential that the Information Technology Department is reorganized and emphasis placed on advanced information technology and modernization with adequate training.

*Time lines*

The amount of time available and the time allocated for the preparation of the Register of Voters specifically for both the presidential and the general elections is a key factor in the success or the failure of the entire exercise. Precious time has been lost because of the allegations which had led to our work, in deliberations and arguments which could have been used for constructive work towards the presidential election and the general election. The date for the general election can not be postponed.

The strict date for the general election as specified in clause (4) of article 112 of the Constitution cannot be changed unless by a constitutional amendment. The current known activities, excluding a possible audit or fresh new registration are already significantly behind schedule. Lack of time will result in less testing, less pilots and the inability to deal in detail and affectively with the errors which are likely to arise and do arise, as experience has shown, in the whole exercise.

The time is now to allow the Electoral Commission

(a) to start immediately the preparations for the presidential election and the general election for 2016;

(b) to put in place the necessary measures for the amendment to the Constitution to allow the general election to take place in October or November, 2016

(c) to create the environment which will allow the Electoral Commission to focus on its work and operate with minimal distractions from all concerned

We therefore call on the National Commission for Civic Education, the Institute for Democratic Governance, the Ghana Centre for Democratic Governance, the media and such like organizations to be more involved in the education of the public, in what is at stake and help the Electoral Commission to fulfill the expectations of the people of Ghana in having a fair, free, clean and credible presidential and general election in 2016.

#### **The Human Factor**

Lurking behind, yet unseen, is the Human Factor in all of the arguments which have been made in connection with the Register of Voters. How has this factor shaped and contributed to the problems we now seek to solve?

Human beings make the Electoral Laws. Human beings have the responsibility to obey the Electoral Laws and conform to the demands of the Laws. At each step of the exercise of the Registration of Voters, we find the hand of a human being doing one thing or the other. So the whole complex of the registration of voters depends upon the integrity, the honesty, the sincerity to make the Electoral Laws work, and to the make the registration exercises a wholesome one. Indeed to have a clean Register of Voters.

Yet how have the human beings involved perfumed creditability for us to have a clean Register of Voters. The allegations are aplenty: multiple registration, minors, aliens have managed to have their names registered and appear in the Register of Voters. Behind all these allegations is the hand of human beings. For good or for ill. In our present instance for ill. If that hand of the human being had been honest, sincere, we shall not have been dealing with the problems which have led to the appointment of our Panel. And that is the sad story which unfolded before us.

Who encourages the minor to go and register? Who gets the alien to have his or her name in the Register of Voters for Ghana? Who looks on or turns away without asking questions? So we wonder where has gone, the faith of our forebears who lived in a society where each recognized the checks which made them weigh their interests alongside those of their neighbours; where the good of the society was a superior law.

Why should we muster minors to register to vote? Why should we gather aliens to register to vote? These are our forebodings as we come to the conclusions which we now have to deal with and the recommendations that flow from them.

### **The Conclusions**

The New Patriotic Party must be commended for raising on the public platform the need for a credible Register of Voters. Similarly, we commend the National Democratic Congress, and all the other political parties and civil society organizations which made



submissions for a creditable Register of Voters. We know the value of clean elections in the workings of democracy. We do not pretend that there is a blue print for democracy. The United States of America's system of the operation of the workings of democracy is not the same as that of the United Kingdom. The same can be said of Germany, Switzerland and Russia.

Each in its own terms over the years, over the centuries we should say. The lines of democracy have been drawn, redrawn, shaped, and reshaped to make the system not static but dynamic for each country as the country advances with the years. We live in an ever changing world. And we must change with the times. But change should be for the better – not change for the sake of changing. Nor changes to satisfy parochial and selfish interests. Change that does not benefit the people as a whole leads, as our eyes see daily, to the slums of the richest nations of the world. We do not fail to consider their system of government as democratic.

But should the majority of the people whose numbers create the governments we deserve be denied the right to choose the leaders they desire? It is in this light that any action which raises public consciousness and public conscience to the deficit in its system of government commands the approbation of the body politic.

Yet the demands need careful scrutiny lest we fall into the danger of basing our democracy - as we build it – on an emotional strand of no weight or substance. We look upon the debate on the Register of Voters in this light - as one of the ingredients for the

successful progress in building our democracy on rock so that the sand and the rain cannot shake the foundations upon which we build, and continue to build our democracy.

The practice of others may be but examples. Whatever their worth, we may only be looking at a façade and forgetting or not being aware of the inner workings of the system. That way we fail. We brought in the biometric system because it has been used outside Ghana. It has now resulted in problems we now seek to solve.

We started voting with the use of the mark "X". We went to the use of the thumb. Or a combination of both. We never sought to perfect that system and remove its disadvantages or defects. We moved on to the biometric and the photographs. We are still not yet out of the woods. Because we do not look at the system in a holistic manner, we seek solutions which are piece-meal. Because we are looking at multiple registrations and multiple voting we went in for a system – we thought – that would eliminate multiple registrations and multiple voting. But a system which eliminates multiple registrations and multiple voting does not necessarily contribute to addressing issues relating to the determination of who is a citizen of Ghana and the elimination of minors from the register of voters.

The Electoral Commission has always had the constitutional mandate to take the ultimate decision. A mandate it has brilliantly adhered to

Having dealt in a modest manner with the issues of multiple voting and multiple registration with a modest success we now have the huge task of dealing with the equally heavy burden of the problem of the registration of persons who are not citizens of Ghana. The biometric system does not detect whether a person is a citizen of Ghana or not a citizen and the equally frustrating issue of the names of minors in the Register of Voters.

In our view the Electoral Commission, as well as the political parties have a responsibility, a grave responsibility of ensuring that minors are not registered to vote, that aliens do not register to vote in Ghana

We admit that there is a constant refrain of certain statements. A constant repetition. It is deliberate. Each issue must be dealt with as a whole and, therefore, internal references to paragraphs have been avoided. It also goes to show how the problems we have been dealing with are inter-related and do not exist in total isolation. We call on all to bear with us in that regard.

#### **The Recommendations**

Having read all the documents submitted to us for our consideration, having heard the various persons, representatives of organizations and the leaders of political parties as well as the chairman and members of the Electoral Commission who appeared before us, we come to the following recommendations;

1. The Electoral Commission should hold a Press Conference and issue a Press Release calling on all of the political parties and all interested in the welfare and development of Ghana to desist, in word and in deed, from acts which do not auger well for the progress of Ghana, politically, economically, culturally, legally, socially..

We conceive however that the object of the statement should go beyond asking Ghanaians to desist from such acts. There should be a clear goal of this communication. There must be a real demonstration of the Commission's willingness to tackle corruption on its part of the human factor, that is, make it difficult for the usual cheating to go on, and demonstrate its efforts to clean up the register of the invalid records that everyone is aware of such as the names of minors and of the deceased. We think that citizens of Ghana will heed the call if they feel they can trust the Electoral Commission in its bid to bring back the confidence in the electoral system.

The call to "arms" to assist should also identify what exactly citizens are being called upon to do. The call for action should be realistic. It must be a reasonable expectation, and should also not give the impression, "if you cannot or are not willing to do it" then neither can the Electoral Commission.

The Commission should publish the results of its investigations on all allegations and respond to the global concerns publicly on its website in a show of transparency and truthfulness.

2. The Electoral Commission should call on all the people of Ghana to assist the Commission in whatsoever way each person or organization can materially and spiritually to sustain its work as one of the bulwarks upon which the democracy we seek should develop for the happiness and prosperity for all of Ghana. The aim is to assuage the concerns and agitations of the people of Ghana about the credibility of Election 2016.
3. The Electoral Commission should be well resourced financially to carry out its constitutional mandate. With the availability of many university graduates in our system, there is a good case for their services being employed in the registration of voters, at the exhibition of the registers of voters and at the presidential elections and general elections and at all times.

The Electoral Commission should properly interpret and carry out its constitutional mandate reflecting high standards and quality service, and other core values that engender confidence in the Commission as a public institution in the employment of the staff of the Commission and must use transparent approaches devoid of favouritism, and therefore

(a) set minimum qualification requirements, including knowledge and skills in the use of the information technology.,

(b) make a public call for applications,

(c) use online system of application to facilitate vetting and short listing, and ensure that only those who apply online can be recruited. Special arrangements would need to be made in areas with restricted internet access,

(d) conduct interviews since no one should be engaged who does not go through the interview,

(e) conduct a thorough training for a longer period as the circumstances would allow.

4. All political parties should be honest and transparent with the Electoral Commission especially at the Inter Party Advisory Committee. In this regard the Electoral Commission should tackle that which is within its control and make it difficult or near impossible for the political parties to achieve their parochial interests. Equally it must not allow the Commission to be swayed by individual or the collective interests of the political parties. Qualify checks

should be undertaken at all stages of the process including post-elections in order to ascertain whether the rules are being followed, if truly people are not voting more than once. if the result declared are within reasonable margins of discrepancy from actual numbers

5. The Register of Voters is not a static document but, in its very nature, a document which must change in its content as it is upgraded yearly or at regular intervals. And therefore the exercise for the registration of voters must be a continuous exercise, and thus the Electoral Commission should continue with the measures which make it possible for a citizen of Ghana on reaching the age of eighteen and being of sound mind to register to vote, as provided for in C.I. 72.
6. As the argument for a new register are not convincing, the political parties and all citizens of Ghana should exercise vigilance and maturity when the Provisional Registers of Voters are exhibited so that they check the entries and thereby help the Electoral Commission to have at the end of the exercise a Register of Voters as credible and as clean as possible. It is a shared responsibility. In that regard the Commission should

(a) give ample time for the exercise, that is, the period of the exhibition.

(b) consider amnesty for those who registered under false pretext to willingly remove their names.

(c) mount intensive public education on the law and the consequences of false declaration about – nationality, age, etc and the illegality of voting when not legible to vote. It should also be emphasized that the records will be checked with other state institutions, such as the National Identification Authority and the Birth and Death Registry.

7. There is the allegation that there are photographs of Togolese on the Ghana register of voters. Whether these Togolese are **NOT** citizens of Ghana has not been established. It could well be that they are citizens of Ghana and their not being citizens of Ghana need to be convincingly established. We would urge the Electoral Commission to publish on its website the Commission's response to the allegations of the scanned stapled photographs and each of the other allegations.
8. In the national interest steps should be taken financially and otherwise so that a data base is created which identifies citizens of Ghana, as well as non-citizens in Ghana, to have a National Identification Card. We perceive that the exercise should not be carried on in an election year, for the rush, having regard to the atmosphere of the impending presidential election and the



general election, would not be conducive to the preparation of a proper data base, since as our experience as a nation has shown, it would not be a credible data base. It may turn out to be another "bloated" data base. In an atmosphere devoid of election fever, the exercise conducted in a cool, calm manner is more likely to produce a more credible data base.

9. The use of the Voter Registration Card by institutions like the Banks as a means of identification should be discontinued for the transaction of business. The mad rush to get names on the Register of Voters could well have been motivated by the fact that the Voter Registration Card is a means of identification. However, if the Banks and like institutions consider the Voter Register Card as credible enough for their purposes and are willing to pay the Commission for its services we would not deny the Commission this income generating activity. There is the need to have an agreed time frame. This would also require the unification of the biometric identification system as envisaged in the Ghana Shared Growth and Development Agenda 2014 – 2017 (GSGDA II).
  
10. As part of the reforms instituted by the Electoral Commission the use of electronic equipments to relay the results of the polling stations direct to the Electoral Commission and to the Constituency Centres should be studied. As

the Chairman of the Commission is the returning officer for the presidential election and presides over the entire election system the results from the polling stations should be sent direct to the chairman of the Commission and need not be collated at the Constituency Centres.

Moreover, to enable consistency and validity checks of the reporting of the results, there should be a parallel system of collating the results. One at the constituency level and another at the national level, This implies that there should be two windows of reporting, one transmitted directly to the chairman from the polling stations, and the other from the constituency collation centre. The Commission should also consider the allocation of sufficient time after the voting for validation checks on the results before the final declaration. There should be no compulsion to release the results before actual checks have been made with the Results Sheets from the field on sample or total basis.

11. All the representatives of the political parties who appeared before us were united in the claim that money has come to dominate the registration of voters and indeed at elections. It is incumbent on all the people of Ghana, citizen and non-citizen, the political parties included, to think very seriously about it, if they believe in fair elections to consider that aspect of the use of money to get people on the Register of Voters. If they do not desist from such practice, the

Electoral Commission cannot be blamed and all of us including the political parties should be honest, honourable enough to face squarely the consequences of those actions. They are a veritable source of corruption.

For present purpose the Electoral Commission should consider how far it has left loop holes that could have limited the returns on the money those involved have been spending. Also, it should be possible for the Commission to set up and run a system that does not require political parties to have agents at every polling station, which is now an ever increasing number. This would indeed be a function of how much trust the parties have in the electoral system. We appreciate however, that the presence of political party agents have come to stay such that it may be difficult for the Commission now to deny them access.

12. It is desirable that the Electoral Commission uses any additional funds to employ as many Ghanaian individual contractors as possible, to strengthen its core technical staff. An additional role is in house application software development in order to study the register of voters to improve accuracy, generate report on statistics, patterns in the register and respond appropriately

13. Information from other biometric registers can be used to improve the quality of the Register of Voters and therefore the Electoral Commission should

- (a) invest resources in strengthening the existing structures that support the Register; in particular the adjudication committee, teams and the various oversight resources to become more effective in resolving defects.
  
- (b) make quality product and services a hallmark of the institution and should have :
  - (i) a Statistics, Research, Monitoring and Evaluation Unit to asses quality and make recommendations for system-wide improvements.
  
  - (ii) A qualified statistician/demographer on staff and a system analyst and quality assurance experts,
  
  - (iii) routinely consider the compilation and analysis of the relevant compliance and quality assurance indicators such as the percentage of persons on the Register of Voters who registered with a specific type of

identification card, or incidence of request for authentication of their identity with the voter's identification card number and the percentage of persons registered outside of working hours and place of registration and reasons given.

14. The Electoral Commission should make public the efforts being made in respect of the reforms it has undertaken as well as the efforts it has employed and which are being employed in deleting the names of deceased persons as well as what has been done to remove the names of minors from the Register. As part of that exercise the Commission should consider programmes with the National Commission for Civic Education and other relevant institutions for the political education of us all.
15. The Electoral Commission should issue a Press Release or Communiqué after each meeting of the Inter Party Advisory Committee in order to prevent the mishmash of misinformation, misinterpretation and the distortion which is so prevalent.
16. Members of the Inter Party Advisory Committee should swear to an Oath of Secrecy and thereby undertake to observe a code of conduct of not divulging matter dealt with in confidence at the meetings of the Committee. There would be the sanction

that those who violate this rule will cease to be members of the Committee as they cannot be trusted.

#### **The acknowledgements**

We are very grateful to the Electoral Commission, especially the Chairman of the Commission, Mrs. Charlotte Osei, for the opportunity given to us to be of such service to our country Ghana. The staff of the National Commission for Civic Education for their role in organizing the Forum have the thanks of all of us. Equally, we mention Mr. Owusu Parry of the Electoral Commission for arranging the meetings with the political parties, Mr. Fred Tetteh also of the Commission for taking down notes at our meetings indeed all of the Staff of the Electoral Commission for the divers ways in which they helped to make our task easy. We cannot fail to express our appreciation and thanks for the representatives of all of the political parties, the civil society organizations and all of those who appeared before us for being so candid with us. Nor do we forget to thank the Secretaries at the Legislative Drafting Division of the Attorney-General's Office. Ms. Safura Osuman, Ms. Alberta Beatrice Odani and Mr. Christian Ashley Botchway for bearing with our bad handwriting.

But above all we acknowledge the Hand of the Supreme Being in all of our undertakings and for the mercies shown to us without fail.

SIGNATURE PAGE



.....  
His Lordship Justice VCRAC Crabbe  
(Chairman of the Panel)



.....  
Most Rev. Prof. Emmanuel E. Asante  
(Panel Member)



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Dr. Mrs. Grace Bediako  
(Panel Member)



.....  
Alhaji Bin Salih  
(Panel Member)



.....  
Dr. Nii Narku Quaynor  
(Panel Member)

## APPENDIX A

### SUMMARY OF PETITIONS

#### 1. GCPP:

- Current methodology used by EC to clean register adequate
- Other legal and administrative means to clean register will be supported

#### 2. Yes People's Party

- It is not the place of the EC to determine the citizenship status of voters
- Audit of the current register recommended with public involvement in de-duplication
- House-to-house check of the eligibility of registrants
- Engagement with parents of minors necessary to prevent minors voting
- Cooperation with leaders of Nigeria, Benin, Togo, Niger, B. Faso, Mali, Sierra Leone, Liberia and Cote d'Ivoire
  - Engage ECOWAS countries to caution and prevent their citizens from voting in Ghana
  - Undertake a comparison of Ghana's register against other ECOWAS registers to identify ECOWAS citizens on our register.

#### 3. CPP

- Need for a new register
- Unusual and unrealistic increase in number of votes cast in some constituencies

#### 4. National Catholic Secretariat

- New register would not solve the current challenges with current one and implementation of request for new register fraught with many challenges.
- Current status of current Voter's ID card as a requirement for registration
- Process of attestation: two Ghanaians can attest to citizenship of an alien
- Time constraints

#### Recommendations

- EC and other law enforcement agencies must ensure that only qualified persons register in future
- Allegations of the NPP must be thoroughly investigated using same methodology used by the NPP. If true, EC must ensure removal of those names from the register
- NIA system must be resourced and must develop a national database to ensure CVR
- Voters register should be put on the website and accessible to all.
- NCCE should be resourced to educate citizenry on qualification of voters.
- Punitive action including prosecution against unqualified persons on the register.



#### 5. National Democratic Party

Issues with current register:

- 2008 (56.69%); 2012 (56.2%): African average is 40%
- Discrepancies between register used for Presidential and Parliamentary
- Compilation of register should be shared responsibility between EC, Political parties and citizenry
- Accepts the position of the NPP that scanned pictures with staple marks were inserted into the register and such a breach, EC solely to blame if established.

#### Recommendations

- A single and definitive voter identification necessary step to modernizing elections
- Electronic voting cheaper and more efficient
- Failing introduction of EVM, a new register required

#### 6. Backbone of Good Governance

- New register would be too expensive
- Alleged names of foreigners should be reported and identified by members of the electoral area to the returning officer of the EC and expunged if proved correct
- No need for the compilation of a new voters' register
- New register will create additional financial burden on the state while such finances could have been channeled to the provision other resources
- EC be aided to identify names of foreigners and expunge them from the register
- EC introduce reforms as and when it deems it necessary

#### 7. PPP

- EC should only compile a new register or revise same from the NIA database
- Current problems with current register are:
  - Minors on register
  - double registrations as technology adopted unable to uniquely identify persons with biometric ID
  - Instances where the same biometric information assigned to more than one individual
  - Existence of non-Ghanaians on the register
- Same system of mass registration would not address challenges
- Mass registration exercise will breed tension in the political space
- EC has no legal capacity or practical no how to make determinations on citizenship or age
- EC unable to account for over 500,000 persons alleged to have been registered abroad
- NIA only institution legally empowered to compile database of Ghanaians and EC legally bound to use this database for compilation of the VR
- Move to full electronic voting

- Two internationally recognized audit firms working with local audit firms to audit the results independently

#### 8. BNC

- Main issues with current register: minors, non-Ghanaians, deceased persons
- Public funding of political parties necessary for their participation at registration centres
- EC Electoral reforms committee should assist in audit of current register
- NIA to deal with issues of citizenship
- Department of Births & Deaths to be strengthened, retooled, modernized to perform its functions
- NIA, Births and Deaths registry to be linked to a social security number that allows cross-referencing
- Any alleged foreigners on register to be put before court and expunged from register if established
- New register not the solution to bloated register

#### 9. Ghana Freedom Party

- Current register must be maintained
- Current register must be changed

#### 10. Christian Council of Ghana

- EC must ensure credibility of register
- Issue of credibility of register should be for electorates and not political parties
- EC must engage various bodies including CSOs, FBOs and international organisations if need be

#### 11. Bishops & Pastors Network

- New register necessary to clear all doubts and suspicions
- Removal of minors and foreigners insufficient to clear doubts and suspicions
- New register will not give an advantage to any party
- New register less costly than electoral violence

#### 12. Chief Yaw Kumey (presidential aspirant)

- The nation cannot afford the funds for a new register
- We do not have enough time to prepare a new register
- Process of new register may lead to chaos
- The peace of this nation must supersede the interest of any party or individual

#### 13. EGLE Party

- New register not the solution
- Recommendations for ensuring integrity of register
- NIA card preferred mode Commission to study the register and use available mechanisms to remove names and pictures of foreigners and minors, if any.

- Government and the EC do not need the additional burden of compiling a new register at this point
- Strong Inter-party committee to be formed to ensure the following-
- Committee should streamline who qualifies to be a Ghanaian and on the register
- Adopt software for auditing the register and removing multiple registrations, names of minors, etc
- Political parties must be banned from taking an active part in the registration process
- EC should ensure neutral and high quality personnel are recruited for its operations

#### **14. Independent Peoples Party**

Changing the register now is not the issue on following grounds:

- Forms of identification remain the same and will produce the same results
- Timing and cost of new register not prudent
- Same unscrupulous parties who got minors on to register will do the same
- Ghana's laws permit dual/multiple nationality so entitlement to vote should be according to law
- Recommendations:
  - EC and all political parties must strictly enforce 'no verification no vote' principle
  - Political parties must engage well educated and credible polling agents

#### **15. United Front Party**

Provided detailed history of BVR and role of political parties  
Recommendations:

- Current register is maintained
- 2012 elections totally eliminated double voting
- BVR is neither bloated nor flawed
- SC ruling on NHIS card not retroactive
- Any person with issues on the Register should seek redress in court
- EC does not have the power to delete names from Register

#### **16. World Peace Volunteers**

- EC should take its time to review the register by name, feature, face, finger print etc to ascertain authenticity of each registered voter and prevent disenfranchising voters
- EC should appeal to all Ghanaians to support in cleaning register of names of deceased and mentally unsound relatives, minors, foreign nationals and multiple registrations since date of compilation
- EC should use biometric technology to ascertain authenticity of all names on register
- EC should consider E-Voting

#### 17. IDEG

- Undertake a scientific and impartial assessment of the VR
- Replace the various ID cards under CI 72 with one national ID card
- Eradicate registration of minors through positive vetting and community education and engagement
- Prevent cross-border registration
- Technical committee to be tasked to look into the matter of foreign nationals on register
- EC and other state institutions should work with neighbouring state agencies and share information and voter registration data towards minimizing and preventing it altogether
- EC to implement continuous voter registration

#### 18. Intellectuals for National Development- Ghana

Current problems with the register-

- Credibility
- High voter population of 56.2% (cf Tanzania 42.5%; Kenya 34.5%; Nigeria 41.7% & Senegal 41.5%)
- Minors
- Double registration
- Existing register contains names of about 1.34 million minors (5% margin of error)
- Removal of names of foreigners on the register will be difficult

Recommendations

Mere revision of current register would be ineffective

Registration procedures and techniques for new register should be under strict scrutiny by stakeholders

#### 19. DPP

- Would support compilation of new register if funds available and would not adversely impact resource allocation for 2016 elections
- Generally not in support of orchestrated clamor for new register in the light of EC invitation for submissions
- Time before general elections insufficient for compilation of a new register
- Process of compilation could create tensions nationally

#### 20. NPP

Allegations:

- Multiple registrations
- Registrations with multiple voter ID numbers
- Same registration details with multiple voter ID numbers
- Togolese Nationals on the register
- Use of scanned pictures on the register
- Edited pictures on the register

- Minors on the register
- High percentage of voters on register vis a vis population size
- Unusual increase of voters on register in some constituencies between 2008-2012

Recommendations

- New register

**21. ANONYMOUS  
VALIDATION TO A NEW REGISTER**

- Automatically delete anyone from the voters register who cannot be biometrically validated
- A limited registration exercise to capture citizens turned 18 years and those who could not turn up during the validation period of the preparation of the voters' register
- A special register compiled by the EC consisting of all registrations abroad, all special voters and proxy's and copies to give all political parties, CSOs in elections and displayed on EC website.

**22. IMANI Ghana**

- A new register per-se may not be the solution, considering the cost and other resources it will take, if there is the chance to fix the present register, that is preferred.
- Place the register on a secured website open to all Ghanaians for viewing
- Select sensitive data to be excluded like Voters ID numbers
- All entries that voters will be unhappy with should be forwarded to the EC for rectification
- Any registered voter may go to a special part of the website to enter his name voter ID number to confirm such and the EC upon scrutiny can allow it.
- The cleaned register shall be the used for the 2016 elections and remain on the website throughout the period.

**24. RPD**

- EC should not attempt to prepare a new register. it will be futile
- EC should do a thorough audit of the BVR with external auditors and with involvement of IPAC
- Have a national identification database
- EC can do what it deems necessary to improve upon its current system.

**25. NDC**

- A level playing field should be created by the EC for all political parties during pre-election, election and post-election periods.

- EC should be empowered to prosecute election offenses
- EC should be given authority to remove names of unqualified persons on the provisional voters' register through a specially designated court for election issues
- The period and scope of publicity on electoral matters should be extended and widened to ensure maximum participation of the citizenry
- Final voters register and other materials relating to elections should be given to parties and candidates on time
- EC and NIA should synchronize data to solve any identification challenge that may arise in the process of voter registration
- IPAC should be institutionalized and empowered to contribute more to the electoral process of Ghana
- Biometric Verification Devices should be used during voters exhibition exercise to forestall or reduce any challenge of non-verification on election day
- EC should improve upon features of its website in order to update and provide adequate, relevant and timely information to the general public.
- EC and other stakeholders should conduct more voter education in order to reduce the phenomenon of spoilt or rejected ballots

#### 26. CBD

- The decision as to whether to produce a new register or not rests with the EC
- EC should address specific concerns that have been raised about the current voter register
- EC should redesign the process for creating future voter registers with the realities on the ground in mind
- The process by which voters are registered should be improved, by appropriate means
- EC should abolish the verbal form of identification in voter registration.
- EC address the underlying problems, which produce poor voter register to produce a reliable transparent process.
- Recommends the political parties be given full hearing to make for credibility and to avoid election disputes
- In the short term EC must use the NPP's claim as prima facie basis for an experienced analyst group to conduct an independent audit of the existing voter register to determine the degree of flaws in the register targeting foreign nationals using the NHIA card as proof of citizenship.
- Put the voters' register through a scientific audit to provide an objective basis to establish legal and moral basis for the EC to systematically expunge ineligible voters from the roll.
- In the medium term EC and parliament should study available evidence on best practices in voter registration

- in the long term CDD encourages the use of national ID linking it to the voter ID to birth and death registry and the national identification system as a more reliable means to register to vote.

#### 27. UPP

- The current register is bloated with minors, foreigners and not credible for the 2016 general elections
- Cleaning or auditing the current register is not an option to be considered in addressing mistrust for the 2016 general elections
- Voters' Register should be replaced and Biometric devices for capturing the data also be changed
- EC should introduce Electronic Voting in the long term
- Government to provide resources to the NIA to provide better services for the EC to rely on the primary data generated by them

#### 28. Movement for Joint Action

- Biometric system of voting should be improved
- Improve limitation and weakness in population census and link that into the voters' register preparation for a clean register.
- Evidence of minors, foreigners and multiple registration be checked by the EC
- EC to collaborate with NIA to establish effective identification of citizens
- EC to improve its recruitment procedures as pertains to temporary staff
- EC to collaborate with NCCE to intensify voter education, awareness and registration
- Fast track punitive action of electoral offenses as well as make such punitive actions more deterrent
- EC must collaborate with IPAC to fully implement all the laws for public elections.

#### 29. David Adjei

- A new voters' register be prepared for the 2016 general elections
- Encourages EC to do all validation checks to remove multiple registrations before the registers are finally compiled
- The check of the six election officials be adequate to allow a voter to cast his vote. It should be dependent only on the 7<sup>th</sup> verifier in the chain which is the biometric machine
- EC consider using only the biometric voter machine as an input /output equipment to conduct the elections.

#### 30. National Youth for Peace

- Generate opportunities for the youth to learn more about democratic essence and political engagement.

### 31. Centre for African Democratic Affairs (CADA)

- CADA acknowledges that it has no means to determine the authenticity of the allegations made.
- Encouraging the EC to see how best to address the issues of minors, discrepancies in numbers registered abroad as well as the NHIS
- EC work hard to build and restore its sinking image in the eye of the public.
- EC do all in its powers to ensure credible and peaceful elections
- Replace the existing voters' roll for the next elections.

### 32. Rev. Dr. Brew Riverson

- No one but the commission can clean the register

### 33. REV. JOSEPH A. ANIM

- It is not safe now for a new register to be prepared
- EC to prevent and caution parties who carry our Voters' Register to places as a 'common commodity'. This poses security risks
- EC must maintain its credibility by not allowing pressure from any group.
- EC should not depend on things calculated by a group or groups of people to deceive the whole nation to achieve their own selfish ends
- Whenever EC wants to display its voters' register, enough time should be allowed for people to get access to check his or her name (at least 3 weeks).

### 34. GHANA INSTITUTE OF PUBLIC POLICY OPTIONS (GIPPO)

- Are these the Problems with register that need to be fixed?
- Is Register Bloated?
- Is EC Database compromised?
  - *Bloating of registers also alleged in UK and USA.*
  - Human Factor main issue with Register
- Double Registration
- Underage Registration
- Ineligible Registration
- 

### SOLUTIONS

- Quality Assurance test of EC Database and IT Support
- Eternal vigilance



## GHANA'S VOTERS REGISTER – IEA BROKERS SOME KEY CONSENSUS

COMMUNIQUE ISSUED AT THE END OF A NATIONAL DEBATE ON GHANA'S VOTERS' REGISTER  
ORGANIZED BY THE IEA ON TUESDAY, 20<sup>TH</sup> OCTOBER 2015 IN ACCRA

### Preamble

As part of its commitment to promote good governance and entrenched multiparty democracy for sustainable national development in Ghana, The Institute of Economic Affairs (IEA-Ghana) organized a National Debate on Tuesday, 20<sup>th</sup> October 2015 in its conference hall. The Debate was under the theme: *"Towards a Credible and Peaceful 2016 Elections: A Review of the State of Ghana's Voters Register and the Way Forward"*. It brought together over 100 participants from Parliament, Civil Society, Political Parties, Development Partners, Traditional Authorities, Statesmen and Media.


The 2012 Election Petition at the Supreme Court recommended an overhaul of Ghana's electoral system. Justice Atuguba, Presiding Judge of the Election Petition, stated as follows: "this petition has exposed the need for certain electoral reforms". In the lead up to next year's elections, discussion on Ghana's Voters Register has taken centre stage, with wide public concerns expressed over its credibility.

Even though it is generally agreed that the Register is flawed, there is disagreement on the magnitude of the irregularities in the Register and the approach to addressing the problem. While some have argued for purging the existing Register, others have called for compilation of a new Register.

The IEA recognizes that if this issue is not resolved in a timely manner, the nation will be further polarized, and the peace of Ghana will be threatened. It is against this background that the Debate was organized to provide an objective, non-partisan platform for a discussion of the issues in order to find common ground.

Two presentations were delivered as follows:

1. Towards a Credible Election 2016 – Compiling a New Voters Register by Prof Mike Oquaye (Former Deputy Speaker of Parliament)
2. Towards a Credible Election 2016 – Purging Ghana's Current Voters Register by Dr. Ransford Gyampo (Senior Lecturer, Political Science Department, University of Ghana)

Theme: 25 years of Advancing Democracy and Economic Development 

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### Issues Raised

- The current Register is bloated with illegal entries (minors, foreign nationals, doctored photographs, etc.).
- The need for empirical evidence to prove allegations of bloating.
- The capacity and credibility of the Electoral Commission to undertake effective audit of the Register.
- The specific methodology to be used for auditing the Register. How will the Register be audited? What principles will guide this process? How effective will the methodology be?
- The empirical soundness or reliability of the source data for a new Register. How does one prove to be a citizen of Ghana? What form of identification is authentic and acceptable?
- Cost implications of cleaning the existing Voters Register. How will it be funded?
- Cost implications of compiling a new Voters Register. How will it be funded?
- Political parties and citizenry have not taken full advantage of existing processes to ensure periodic reviews of the Register.
- Ghana currently does not have a codified body of electoral laws to deal with electoral offences.

### RECOMMENDATIONS

1. It was agreed that there are irregularities with the current Voters Register. All stakeholders must work towards a consensus position on addressing these irregularities. The two main schools of thought on how to resolve the problem of illegal entries in the Register are not mutually exclusive. This is because purging the Register will ultimately result in a new Register, while compiling a new Register will rely on some existing data from the old Register. What is critical is that the final output of this exercise must be a Voters Register with an acceptable margin of error.
2. The Electoral Commission should demonstrate proactiveness and leadership on this important national issue. It should engage the services of a competent, credible and external organization to conduct independent investigations into allegations of bloating. Though Article 46 of the National Constitution protects the EC from direction or control, it is nevertheless accountable to the citizens because it is a public organization which draws its funds from the Consolidated Fund. It must therefore ensure full transparency and accountability in its work.

3. It was agreed that there was the absence of a single codified body on laws dealing with electoral offences in Ghana. The incidence of electoral fraud is rife in Ghana because of this deficiency in its legal regime. Ghana should emulate the example of Kenya by codifying a set of electoral laws which adequately deter electoral fraud. Having adequate electoral laws will ensure that elections are conducted without repeated incidents of illegal registration, ballot box snatching, etc.
4. The cost implications of auditing the existing Voters Register or compiling a new Register should not take away from steps to provide a credible and acceptable Register for the 2016 elections. This is because the cost of managing a national crisis resulting from a flawed electoral process will be potentially higher than that of having an acceptable Register.
5. Ghana should renew its efforts towards an authentic national identification system for all citizens. This is crucial going forward as it will feed into the process of providing a robust and credible Voters Register.

Signed

  
Mrs. Jean Mensa  
(Executive Director, IEA)

20<sup>th</sup> October, 2015

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## **APPENDIX B**

### **PRESENTATIONS OF THE POLITICAL PARTIES AT THE STAKEHOLDERS FORUM**

#### **GHANA INSTITUTE OF PUBLIC POLICY OPTIONS (GIPPO)**

Represented by Dr. Wereko Brobbey

In his presentation, he raised some cardinal questions on the alleged bloatedness of the 2012 Biometric **Voters Register**. These included; are there problems with the register that need to be fixed? Is the Register Bloated? And is EC's Database compromised?

The presenter emphatically said that bloating of registers has been alleged all over the world and that Ghana is not an exception, in UK and USA. And he concluded that human factor was main issue with Register due to double Registration, underage registration and Ineligible Registration. He called for cross border investigation and the need to have the petitioners submitting convincing proof of underage and non-citizens on the voters register.

The presenter questioned the state of the national identification system that captured data of Ghanaians.

**As a recommendation Dr, Brobbey highlighted two issues for consideration. These are –**

- Quality Assurance test of EC Database with the needed IT Support as a protection against hacking and integrity of the database and
- An extra vigilance on the part of political parties.

#### **THE CASE FOR A NEW VOTERS' REGISTER IN GHANA –NPP**

Presented by Mr. Peter Mac Manu

In the beginning of his presentation, Mr. Mac Manu identified 3 areas that justified the need to replace the current voters register. These he said were statistical defect, constitutional/legal regime and computer or system failure.

Touching on the statistical defect and the reason why the Voters Register is incurably flawed was by making inference to the figures on Voters Register as a percentage of the population and again the noticeable unusual Increases/Decreases in certain Districts/Constituencies.

On constitutional and legal regime, the NPP Representative questioned why the EC continued to have persons registered with the NHIS cards on the register; something the Supreme Court has ruled against. He used available statistics to buttress his point and quoted one Robert T. Adjase, a former NDC youth activist who said "because Togolese did not enjoy services like the health insurance, they (he and his colleagues) assisted those Togolese to secure Ghana's National Health Insurance Scheme (NHIS) cards which enabled them to register when the voters' registration exercise was opened, to enable them come and vote on election day".

The presenter further asserted that they were minors on the register and more so, the EC has failed to comply with C.I.72 Regulation 12(6) particulars of applicants including Residential address on the voter register.

Touching on why the NPP thought the Register is incurably flawed. The presenter drew a disparity between the EC's register for the Parliamentary and Presidential elections in 2012 and said different registers were used.

In addition, he said as per the Supreme Court demand for the overseas registered voters, Dr. Afari Gyan could only provide 705 voters giving an excess of **530,000** voters not accounted for in the register. "If our population is indeed 22 million, then perhaps 13 million people on our register would be statistically unacceptable by world standards. If that is the case, then it may mean that there is something wrong with our register." Source: Afari Gyan's take on the 2008 register - *Interview with Joyfm on Monday, September 15, 2008.* "With the current national population of 22 million, having almost 13 million people on the voters register is unheard of..." - *John Dramani Mahama's take on the 2008 Voters Register.*

Mr. Mac Manu said, the NPP agreed with President Mahama and former Chairman, Dr. Afari Gyan's observation in 2008 that a voters' register containing **12,472,758** out of a population of 22,000,000, a registration rate of **56.69%** is statistically unacceptable and by extension, the NPP submit that the **56.20%** voter population in 2012, for the population of 25,824,920 persons is equally unacceptable.

Expressing the party's view on governing electoral laws, Mr. Manu said, Article 42 of the Constitution of Ghana and Public Elections Regulations 2012 (C.I. 72), a person eligible to be registered as a voter must be a Ghanaian citizen, 18 years of age or above, of a sound mind, resident or ordinarily resident in an electoral area, not prohibited by any law in force from registering as a voter.

Reflecting on the registration with NHIS cards, he said, the Supreme Court has ruled on the use of NHIS Cards as proof of citizenship for voter registration as unconstitutional, void, and of no effect.

"The Attorney General and lawyers for the EC at the trial conceded that - to remove the NHIS card from the list in Regulation 1(3) of C.I. 72 will amount to depriving a broad section of Ghanaians of their rights to vote".

Again, he affirmed, that the Attorney General argued "that possession of the NHIS Card was more widespread than the other identification documents listed in Regulation 1(3) of CI72". "To eliminate the use of the NHIS card in Regulation 1(3) of CI72 will mean to disenfranchise majority of potential voters".

A new register, to the NPP would give those who qualify the opportunity to register with acceptable proof of constitutional qualification.

On the issue of foreigners; Togoless, Burkinabes and Ivorians on the voters Register, he claimed the party's investigative team obtained the Togo Voters' Register which was publicly displayed by Togo's Electoral Commission prior to their 2015 elections. Using facial recognition

technology, the system found 76,286 potential matches; same people, same names and same faces on the Ghanaian as well as Togolese registers. This he said reinforced the admission of Robert T. Adjase, a former NDC youth activist.

The provisional Ivorian voters register was then used to search and match against the full names and demographic data of Ghana's voters register. A potential **18,889** matches were found.

Records were inserted into the system outside normal registration window. This explains the existence of blurred, edited and stapled pictures in the register.

If the system had used ISO/ICAO standards as claimed in the EC's own manual (page 22), the system should not have accepted those pictures. These stapled photos could only have been inserted into the register by someone with security clearance to access the system. The fact that this is possible means that Ghana's electoral register has no integrity. It has been severely compromised.

All photographs were live capture by the webcam. The digital photographs captured were meant to go through a quality check and were submitted digitally into the database

There was no situation where a paper photograph was taken and inserted in the EC's database therefore there was no situation which could permit photographs with staple marks into the database.

Our investigation found a confirmed 867 photographs that had stapled marks in the registration. Our investigation also found over 4,620 photo-shopped photographs.

Mr. Manu concluded that the integrity of the 2012 Voters register has been compromised and needs to be replaced. He added that auditing of the existing register would not be sufficient to address the issues of; illegal NHIS cards, non-citizens who are on the register, stapled pictures compromised system.

In a nutshell, a new voter register is required for the 2016 elections. For a proper cleanup to be implemented, an audit has to be conducted first.

Cleaning up the register would not resolve the security flaws in the system – as the database has been breached before, it is possible to be breached again. An improved and secure system is required for new registration.

Voter registration is crucial to the success of the entire electoral process for it establishes the eligibility of citizens to the franchise. It is the gateway to the right to vote-the open door to participation in the governance process. Safeguarding the entire registration process, which process includes the qualification criteria, is therefore the key to securing the legitimacy of the entire electoral process, and by logical reasoning, the sovereignty of the state. The registration process must therefore be protected from under-age persons, non citizens and voter fraudsters alike, in order to avoid the process being perceived as flawed."

**THE CPP'S POSITION ON ELECTORAL REFORMS IS BASED ON THREE ISSUES REDOUBLING HE  
PROCESS: Presented by Yaw Adu Larbi**

Double registration has been largely dealt with by the Biometric Voters' Registration (BVR) system. But minor registration and alien registration remain a problem.

The two main political parties are at fault for the lack of comprehensive national identification system and the lack of this has contributed to the currently raging argument as to the credibility of the electoral process. The national identification process which could have helped resolve the issue of alien registration has been stalled and could have helped resolve the issue arising out of the registration of voters in our sole parliamentary seat in Jomorro.

A recapitulation of figures from Jomorro will make this clear. In 2004, 40,478 people voted in Jomoro and in 2008 it decreased slightly to 39,826 votes, only to shoot up to 51,255 votes in 2012, an increase of 11,459 votes.

This phenomenal increase was accompanied by reports from 24 activists about people being bused in and transported by boat from La Cote D'Ivoire. We need a new system, a new register based on a national identity data-base to resolve this issue in a more comprehensive manner and this should start from a new register.

The CPP's position has been buttressed by evidence that others, including the NPP have advised to justify a new register.

**PROGRESSIVE PEOPLE'S PARTY STATEMENT BY THE PROGRESSIVE PEOPLE'S PARTY ON THE  
DEBATE ON A NEW VOTERS' REGISTER ORGANIZED BY THE ELECTORAL COMMISSION ON**

**29<sup>TH</sup> -30<sup>TH</sup> OCTOBER 2015 ; Presented by Kofi Asamoah-Siaw**

Mr. Chairman , the PPP is here today to once again present its statement , this time verbally ,on the current register .We would have wished statements submitted by the various political parties and other stakeholders , so that this forum could make informed decisions on which option gives optimum gains and maximum credibility .Such option derived by the EC from the said submissions would detail processes , logistics ,costs, time required for implementation ,etc,for each option .However ,since the PPP is committed to finding the best means to a credible voter's register for the 2016 elections , we wish to reiterate our position by making the following contributions today's debate:

**1. The Current REGISTER**

We in the PPP accept that the current voter's register compiled in 2012 and all the ones before that have had problems .Before the 2012 elections, Ghana had issues of double registration with the introduction of the biometric register, which was to make it impossible for any register

more than once. In spite of this biometric system the current register has the following challenges which affect its credibility:

There are obviously minors on the register and the EC is handicapped in finding an effective legal process to remove the names of young people from the register. This phenomenon is so widespread that it appears on the register of almost all polling stations.

There is also a situation where the same biometric information will belong to two individuals sometimes of the opposite sex. If the biometric register was to capture unique finger print information, how is it possible that the same finger print would belong to two or more individuals? This problem has been echoed by the EC itself.

There are foreigners on the register. Even before we verify any claim by any group of people that there are foreigners on the register, it will be safe to state that the lack of a credible identification system as an unimpeachable source data from which a register is compiled, makes it very easy for non-Ghanaians to be on the register. How can we compile a voters' register of "Ghanaians of eighteen years and above" when we do not have an effective means of verifying who is a Ghanaian and what age they carry? So we have been compiling all the voters' registers from a non-existent database. How is it ever possible to compile a register from that which does not establish a voters' nationality and his or her age?

## **2. The Mandate of the EC with respect to Registration of Voters**

We have read extensively, the constitutional provisions that created the EC, the Act of Parliament that confirms the institution of the EC, and the various regulations passed by the EC from the C.I.12 to C.I.72, and wish to submit that the EC has no legal capacity to decide who is a Ghanaian and who is not, or determine what age the person carries. It is also sound to say that the EC lacks the practical know-how to create the source information required to ensure that only Ghanaians of age 18 years and above are on the voters' register, for the purposes of public elections in this country. **Please see article 42 of the 1992 Constitution.**

The problem we have now has been occasioned because the EC has insisted in the past on being an agent of compilation and or revision of the voters' register as well as the creator of the source information. The laws that created the EC never granted her the power and authority to create the source information; it only gave her the power to compile from the source information.



Please see article 45 of the 1992 Constitution and section 2 of Electoral Commission (Act 451)

### 3. The Role of the National Identification Authority

To end this confusion of the EC creating the source information and then compiling the register therefrom among others, this Nation took a bold decision in 2006 and established the National Identification Authority to create the source information. It is the only body that has the authority to so create such a DATABASE for national usage .The EC is duty bound by law to make reference to this Database and compile her voters' register out of same .For the avoidance of doubt; we state the functions of the National Identification Authority in the manner infra:

Please see section 2 of the National Identification Authority Act, 2006(Act707)

Object and functions of the Authority

- The object of the Authority is to create, maintain, provide and promote the use of national identity cards in order to advance economic, **political** and social activities in the country.

To achieve its object, the Authority shall:

- Collect personal data;
  - I. On citizens resident in the Republic and abroad ;and
  - II. On foreign nationals permanently resident in the country ;
  - III. Ensure the accuracy , integrity , confidentiality and security of data collected by the Authority
- Issue national identity cards to;
  - i. Citizens;
  - ii. Foreign nationals permanently resident in the country;
- Make data in its custody available to persons or institutions authorized by law to access the data.
- Perform other functions ancillary to or related to the functions specified in this subsection or assigned to it under this act or any other enactment.
- National identity cards issued under this Act, shall be used in transactions, which requires identification.

#### The Solution or the Way Forward

The NIA as we speak has biometric information on 21 million Ghanaians. This is our ONLY solution to our quest for compiling a credible voter's register .It is also the ONLY way that will prevent any dispute over the nationality and age of any person on any register at any time. It is the ONLY source information that will give us a CREDIBLE voters' register. If we do not utilize

the NIA database, we are afraid the current problem of identifying citizenship and age will never be resolved and therefore this country will never have, as in the past and present, a truly credible voter's register. With the use of the National Identification Card, there shall be no minors and no non-Ghanaians on our voter's register. There shall be a new beginning for all Ghanaians and we shall have faith in our voters' register forever. Our view is that this periodic compilation of a new voter's register almost after every four or eight years is not useful. We therefore submit that using the National Identification Card to compile our voter's register is the permanent solution to the problem.

#### **Electoral Reforms**

We want to use this platform to also state that related to the case for a credible voters' register is the need to have credible results declared, at the end of the polls. Our final point therefore is that we should not limit the current debate to the voter's register because it is only one of the many problems plaguing our entire electoral process. We strongly propose a review of our election management processes to adopt a fully electronic voting system that will reduce the workload on the EC and make it more efficient, transparent and credible. An e-voting system will guarantee easy verification of voters, easy voting without spoilt ballots, and flawless collation and declaration of credible final results. It will also reduce the number of electoral officers hired on polling day (30,000x6=180,000), wages or salaries for polling assistants, training and materials, procurement of ballot papers, boxes and other election materials, the logistical nightmare and high costs of operations, experienced by the EC.

More importantly, the number of polling stations is growing with population growth and we submit that a new voting system must be adopted to reduce the reliance on political party agents for safeguarding the integrity of the polls.

#### **Conclusion**

We in the PPP expect the 2016 elections to be truly transparent, free and fair. We therefore recommend that the EC and other stakeholders look beyond the voters register to fashion out a comprehensive programme of reforms that will guarantee that our presidents are elected through a credible electoral process and not out of a bastardized process which undermines the legitimacy of elected officials and threatens the peace and security that is maintained by the magnanimity of those who suffer from the flagrant abuse of our flawed electoral process.

Mr. Chairman, ladies and gentlemen, I thank you for your attention.

**NATIONAL DEMOCRATIC PARTY 'S POSITION: CONTROVERSIES OVER VOTERS REGISTER OF GHANA; Presented by Alhaji Frimpong**

INTRODUCTION: The voters' register serves as the foundation of the exercise of the sovereign will and derived mandate of Ghanaians in the fourth republican constitutional democracy began since 1992 .A reliance on the register thus becomes an invaluable determinant for the well-being of the nation.

However, our voters register has become under intense controversy since 2008 and to a peak in 2012 with clear discrepancies from the norm of the norm of voter population across Africa

**% OF VOTERS TO NATIONAL POPULATION**

2008=56.69%

2012=56.2%

Across Africa the average is 40%.

Further discrepancies of 2012 figures for parliamentary and presidential totals worsened the controversy over the voter register.

**2012 FIGURES**

Parliamentary -13,628,897

Presidential -14,156,890

Overseas Registered Voters of 705 could not account for the difference.

These discrepancies only helped to fuel the lingering controversies of the voters register and culminated in the Electoral petition of 2012

**COMPILATION OF THE VOTERS REGISTER**

The mandate to compile voters register is provided for in Article 45 (a) of the 1992 constitution under the functions of the Electoral Commission .By C.I.72, Public Elections (Registration of Voters \ Regulation 2012 ) the conduct of this function even though under the EC'S supervision becomes a shared responsibility with every citizen and particularly all registered political parties.

**MULTI- SOURCE VOTER IDENTIFICATION**

Regulation 1 (3) of C.I.72 provides a lax and dangerous evidence of multi-source identification for voters' registration which can easily compromise the integrity of the voter registration:

Namely:

- A. A.Passport
- B. B.Drivers License
- C. C.National Identification Card
- D. D.National Health Insurance Card (presently excluded)
- E. E.Existing Voter Identification Card
- F. F.Voter Registration Identification guarantees form as set out in form one of the schedules has been completed and signed by two registered voters.

(NB NHIS has been excluded now following a suit at the Supreme Court)

#### **CUMBERSOME PAPER WORK IN REGULATIONS FOR FUNCTIONS OF ELECTORAL COMMISSION**

i. The public Elections Regulations 2012 C.I.75 was the main focus of trial in the Supreme Court 2012 Electoral petition by the NPP and demonstrated monstrous paper work in the conduct of elections by the EC .The main issues of this petition which underscored the cumbersome paper work were

- A. A.Signature of presiding officers and party agents
- B. B.Ballot papers and over-voting

ii.The present NPP voters register petition is yet another focus and trial of public election (registration of voters) regulations 2012, C.I.72 in needless challenges and intrigues susceptible to a compromise of the integrity of the voters register.

#### **GRAFTING OF TWO DISSIMILAR ENTRIES INTO THE REGISTER**

We have examined the petition of the NPP over the compromise of the voters register .The National Democratic Party (NDP) is overwhelming struck by the evidence provided and in the party's opinion places in indelible mark of failed responsibility by the EC.It is clear that we all accept a live scanned picture in the register.

However an insertion of scanned staple pin –mark still pictures into the register is irregular, illegal and unconscionable by the EC's own regulation (voter registration) C.i.72.

A proof of even a single scanned staple pin – mark still photo is enough to compromise the integrity of the register and the blame placed squarely at the door of the EC. And quoting "these photos (evidenced by staple pin marks could only have been inserted into the registered by someone with security clearance to access the system " (unquote)

(Refer to page 20 to 26 of the NPP petition)

The public does not bear any responsibility for these staple pin –mark photos as it does under C.I.72

#### **SINGLE AND DEFINITIVE V OTER IDENTIFICATION**

We are keeping a voter register fraught with many controversies and susceptible to all forms of human ruse and sleight of hand .A single and definitive voter identification is a necessary step to modernizing our elections.

#### **ELECTRONIC VOTING**

At this age and time our voter register is not only compromise but also outmoded when there has been a global switch from this anachronism to electronic voting machines with the only requirement of a single definitive voter identity.Oursouth –south neighborindiahas since 1988 began a switch to electronic voter machines (EVMs) and perfected this in its 2014 general elections with highly unprecedented electoral efficiency .Their EVMsare one –tenth of the cost of those used in the USA and elsewhere but full-proof ,very robust ,battery operated and deployed all over the stretch of the Indian sub –continent

#### **THE FEAR OF THE UNKNOWN**

The NDP considers the fear of the unknown by many stakeholders as the only reasons why EVMs may not be the immediate option. By the Indian experience, Ghana's Electoral controversies are just a drop in an ocean, but EVMs have eliminated all that in India and their idle EVMS can be borrowed for the 2016 election.

**CONCLUSION:**Yes, a new voter register is the first, least and indispensable step for Ghana' selectoral integrity in the immediate term failing the superior option of total electronic voting.

#### **IMANI Ghana**

- A new register per-se may not be the solution, considering the cost and other resources it will take, if there is the chance to fix the preset register that is preferred.
- Place the register on a secured website open to all Ghanaians for viewing
- Select sensitive data to be excluded like Voters ID numbers
- All entries that voters will be unhappy with should be forwarded to the EC for rectification
- Any registered voter may go to a special part of the website to enter his name voter ID number to confirm such and the EC upon scrutiny can allow it.
- The cleaned register shall be the used for the 2016 elections and remain on the website throughout the period.

**POSITION PAPER OF THE NATIONAL DEMOCRATIC CONGRESS (NDC) ON THE  
INTEGRITY OF GHANA'S 2012 BIOMETRIC VOTERS' REGISTER. OCTOBER 29, 2015**  
**Presented by Johnson Asiedu Nketia**

**Introduction**

The position of the National Democratic Congress (NDC) on the matter of the Biometric Voters' Register is simple. And that is, the current Biometric Voters' Register must be maintained, and the traditions and conventions of periodic review by way of deleting the names of dead and inclusion of new eligible voters, which eventually culminates in the replacement of the entire register every 10 years has served the nation well so far, and must be further nurtured and respected.

Our presentation is in five parts. I will begin with a brief background relating to the evolution of our recent electoral practices. This will be followed in a second part that will show that the development of the current Biometric Voters' Register conforms to widely shared principles of voter registration, and thus passed the test of integrity. I will then provide direct expert analysis and observations confirming the high integrity of our Biometric Voters' Register. In part four, I will subject the claims of the NPP about the current Voter Register and call for compilation of a new register to a litmus test, and demonstrate that each of their claims is at best frivolous. In the final part, I will reinforce our party's position that the current register must be maintained and any concerns, must be addressed using the time-tested periodic review approach that has served the nation well for over two decades.

**Background**

Electoral reforms have been an integral part of Ghana's democratic development since the inception of the Fourth Republic. In particular, voter registration has been the main thrust of most of the electoral reforms undertaken in Ghana's electoral system since 1992. Beginning with a regime of no voter ID cards in the periods before 1992, we progressed through "thump-printed paper ID cards" limited to urban areas, to picture-based ID cards and subsequently to picture-based ID cards together with picture-based Voters' Register before eventually settling on the current Biometric Voters' Register (BVR). Through these reforms, a strong convention has evolved that has been accepted by all the stakeholders and the citizenry as a whole.

The Voters Register of Ghana is replaced in its entirety every 10 years following every national population census. In between the 10 years interval, an annual limited registration is usually conducted to register Ghanaians who attained the voting age as well as those who for one reason or another could not register in previous registration exercises. Using 1992 as the starting point, the Voters' Register was replaced in 2002 and in 2012. It is worth noting that due to the general acceptance of Biometric System of registration and the verification device complementation, the current law on Voter Registration (C.I. 78) provides for continuous registration using the current Biometric Voters' Register as the base.

It is against this background that the National Democratic Congress (NDC) is surprised that one of the major stakeholders who is on record to have publicly vouched for the integrity of Ghana's Biometric Register, and congratulated the Electoral Commission for its compilation and

use will now turn round to question the integrity of the same Biometric Register and clamour for its replacement in less than four years after its introduction.

Mr. Chairman, the NDC is not by any stretch of imagination suggesting that as a country we must stick to our traditions and conventions even if there is clear evidence that doing so would not serve our national interest. On the contrary let me state here and now that the NDC will support any well-intended systematic review of any systems and rules of governance provided any such systems and rules of governance provided any such exercise is designed to solve clearly identified problems. In other words, prior to any consideration to depart from well-established conventions, the following two conditions must first be satisfactorily met:

- a. **Problem definition:** Challenges with the existing situation must be properly identified and clearly defined.
- b. **Solution Capability:** The capability of the proposed measures and solutions to address the challenges so defined must be clear beyond reasonable doubt.

Mr. Chairman, when a proposed change lacks any or all of the above ingredients, it may at best be useless if its impact on the existing situation is NEUTRAL; and INJURIOUS especially when it has the potential to worsen the status quo.

#### **Principles of Voter Registration and Ghana's BVR**

Mr. Chairman, let's turn our attention to Ghana's 2012 Biometric Voters' Register (BVR) and why it must be maintained. In *a Comparative Study on Voter Registration in Africa* edited by ASTRID EVRENSEL, various scholars argued that the process of compiling a voters' register must be guided by certain principles including:

- (a) Transparency and Stakeholder Participation
- (b) Informed Public
- (c) Accessibility
- (d) Inclusiveness
- (e) Comprehensiveness
- (f) Accuracy and
- (g) Integrity

It is therefore imperative to ask if our current Biometric Voters' Register measures up to these widely accepted principles.

I would take these principles one by one to assess the process with which the 2012 Biometric Voter Register was compiled drawing on actual events, and opportunities that characterized the compilation of the current Biometric Voters' Register. I will demonstrate that in each case, the process of compiling the current register undoubtedly met the above widely shared principles.

#### **a. Transparency and Stakeholder Participation**

The processes leading to the adoption of the Biometric Voter Register and the Biometric Verification Device were not shrouded in secrecy. Once the Electoral Commission decided on the need to use Biometric Voters' Register, the processes leading to the formulation of the Legislative Instrument 78 (L.I.78) and the technical assessment of its suitability to Ghana's

needs, through to the actual registration, exhibition, de-duplication and finalization of the register were all to public participation and scrutiny. The NDC, NPP, CPP, PNC, PPP as well as other stakeholders including CDD, FGD, IEA, CPR, IDEG, Development Challenge, the Catholic Bishops Conference, and former Presidents of Ghana among others actively participated in these processes.

**b. Informed Public**

Undoubtedly, the process of compiling the current Biometric Voters' Register received far more public attention and attracted open deliberations than any other in our nation's history. A simple search on the Internet and newspapers would attest to the high level of public patronage and involvement in the processes. Party agents and other stakeholders were given the opportunity to witness the entire process to ensure transparency and general acceptability of the final outcome. The high turn out during the registration process is testimony to how well-informed the public was. To that extent, if any one deems Ghana's Biometric Voters' Register as one with high voter population, it could be explained by the very high level of political awareness and interest in the electoral process.

**c. Accessibility**

In compiling the Biometric Voters' Register, the Electoral Commission opened over 26,000 registration centers across the country purposely to ensure citizenry access. To date, there is no record of complaints of lack of access to the centers where registration took place by any group of persons or individual Ghanaians. It therefore stands to argue that all stakeholders were satisfied with the measures put in place to ensure unrestricted access by eligible Ghanaians including the aged, disabled, and even prison convicts.

**d. Inclusiveness**

The 2012 registration was as inclusive as it should be. There were no measures that excluded any eligible person or group of persons (ethnic, religious, gender etc.) from registering; nor were there any differentiation in resources provided for registration purposes across the country. Again, there has not been any known record of complaints from any individual or group of persons that they were excluded from the Biometric Registration process. In other words, the process as was witnessed was all encompassing and inclusive enough to capture any eligible Ghanaian who chose to register.

**e. Comprehensiveness**

Voter registration should aim at registering 100% of qualified persons including those societal groups that may be less inclined to register to vote. Available data from the Ghana Statistical Service and the Electoral Commission indicates that the 2012 registration achieved over 90% coverage. Interestingly the debate we are currently engaged in is not about under-registration but presumed over-registration.

**f. Accuracy**

Measures were put in place to ensure that the identity of any person who attempts to register to vote validly belongs to that person. For instance, a challenge process was put in place to



allow citizens to raise questions or challenge the eligibility of anybody who attempted to register if there were reasons to doubt the eligibility of that registrant. In addition, once a comprehensive list was compiled, an initial provisional Voters' Register was exhibited to give Ghanaians an opportunity to object to the inclusion of names of any minors, foreigners or deceased persons found on the provisional register. It is also on record that a de-duplication process involving stakeholders was also carried out to purge the register of multiple registrations. Indeed, when the register was opened in 2014 for limited registration, some persons whose names were already on the register but attempted to register again were all identified, deleted, and blacklisted by the Electoral Commission.

#### **g. Integrity**

In the process of compiling the Biometric Voters' Register, all stakeholders were actively involved in decisions leading to the compilation, and everyone had ample opportunity to make inputs. The process was free from political manipulation or intimidation and therefore provided all eligible persons the necessary and required environment to be captured in the Biometric Voters' Register. The biometric process itself was designed to ensure that only eligible voters whose bio-data was captured could be on the Voters' Register. Overall, the high integrity of the process of registration, makes the register, without doubt, one of the fairest, most credible, and freest political exercises undertaken in Ghana hence the validity of the register cannot be questioned. The verification machine itself provided additional safeguard to ensure that no person could vote more than once in any election.

#### **Experts Views and Observations Regarding Ghana's BVR**

Beyond satisfying the widely shared fundamental principles of voter registration, the verdict of several authorities on Ghana's Biometric Voters' Register supports our view that the current register is a product of an inclusive, participatory and transparent process, whose integrity is unquestionable. For instance, the Commonwealth Observer Group (COG) noted that:

*"Concerns about voter registration were in the forefront of the considerations approaching the 2012 elections, given the experiences of the 2008 election where the accuracy and quality of the voter register was universally questioned. By implementing biometric technology, the EC was able to address several issues such as multiple registrations and the existence of the deceased on the voter register"*

Similarly, the African Union Elections Observer Mission (AUEOM) consisting of 40 observers drawn from the Pan-African Parliament, Members from the Permanent Representative Committee of the African Union, Election Management Bodies (EMB) and African Civil Society Organizations from Benin, Cameroon Cote D' Ivoire, Ethiopia, Kenya, Mauritania, Mozambique, Niger, Nigeria, Sierra Leone, South Africa, Tanzania, The Gambia, Togo, Uganda and Zambia averred in their report on Ghana's Biometric Voters' Register and the voting process that:

*"the process of procuring the BVR machine was initiated early and conducted in a manner that conformed to the procurement rules".....and "the political parties not only participated in testing the various samples provided for the*

suppliers, but also monitored the entire registration exercise. Other stakeholders, particularly CSOs, were also involved in the various phases of the voter registration. At the commencement of the process, the EC ensured that its personnel were trained and conversant with functioning of the BVR machines. Adequate time was also allocated for the verification of the voters' list and addressing claims and objections that ensued as a result. At the conclusion of the exercise, slightly over 14 million voters were registered to participate in the 2012 elections."

In reference to the country's current Biometric Voters' Register, the Coalition of Domestic Election Observers (CODEO) noted after participating and monitoring the entire pre-election and election phases as follows;

*"the biometric technology for capturing eligible voters had the potential of providing adequate checks against the registration of illegitimate voters"....."CODEO is generally satisfied with the way the 2012 Presidential and Parliamentary elections were conducted. Based on its observation findings (sic) in the pre-election and Election Day phases, and consistent with the conclusions in its preliminary statements, CODEO broadly affirms (with satisfaction) that the majority of Ghanaian electorates exercised their inalienable democratic rights by fully participating in the elections. CODEO notes that the introduction of biometric registration and biometric voter verification systems contributed to improved transparency and integrity in Ghana's electoral processes."*

Mr. Chairman, it is instructive to note that in the Supreme Court Election Petition case in which the NPP failed to overturn the will of the people, both Justice William Atuguba and Justice S. O. A. Adinyira made reference to the voters' register in their rulings.

Justice William Atuguba of the Supreme Court stated:

*"Although the petitioners complained about the transparency of the voters' register and its none or belated availability before the elections, this line of their case does not seem to have been strongly pressed. In any event, the evidence clearly shows that the petitioners raised no such prejudice been shown there from. Indeed even in this petition, the petitioners claim that the 1<sup>st</sup> petitioner was the candidate rather elected obviously upon the same register."*

In support of this argument; Justice S.O. A. Adinyira also of the Supreme Court stated:

*"The EC had conducted its affairs professionally, transparently to produce a clean, credible and reliable Voters register. Information regarding voters register is available on the EC's website. At the trial it was established that the final register was given to all political parties in the form of CDROM and hard copies as well. From the foregoing, I hold that the petitioner's complaint that the compilation of the voters' register had an adverse impact on the 2012 December Elections cannot be sustained."*

The Chairman, ordinarily, the above analyses should suffice as an excellent case in support of maintaining the current Voters' Register. However, given that this matter has arisen on account of specific claims by the NPP, it will be helpful to subject each of these claims to serious scrutiny, to establish how each of the claims falls flat on the face of the evidence available.

#### **NPP's Problematic and Paradoxical Claims**

Mr. Chairman, the NPP is questioning the integrity of the Biometric Voters' Register on the following grounds:

- a. Voter population as a percentage of national population,
- b. The validity of registration with NHIS cards,
- c. Minors on the Voters' Register,
- d. Aliens on the Voters' Register,
- e. Loss of confidence in the electoral system, and
- f. A more recent claim of NDC's access to the Electoral Commission's database

After a careful review and analysis of the NPP's claims, the NDC is of the view that the NPP is not only being mischievous; the claims are also frivolous and cannot stand the test of proper scrutiny.

Mr. Chairman, let us examine these claims one after the other and show why each of them ought to be treated with contempt and dismissed without hesitation.

#### **(a) Voter Population as a Percentage of National Population**

The claims by the NPP that Ghana's Voter population of 14 million is indicative of a bloated register on account of national population census figure (25 million in 2010) in comparison to other countries is flawed on several grounds. The NPP's use of the 2010 census data to cast doubt on a Biometric Voters' Register that was compiled in 2012 is problematic.

This is because to compare the voter population of 2012 to the national population of 2010 assumes that (i) our population has been static since the last census, and (ii) there was no upward movement in the ages of those captured. In addition, the estimated adult population (eighteen years and above) as projected by the Ghana Statistical Service from the 2010 Population and Housing Census is 13, 632, 299. Using our national projected annual population growth rate of 2.5%, the Ghana Statistical Service has estimated the adult population of eighteen (18) years and above at 14, 278, and 692 in 2012. Indeed going by the same projection, it is expected that by 2016, Ghana will have an adult population of 15,651,760.

#### **(b) The validity of registration with NHIS cards**

Mr. Chairman, on the issue of the use of NHIS cards, Regulation 1(3) of the Public Electoral (Registration of Voters) Regulations 2012 Cl. 72 states that "a person who applies for registration as a voter shall provide as evidence of identification one of the following;

- a. a passport,

- b. a driver's license,
- c. National Identification card,
- d. National Health Insurance card,
- e. An existing Voters' ID card; or
- f. One voter registration identification guarantee form as a set out in Form One of the Schedule that has been completed and signed by two registered voters."

The Supreme Court later in 2013 invalidated the use of NHIA cards in the compilation of Voters' Register. There is no known record or complaint of the use of NHIS cards in matters relating to the current Biometric Voters' Register after the Supreme Court ruling. We are also not sure that the NPP is calling for a retroactive application of the Supreme Court ruling, which in any case will be an affront to the 1992 Constitution.

The fact that an individual uses one form of identification does not in any way suggest that the person lacked any of the other five forms of identification. The compilation of a new voters' Register which aims at eliminating the names of persons who registered using the NHIA cards will amount to an exercise in futility since such persons are already in possession of an existing voter ID cards, which in itself is a valid form of identification.

#### **(c) Minors on the Voters' Register**

The NPP's call for a compilation of a new Voters' Register as a means of cleaning the register of minors leaves much to be desired. As noted earlier, all political parties were part of the process of the compilation of the register, and as Ghanaians will recall, there were accusations and counter accusations from the stakeholders especially the political parties about the possibility of minors from each other's stronghold being registered at the time.

Although in some cases the facial looks from the pictures of some of the individuals captured in the registration suggests that they may be underage, existing legal framework does not allow the Electoral Commission by itself to expunge the names of such persons in the absence of credible documentary evidence. In other words, nothing prevents any political party that had cogent documentary evidence that a registered voter is a minor from ensuring such a person is deleted from the Voters' Register through the established process.

Besides, the NPP's call for a new Voters' Register on this claim flies in the face of simple logic. This is so because, age changes with the passage of time, and no one remains a minor forever. For instance a minor who registered at the age of 14, 15, or 17 years old in 2012 would have attained the voting age of 18 years in 2016 and would be qualified anyway to register if a new Voters' Register were to be compiled.

The opening of a new register for the sole purpose of removing the names of people with such ages as at today will thereby bloat the register. With the limited registration, since the numbers are small, with greater vigilance we can achieve better results.

#### **(d) Aliens on the Voters' Register**

Mr. Chairman, regarding the claims that our Voters' Register contains names of aliens, I wish to place on record that the NDC stands by, and will defend the constitutional provision that

limits the right to vote in our elections to Ghanaians. I wish to also state that the NDC remains committed to protecting and defending the right of every eligible Ghanaian living everywhere to vote irrespective of region, or ethnicity. This principle is to ensure that the votes of every Ghanaian counts, and not just the votes of a few vocal Ghanaians.

Mr. Chairman, the current position of the NPP on this matter is highly contradictory and at odds with their previously stated position. In the period leading to the passage of the Representation of the People Amendment (ROPA) Bill in 2006, the NPP speaking through Honourable J. Ayikoi Otoo, then Attorney-General and Minister for Justice as recorded in the *Parliamentary Debates* (Official Report) of Thursday, 2<sup>nd</sup> February, 2006 stated as follows:

*"The right to vote in an election is an entrenched provision of the Constitution. Article 42 of the Constitution empowers every citizen of Ghana of eighteen years of age and above and of sound mind to register as a voter and vote in public elections and referenda. This right Mr. Speaker is not restricted to citizen resident in the country, because the reference is to a citizen without qualification."*

Mr. Chairman in presenting the report of the Committee on the Constitutional, Legal, and Parliamentary Affairs in Parliament on February 2<sup>nd</sup> 2006, the chairman of the Committee, Honourable Kwame Ose-Prempeh then MP for Nsuta-Kwamang who later became a Deputy Attorney-General and Minister of Justice in 2006 under President Kuffour, stated that:

*"The Committee observed, however, that even within Ghana there are foreigners some of whom during periods of voting registration attempt to register but the Electoral Commission has an **inbuilt mechanism** to disallow such people from registering to vote. The same or a similar process could be evoked to prevent aliens who hold Ghanaian passport from registering to vote. In any case, the Committee is of the view that citizenship is a matter of law and that by strict application of law, the Electoral Commission would be able to identify who is a Ghanaian for the purpose of being registered as a voter."*

On dual citizenship, the report stated:

*"the Committee also examined the concerns about the voting rights of Ghanaians abroad and held the view that since Ghana by law recognizes dual citizenship, those affected (and have gone through the process) reserve the right to exercise their choice in this matter."*

Mr. Chairman, among the countries visited by the Osei – Prempeh-led Committee; Togo was the first on the list. Is this not one of the many contradictions, that having gone to Togo at the expense of the Ghanaian tax-payer to sensitize the Ghanaians resident there about their voting rights, the same NPP is now describing, as Togolese these same Ghanaians who have responded favourable to their call to register?

**(e) Presumed Loss of confidence in the Electoral System**

Mr. Chairman, the NPP's recent attacks on the Electoral Commission are totally uncalled for. They are opportunistic attacks, and have the potential to undermine our democratic system.

The survival of our democracy is dependent on the trust of our people in the institutions of governance.

Mr. Chairman, it is difficult to appreciate the logic that supports the NPP's claim that due to the outcome of the 2012 election petition, there is waning confidence in the electoral system. How can the NPP losing a case in the Supreme Court against the Electoral Commission and the NDC result in loss public confidence in the EC? Shouldn't the fact that the Supreme Court upheld the election results announced by the EC rather reinforce public confidence in the Commission, and indeed rule of law, over which the NPP claims to have monopoly?

Mr. Chairman, on this matter, permit me to again quote the Osei – Prempeh led Committee, which stated that:

*“the Commission, having conducted elections for the past thirteen (13) years has gained enough credibility locally and internationally to the extent that, at the moment it is regarded by the international community as one of the best Electoral Commissions in Africa.....the credibility of Ghana's Electoral Commission is further demonstrated by its appointment by some of our sister African countries and Europeans to supervise and conduct elections for their citizens living in Ghana.”*

Mr. Chairman, these are statements underlining NPP's positive assessment and high praise of the Electoral Commission, taken verbatim from the *Parliamentary Debates* (Official Report) of Thursday 2<sup>nd</sup> February, 2006.

Mr. Chairman, the question is “what has changed?” if 13 years of conducting and supervising three (3) successful general elections at that time the Commission merited such commendation, why would the NPP now be condemning the same institution after six (6) successful general elections over a twenty-two (22) year period?

**(f) Access to the Electoral Commission's database**

Mr. Chairman, a recent addition to the never-ending list of complaints by the NPP is the rather bizarre claim that the NDC has exclusive access to the EC database. To set the records straight and help this committee of eminent personalities arrive at a conclusion based on facts, it is important to state that the Electoral Commission has made available to all registered political parties, including the NPP, a copy of the current Voters' Register in both soft and copy on CD-ROM and hard copies in printed format. For the purpose of efficient management of our party, we are openly using the data on CD-ROM to assist us develop a reliable database of our membership.

It is therefore surprising that the NPP would play mischief by suggesting that the NDC has some exclusive access to the very material all political parties have in their possession. This claim is not only mischievous, it is also a malicious calculation intended to deceive the unsuspecting public, and to dent the image of the NDC and the Electoral Commission.

Mr. Chairman, in any case, if the NPP have had no access to the Ghanaian Voters' Register supplied to all political parties, what register did they use in doing their so-called facial recognition comparison of the Ghana's and so-called Togo's Voters' Registers?

#### **Conclusion**

Mr. Chairman, it would be recalled that one of the key arguments of the NPP that swayed Ghanaians including the clergy to opt for the Biometric Voters' Register and the verification device in 2012 was that in case of any controversy arising out of the elections, the information on the device would serve as conclusive proof of the record of votes at the polling station. And yet, at the Supreme Court, when the Electoral Commission sought to tender evidence of the print out of the Biometric Verification Device, the NPP vehemently objected.

So for those who argue that accepting the NPP's latest demand of a new Voters' Register is a means of avoiding conflict, our response is that this is a group of people that never accept any election results except when they are pronounced winners. They will keep shifting the goalpost, and it will be a never-ending cycle.

Mr. Chairman, the position of the NDC is that the reliability of Biometric Voters' Register is beyond question. The reports of the Observer Missions and the ruling of the Supreme Court provided recommendations aimed at further and continuous reforms of the electoral process (not the replacement of the BVR) in order to further enhance the integrity of subsequent elections in Ghana and in the process, reduce the threat to the stability of the state that results from electoral disputes.

Finally, Mr. Chairman, on the basis of the foregoing, the National Democratic Congress has the unshakable view that the current Biometric Voters' Register must be maintained, and the traditions or conventions of periodic review by way of deleting the names of the dead and inclusion of new eligible voters, which eventually culminates in the replacement of the entire register every 10 years has served the nation well so far, and must be further nurtured and respected.

#### **PEOPLES' NATIONAL CONVENTION –PNC**

##### **PAPER TO ELECTORAL COMMISSION ON WHETHER OR NOT TO COMPILE A NEW VOTERS' REGISTER. Presented by Bernard Mornah**

At the first Interparty Advisory Committee (IPAC) meeting since her appointment as chairman of the Electoral Commission (EC), among other issues the EC asked all political parties to submit their views in writing on the Voters Register by September 22, 2015.

In compliance therefore ,the Peoples' National Convention (PNC ), herewith, submit our views as follows in the hope that our position would contribute to the overall desire for enhancement and engendering confidence in the electoral process.

We in the PNC reckon that the EC call for proposal is anchored on the recent hiatus on whether or not to have a new voter's register or cleaning the current register.

Those making the case for a NEW voters register have stated that in their view:

1. The current register is BLOATED and therefore INCREDIBLE
2. The current register is infiltrated by non-Ghanaians
3. The current register is unrealistic given that our register has a more than high percentage compared with other countries.
4. Current register is "incurable flawed"

Proponents of the NEW VOTERS' REGISTER, therefore thinks that a new register would lead us to start on a fresh slate.

The other school of thought believes that evidence in the past and in particular with a previous registers cannot support that a NEW REGISTER CAN overcome the slant.

The rigid posturing of these two positions vis-a-vis NEW REGISTER and WORKING WITH CURRENT REGISTRE, is posing a threat to the workings of the EC and our democracy as a whole.

**The PNC holds that a NEW REGISTER is therefore ,not a cure of the perennial sickness of BLOATED and INCREDIBLE register .If there is bloated register, then some other factors are responsible and not the absence of a new register.**

The Issues pertaining to Bloated Register can be cured by our collective attitude and respect for the truth.

All political actors have a role to play in:

1. Ensuring that minor do not register-
2. The register is cleanse of deceased relatives
3. "stopping non Ghanaians from registering"
4. Public funding of political parties would ensure parties have strength to represent at registration centers to monitor irregularities at the start.
5. The EC Committee on ELECTORAL REFORUMS must be made to assist in the audit of the current register.

In the long run ,we want the national Identification to be collapsed into the broader mandate of the Electoral Commission – we need Central Data System that would capture peoples residence, car numbers, and just about everything identifiable. With proper National Identification in place, the issue of citizenship would be settled.

Secondly , we expect that the department of Births and Deaths would be strengthened ,retooled , modernized and revitalized to play the essential role in society .With appropriate



,Births and Deaths cum apt National Identification in place ,we are sure to eliminate or reduce the incidence of non –Ghanaians in our data.

In the meantime, if any foreigners are found on the current register, let us probe further and when the courts grant us that they are not fit to be on our register, we move to get the EC expunge all such persons from the register and take steps to prosecute the infiltrators. This is a sure bet to ridding the register off its "weed".

All officers of EC whose jurisdiction obtained some stapled pictures must account and where possible be prosecuted. But is it possible to staple the biometric signature too?

Anything short of this would be much ado about nothing. It would be an exercise in futility .It would lead to dissipation of scarce resources in funds, time and risk.

We in PNC are not persuaded that a NEW REGISTER IS a panacea to the questions of bloated register.

Finally, we urge all players to tread cautiously and not lead our democratic order into Armageddon by rigid posturing. The PNC urges the nation to have the National Identification, the Births and Deaths register and the Electoral Commission to all be linked by a social security number that allows cross reference. This number would be given at birth and go throughout the life of the individual .It would reduce multiple counting of individuals with a Voter Registration number, Nationalidentification and even the current problem of age adjustment seen in hospitals and when it comes to time to retire .This will reduce all sorts of identification problems as the nation moves into the future (for additional example that number would need to appear on all Drivers' Licenses issued)

As a party, we will listen to other views and if persuaded, we may change our current view.

#### **BISHOPS & PASTORS NETWORK**

- New register necessary to clear all doubts and suspicions
- Removal of minors and foreigners insufficient to clear doubts and suspicions
- New register will not give an advantage to any party
- New register less costly than electoral violence

#### **MR. JACOB OSEI YEBOAH**

- EC must identify those who are ineligible but are on the register
- EC should undertake verification and validation.
- Fresh registration will deplete scarce national resources.

## APPENDIX C

### REPORT ON THE PUBLIC FORUM ON THE VOTER'S REGISTER 29TH-30TH OCTOBER, 2015 ALISA HOTEL, ACCRA

#### **PREAMBLE**

Attempts at consolidating democracy through free and fair elections have been without difficulties. At the centre of controversy surrounding such elections has been the issues relating to integrity of the voters register. It is worth noting that experience in Ghana and elsewhere, suggests that prior process of registration and the electoral roll is in many ways important because trouble often times arises from the deficiencies of the Voter Register than from the failure in the actual polling. Thus an inaccurate Register is not only an inconvenient in it-self but offers the greatest of all opportunity for disputing the outcome of the polls.

#### **1.0 HISTORICAL PERSPECTIVE**

Given that a credible electoral list is central to the conduct of elections, the integrity of the registration process and subsequent register produce becomes crucial for their fairness.

Both the 1992 Commission and the Act that established the Electoral Commission empowered it among others to; compile voters register. On the basis of this, Parliament of the 4<sup>th</sup> Republic gave a legal backing to the registration of voters by passing a Constitutional Instrument (C.I) 12. Public Elections Regulation (Registration of Voters) Regulations, 1995 and in 2012 the Regulation was amended to C.I 72 which mandated the Electoral commission to take those actions necessary to register qualified Ghanaian citizens.

The law regulating the registration of voters stipulates that the Commission should register;

- Only Ghanaian citizens.
- Only persons of 18 years of age and above.
- Only people of sound mind and not imprisoned for the conviction of a felony or death sentence.
- Only people who reside in the area where the registration takes place.

As part of the administrative reform process, in 2012, the nation embarked on biometric voter registration exercise, producing a biometric voter register and for the first time in Ghana's general elections using this biometric voter register with biometric devices.

The decision that informed the introduction of the biometric technology by the Electoral Commission was to forestall the incidence of multiple registrations that characterized previous registration exercises. As always, the expectation of the Commission was to produce a more credible register of voters, for the 2012 general elections and subsequent elections. As a result,

the biometric registration introduced by the EC captured the demographic and biometric data, photograph and fingerprints of prospective voters.

The New Patriotic Party (NPP) in July 2015 sent petition to the Electoral Commission on an alleged bloated voters register, raising issues on the unacceptability of the current voter population in relation to the national population census figures released by the Statistical Service of Ghana.

Again in August 2015, the NPP sent another letter to the Commission alleging that the voters register for specific constituencies in Ghana has names and photographs of non-citizens.

## **2.0 THE OBJECTIVE OF THE FORUM**

- To find modalities for producing a credible voters register for 2016 General Elections.
- To seek further justifications, explanations, perceptions on the state of the voters register and the way forward.
- To enable the Electoral Commission broaden the scope of the discussions and expand public discourse that sought to build consensus on the status of the voter register.

The importance of the subject matter informed the EC in its decision to organize a two-day national forum that provided the platform for the NPP, other Political Parties and stakeholders to make presentations and submissions. The occasion was also used to identify issues relevant to national identification for the future.

Prior to the public forum on 29<sup>th</sup> -30<sup>th</sup> October, the Commission constituted a five-member panel of eminent Ghanaians to facilitate the discussions and to make appropriate recommendations to the Commission, especially in the light of the 2016 elections.

## **3.0 MEMBERS OF THE PANEL**

1. His Lordship Prof. V.C. R. A.C Crabbe - Fmr. Justice of the Supreme Court of Ghana
2. Most. Rev. Prof. Emmanuel Asante - Chairman of the National Peace Council
3. Maulvi Bin Salih - Ameer of the Ahmadiya Mission of Ghana
4. Dr. Mrs. Grace Bediako - Fmr Government Statistician
5. Dr. Nii Narku Quaynor -Chairman of NITA

## **4.0 TERMS OF REFERENCE**

1. To facilitate the discussions, synthesize the submissions, presentations and justifications on the Voters Register.
2. And to make appropriate recommendations to the Commission, especially in the light of the 2016 elections.

The forum, organized with the support of the USAID was held at the Alisa Hotel, Accra. The event targeted leaders of the Political Parties, Civil Society Organizations, the Media and the Clergy etc. In all, over three hundred and fifteen (315) representatives and participants took part in the two-day event.

## **5.0 WELCOME STATEMENT**

The welcome address for the forum was delivered by Mrs. Charlotte Osei, the chairperson of the Electoral Commission. Distinguished panel members, members of the Electoral commission, your excellencies and representatives of the diplomatic community and donor partners, honorable members of Parliament, leaders and representatives of political parties, civil society organizations ,faith based organizations Nananom, Nii Mei, Naa Mei, all institutions here present, ladies and gentlemen of the Media. It is the Commission's privilege and pleasure to welcome all to this two day Forum organized by the Electoral Commission to discuss our Voters Register. On behalf of the Commission, The Chairperson thanked all for honoring the Commission's invitation and making time to be here.

In the past few months, the issue of the credibility or otherwise of our voters register has been the focus of significant public attention and debate. Public discourse on the matter has been extremely passionate and polarizing with leaders and supporters of political parties, traditional authority, civil society institutions, faith based organizations and prominent citizens expressing their positions on the issue. Of course, barely a year to Presidential and parliamentary elections, the need for a credible register, the starting point of credible elections is obvious and important. As a Commission, we have listened intently to the various view points and embraced the public debate because at the heart of every democracy is the people, the electorate. And getting an engaged citizenry, is the starting point of a successful election and a sustainable democratic process.

A short history of the debate from the viewpoint of the Commission is necessary. In July of this year, the EC received a request from the New Patriotic Party for a new register. We acknowledge receipt of this request and promised to look into the issue raised.

On the 18<sup>th</sup> of August 2015,we received a petition from the NPP and we did explain on receipt of same, that we would look into the issue after the District Level Elections which were scheduled for September 1, 2015.At the IPAC meeting of 21<sup>st</sup> August 2015,called to discuss the DLE, it was agreed that it was important to formally receive the positions of the other political parties and stakeholders on the register in order to enable the EC take an informed decision on the matter. All political parties and stakeholders were given up to September 22<sup>nd</sup> to submit their positions. Again in September 2015, the NPP submitted a third petition providing additional grounds for a new register.

Since the receipt of the Petitions from the NPP, the EC has commenced internal investigations into the claims made in the NPP petitions. We have made significant progress with our investigations and indeed, we have requested additional documentation from the NPP to enable us conclude our investigations We take the opportunity to thank the NPP and all other political parties for the cooperation we have received from them, the support they have shown to the progress agreed at IPAC and implemented so far by the EC on this issue. We also acknowledge the support of our donor partners especially the UNDP, who made external expertise available to the EC to provide best practice on the issue raised in the various submissions and offer independent technical support .On the allegations made by NPP,

following this Forum, and on conclusion of our investigations, the Commission will share its findings with the NPP in direct response to those petitions.

So far, over 30 formal submissions have been received from political parties, civil society organizations, private companies and individuals, and many more via handwritten letters text messages, emails, etc. On behalf of the Commission, I thank all who made time and took the trouble to make submissions expressing their view point. We have studied all these proposals and we will all have the privilege of hearing some of these submissions. All other submissions have been summarized and will be circulated to all present.

The Commission decided to engage the interested parties at this public forum. In order to assure a transparent and accountable process for examining and determining the petition, the Electoral Commission constituted a panel of eminent Ghanaians that we have today to lead the hearing on the matter.

It is our belief that the panel will conduct the hearing in a free, transparent, fair and objective manner. We also hope that the discussions will be conducted in a dispassionate manner and in an atmosphere devoid of acrimony and with respect for each other's views. We have taken note of the concerns raised in the media by some stakeholders specially supporters of the big political parties, about the neutrality of some members of the Panel. It is however important to reiterate, that the Panel is here to listen and engage all stakeholders and help us arrive at a consensus and make recommendations to the EC. The findings and recommendations of the panel will be presented to the Commission for final decision which will be communicated to the public.

The final decision on whether or not we will have a new register, or audit the register will be taken by the EC in line with and on the authority of our constitutional mandate. The debate on the register has in our view, raised a critical and fundamental issue in the public domain. How should an independent government institution such as the Electoral Commission make decisions on important national issues?

Should the decision be based merely on allegations or claims which have not been conclusively investigated? Should the EC take decisions based on demands by groups or parties without taking all other requisite views into account? Should decisions by the EC be made on the basis of comments by eminent citizens of the land?

It is belief that the following such a path may be setting a very dangerous trends for democratic stability in Ghana.

Our view is that the EC must be guided by three principles: The Rule of Law; Conscience and National Interest. The overwhelming interest of this nation, after listening to all parties and giving all parties a right to be heard, and conscience must guide the Commission.

For the UN, the Secretary –General defines the rule of law as a “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It

requires, as well, measures to ensure adherence to the principles of Supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers participation in decision –making, legal certainty, avoidance of arbitrariness and procedural and legal transparency”. “(Report of the secretary –General: The rule of law and transitional justices in conflict and post – conflict societies” (2004).

He added also that we must recognize that “peace and security, development, human rights, the rule of law and democracy are interlined and mutually reinforcing.”

It is hoped that at the end of this Forum, the deliberations and exchange of views will provide the tools needed by the Electoral Commission to take a decision on the matter towards ensuring that our 2016 elections are credible. Towards this end, the Commission will be launching a series of activities and implementing reforms agreed with the political parties and CSOs post the 2012 elections. These activities and reforms, we are confident would create a more inclusive, more transparent, efficient and credible electoral process and outcome.

Mr. Chairman, I wish at this point, to express the Commission’s gratitude to our development partners for supporting us materially and financially to make this forum a reality and to the panelists for accepting to facilitate the discussions at this forum. We also thank the National Commission for civic Education for supporting us to facilitate this forum.

Finally, we thank you all for honoring our invitation to attend this forum. As a Commission, we assure the people of Ghana that we will take a decision that is in the best interest of the nation. May our deliberations at this Forum be insightful, peaceful and lead to a stronger democratic process and stronger nation?

#### **6.0 OPENING SESSION-CHAIRMAN OF THE PANEL REMARKS**

The Chairman, His Lordship, Prof. V.C. R. A.C Crabbe thanked the Electoral Commission, the organizers, sponsors, all participants and dignitaries for the effort they have individually put into the forum. He traced the historical antecedent of voter registration in Ghana, reiterated the panel terms for reference: - to actively listen, weigh the evidence and make formal recommendations. He concluded by expressing the hope that participants should not feel intimidated, but be open and sincere in their presentations, as the nation takes a giant step in finding ways to consolidate democracy.

#### **7.0 METHODOLOGY**

The forum organized in two days was conducted by way of presentations from the Political Parties, Civil Society Organizations (CSOs) and Faith Based Organizations. Each presentation, responded to questions from the Panel and the floor. On the second day, few political parties who could not make presentations on day one were permitted to make submissions on their positions, followed by a short demonstration by EC staff on the biometric registration process and an open forum that entailed question and responses from the EC and participants. The forum was facilitated by two Commissioners drawn from the National Commission for Civic Education (NCCE).

## **8.0 PRESENTATION OF THE POLITICAL PARTIES, SOME INSTITUTIONS AND INDIVIDUALS**

### **8.0.1 GHANA INSTITUTE OF PUBLIC POLICY OPTIONS (GIPPO)**

Presented by Dr. Charles Werekro Brobbey

### **8.0.2 NEW PATRIOTIC PARTY (NPP) Presented by Mr. Peter Mac Manu**

#### Questions and Answers after NPP presentation

1. How was the population obtained as a denominator as the population from the register? Did it reflect the actual populations or deducted foreign populations from it?

Ans: All those things were taken into account such as the 2.5% growth rate

2. Are you able to share a receipt of the voter register acquired to verify the authenticity?  
Ans: Did not have the register and was not ready to disclose the source.
3. Are you proposing a change of register every 4 years?  
Ans: A permanent ID cards could be issued than the temporary ones being used now
4. Why do you propose bulk deletions and not particular deletions?
5. Are you aware that there could be operational errors instead of system errors because there were the opportunities for adjudications?
6. What problems do you envisage if we go for a total new register? How do hope to solve the problem  
Ans: The EC should tell how it is going to prevent fraud in the 2016 limited registration exercise.  
There should be a new legal regime on the voters register  
There must be tender documents that can detect some of the problems  
The Financial cost of registration per person if \$7.
7. Give an insight of the nature of the Nigerian proposal  
Ans: Bio data of individuals were scanned, uploaded on a chip embedded in the ID cards
8. Was the Nigerian scenario to prepare a new register or to cleanse the existing one?

### **8.0.3 CONVENTION PEOPLE'S PARTY (CPP) Presented by Mr. Yaw Adu Larbi**

#### Questions after CPP presentations

1. Will a change of register not bring about the same issues of minors and foreigners being raised?
2. Did you exercise the right to use agents at the registration centres? Did you protest or object?

Ans: agents were intimidated and had to ran for their lives in some cases. There were forces at work on the blind side of the EC.

Going forward, there should be mechanisms put in place to address these concerns.

#### 8.0.4 CENTER FOR DEMONCRATIC DEVELOPMENT (CDD-GHANA)

Presented by Dr. Franklyn Oduro

##### Questions after CDD presentation

1. What is the determination of a large flaw?  
Ans: if we have flaws above 5% would be a problem for the country due to keenly contested nature of elections. Flaws between 3% and 5% are acceptable.
2. What constitutes 5%?
3. Assuming there are flaws, are there effective mechanisms in place to address the issue?  
The BVD cannot determine minors. Majority of the flaws can be addressed if all stakeholders play their roles very well. Current mechanisms are strong but making it operational is the problem. We should try to reduce the temptations of human beings trying to abuse the system.
4. If the existing structures are adequate and the implementation is the problem shouldn't we think of continuous removal rather than removal?  
Ans: The difficulty is with how the flaws are being removed if all stakeholders do not get involved. The EMB should do an internal cleansing but if it does not have the ability to remove minor then the problem will maintain. There should be checks to help to do such exercises. Continuous cleansing would be the exercising of every EMB even if we have a new register.
5. What is the relationship between the performance outside and the continuous problems we have in Ghana?  
Ans: EC does not lack capacity. The right things required to be done can be done. Temporary staff are part of the problem.  
  
The extent of training to build their capacity to undertake the exercise  
  
If the EC draws on best practices to from within and outside the country, we should be able to solve the problems.  
  
The structure of the EC must be looked at.
6. Could it be that the EC does well at home but is not appreciated but rather commended outside of the country?  
Ans: The Supreme Court issue exposed some weaknesses of the administration within the EC. The EC is not proactive to let Ghanaians know their problems. This does not allow people to see the positives of the good works they do.  
We should find out those who are responsible for the flaws in the register.
7. How do we see the manipulations and flaws that are so repetitive?  
Ans: The issue with temporary staff must be looked at.  
The IT system must also be looked at.



**8.0 .5 NATIONAL DEMOCRATIC CONGRESS (NDC)  
Presented by Mr. Johnson Asiedu Nketia**

**8.0.9 IDEG AND CFI Presented by Dr. Emmanuel Akuettey**

**8.1.0 NATIONAL DEMOCRATIC PARTY (NDP) – Presented by Alhaji Frimpong**

**8.1.1 IMANI Ghana**

Questions and answers after a presentation from IMANI Ghana

1. Can you tell how uneconomical it is to bring a new register rather than cleansing?
2. Can putting the register on the website not bring about the fraudulent use of peoples' data and undermine privacy issues?
3. Is the new register problematic or cost is the issue?

**8.1.2 PEOPLES' NATIONAL CONVENTION (PNC)  
Presented by Mr. Bernard Mornah**

Questions after PNC presentation

1. Is there any record that can tell the number of minors and foreigners who voted in the 2012 elections?  
Ans: No
2. How do we link the NIA which is not functioning well and the under-resourced Births and deaths registry and the Social Security referencing?  
Ans: Ghana needs a central identification system, without which there would always be a bloated register.

**8.1.3 PROGRESSIVE PEOPLE'S PARTY (PPP)  
Presented by Kofi Asamoah Siaw**

Questions after PPP presentation

1. Do the political parties create the problems themselves and expect the EC to solve them under the cover of foreigners and minors?  
  
Ans : The means of identification do not show the citizenship and age of voters. EC should move away from proposing the use of the old voter ID cards for identification and rather use the National Identification cards. The issue is on national interest and not an EC matter and therefore it should be the concern for the whole country. The debate should put the NIA forward.
2. In 2012 the issues of double registration was solved. What about minors and citizens?
3. Have you considered time factor given the 2016 elections for NIA operations and voter registrations?  
Have you considered electronic voting in the villages?  
Ans: NIA only needs money to work. Time is not an issue  
Villagers vote. They were able to go through the biometric registration.

4. Ghana has not mastered the biometric registration but we are proposing e – voting. Why don't we master it before jumping into another?

Ans: some devices were not strong enough which has called for their update. There should be procurement of devices. The EC has not published the results from the BVD for all to see if people did not engage in double voting. Thus the EC should be able to publish the results for people to tabulate by themselves.

5. What are the things to put in place to facilitate the work of the NIA

Ans: NIA would prevent people who would want to cheat the system. NIA would solve the problem of non-citizenship and minors; thus shifting the problem from EC to NIA.

6. With the belief of thumbprint matching two individuals, do you believe the margin of error as defined in procurement systems?

Ans: EC has undertaken the exercise of de-duplication.

7. Do you know how far the NIA and EC have reached in terms of the number of thumbprints taken?

Ans: The NIA is not in the districts and they are not embarking on continuous registration. However foreign registration is ongoing while that of nationals is halted.

Between EC and NIA who is responsible for registration of minors and citizens?

**8.1.4 BISHOPS & PASTORS NETWORK**

**8.1.5 GHANA FREEDOM PARTY - Represented by Madam Akua Donkor**

**8.1.6 DEMOCRATIC PEOPLES' PARTY- Represented by Mr. Ward Brew**

**8.1.7 MR. JACOB OSEI YEBOAH**

**8.1.8 ELECTORAL COMMISSION- Represented by Mrs. Charlotte Osei**

**8.2. OPEN FORUM**

- Are you aware of any intrusion or attempt by any means, cyber or physical to compromise the current register?
- Is it possible for person with authorization to the machine have the opportunity to register people?
- Has there been consistent analysis of the records in terms o registration exercise to ensure that the security cannot be breached?
- What suggestion do you have to clean the name of the dead from the register? Does it matter to expunge the names of dead persons from the register since it does not have any effect on voting?
- What is the regional breakdown of double registration?

There are Ghanaians outside who would want to vote in the next elections. What steps are being [Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in the document. Use the Text Box Tools tab to change the formatting of the pull quote text box.]

- taken to implement ROPAL to avoid people from crossing borders to vote?
- Does the NPP have a documentary prove of the foreigners on the register?
- When are we looking up to a closure of the deliberations to the questions?
- Did the EC use two different registers for the 2012 elections?
- Is the EC going to have a legal action against those found to be responsible for flaws in the EC?
- Should we include details of voters on the register, considering and privacy issues? Can the EC tell what security system is in place in case someone decides to stuff the box – security markings?
- Has the commission done any audit of the systems before?
- Is it possible to have a printout of the people who register?
- Question by NPP
- Can the EC tell the cost of registering a person?

### 8.3 RECOMMENDATIONS

- NIA should be well resourced to register people living in Ghana whether foreigners or nationals.
- There should be measures to ensure that those who are true Ghanaians are registered.
- No Ghanaian should be disenfranchised in the process of cleaning the register.
- The Reform Committee should work with the EC to remove names of ineligible voters from the register.

### 8.4 CONCLUSIONS

The chairman wrapped up the programme highlighting the focal issues of the forum, the role of various stakeholders and the concerns raised by the presenters. He drew attention to the upcoming 2016 general elections in connection to contextual issues as critical to the sustenance of the peace of the country. He urged all present to make themselves available to the Panel when called upon to provide further information and insight on the issue as they put together their recommendations to the Electoral Commission.

The forum received the needed attention from the electronic media and was also prominently featured in the newspapers as a major topical issue, thereby carrying the debate and discussions beyond the actual participants of the forum to the larger reading and listening Ghanaian public.

## **APPENDIX D**

### **MINUTES OF THE PANEL, STL, POLITICAL PARTIES AND OTHER STAKEHOLDERS MEETINGS HELD FROM 3<sup>RD</sup> – 19<sup>TH</sup> NOVEMBER 2015**

#### **EC BOARD ROOM**

#### **ATTENDANCE**

#### **PANEL MEMBERS**

1. His Lordship Prof. V.C. R. A.C Crabbe - Fmr. Justice of the Supreme Court of Ghana
2. Most. Rev. Prof. Emmanuel Asante - Chairman of the National Peace Council
3. Dr. Nii Narku Quaynor - Chairman of NITA
4. Dr. Mrs. Grace Bediako - Fmr Government Statistician
5. Maulvi Bin Salih - Ameer of the Ahmadiya Mission of Ghana

Mr. Fred Tetteh EC. (as Secretary)

#### **SUPERLOCK TECHNOLOGY LIMITED (STL) REPRESENTATIVES**

1. MR. GUY ISHMAEL AND TWO OTHERS

#### **PROCEEDINGS**

1. GOING BIOMETRIC

Mr. Guy Ishmael in his statement said, he could recalled the main factor that informed the Electoral Commission to discard the OMR of voter registration for the biometric technology was an assessment carried out in 2011 after the 2010 District level elections.

Difficulties identified after the assessment were issues of multiple registration and voting, the inability of the prevailing system to distinguish who is a citizen , noncitizen, minors on the voters register etc.

#### **2. THE BIDDING/SELECTION PROCESS**

The STL official recapped the bidding process which he said, started in March, 2011 after the EC had engaged the services of a consultant to helped the Commission determine the requirements and specifications needed for the biometric registration. All the specifications were duly captured in the Terms of Reference (TOR)

Mr. Guy said the EC placed an advertisement in the newspapers in Ghana and outside Ghana for which 47 companies applied and the EC shortlisted 7 with the help of a Consultant. He further said, he could remember one company withdrew and 6 companies were left for the next stage in the selection process.

Two (2) companies were finally selected and were asked by the EC to bring their biometric kits or equipment for demonstration for the purpose of selecting a vendor. EC staffs drawn from the IT Dept. were trained at short notice (within a period of 2 hours) to handle the Biometric Technology.

STL submitted its tender document in collaboration with Genke, an IT company in Denmark and HSB a sub-contractor as a consortium.

### **3. PROFILE OF STL PRIOR 2012 REGISTRATION**

On STL profile and experience in the field of biometric, Mr. Gaye said they had done:

- 1) Computerization of the NHIS, producing for NHIS studies in 2007 prior to the EC biometric.
- 2) Supported the Ghana Commercial Bank (GCB) branches, information technology connectivity since 2005.

He said, he could recall the legislations to commence the biometric registration began in December 2011 and when the law came into effect, the EC was able to register over 14 million people in a period of 40 days, from March to early May with the STL technical support.

### **4. PRE- VOTER REGISTRATION CHALLENGES**

It was the expectation of the STL to receive the registration centres from EC to be incorporated into the system before the biometric registration but the EC delayed and what came had errors in terms of wrong codes, valid code but with wrongly-typed operator error. Some with training centres codes.

### **5. REGISTRATION CHALLENGES**

People who were registered into different phases during the period were not properly handled by the Registration Officers.

Procedures Instructions to use when registration kits were replaced were not adhered to.

Mr. Guy said the resultant effect of the challenges listed above, was the displacement of 1million of voters.

He said, it took the EC and STL 5 months to identify the appropriate locations to assign these voters. He asserted that the 2012 Exhibition exercise actually helped in finding the right polling stations. He intimated that at the end of the registration 160 voters out the initial total of 1 million could not be assigned a polling station.

#### **6. TRAINING FOR THE REGISTRATION**

The STL official recounted that Training of Trainers methodology was part of the requirement in the contract document issued by the EC and as a prerequisite 650 officials selected EC staff were to be trained as key operators of the kits to train the other field staff (Registration Officers and Data Entry clerks).

#### **PREVAILING CONDITIONS**

- A simple prerequisite to operate the biometric kit was to be computer literate. These 650 persons selected were to train 20 people each, in all a total of 13,000 Data Entry Clerks were needed for the exercise.
- Within the training time-frame given by the EC to transfer knowledge to the 650 key operators selected. The STL officer said emphatically, that major part of the training sessions was used to teach temporary staff simple computer skills and how to handle a PC. For some it was their first encounter with a laptop, let alone its operation.
- Training methodology was well communicated, training manuals were printed and issued.
- Two weeks training regime was rolled out for implementation.

#### **7. TRAINING – VOTER REGISTRATION (CHALLENGES)**

- The number of kits procured for the training was not enough.
- With the limited number of kits many Data entry clerks were expected to undergo hands-on training which was perhaps impossible.
- In some cases persons other than those trained were observed operating the kits at the centres.
- Days allocated for the trainings were drastically reduced. For example 2 days training was reduced to one day. Other persons not trained were seen operating the system at some registration centres.

Responding to a question on whether STL officials actually monitored the registration and provided feedback to the EC, Mr. Guy said the STL officials monitored the processes and updated the Commission on countless occasions.

## **8. DATA SECURITY**

Mr. Guy said since the Electoral Commission has its own Wide Area Network

(WAN), STL made an efficient use of the architecture by integrating the facility at the national, regional to the district offices using the satellite.

Data was transferred using USB- pen-drives from the registration centres to the District offices and then copied onto the servers before finally sent to the data centre in Accra in an encrypted format for security reasons.

He elaborated the various back-up processes; the hard-disk, pen-drive and the SD cards, the servers, the data centres and a data recovery centre at one of the regional offices in Ghana.

He further said there is an inbuilt mechanism that never allowed anyone to duplicate the information into the system. Except persons given authorization to operate the biometric kits, no person can add any information into the system without using the existing architecture or processes outlined above particularly the BVR. Mr. Gaye said no data was lost except information taken on the last day if not properly saved.

## **9. THE DE-DUPLICATION PROCESS**

According to the STL, all data captured at the registration centres were sent to the data centre in an encrypted format via satellite.

The STL official said, the system in place allows the use of both the Automatic Fingerprints Identification System (AFIS) and Automatic Biometric Identification System (ABIS) technologies. The systems enabled an automatic matching of each voter's fingerprints and other bio-data against the over 14 million registered voters in the database and flagging of any potential duplication. Those found registered beyond the stipulated dates/time for registration were automatically placed on an exclusion list.

Mr. Guy said that some level of discretion was given to the Registration Officers to re-register applicant who perhaps did not like his/ her photograph and on such cases the last registration of such persons was the only entries accepted by the adjudication decision makers.

On adjudication of multiple registrations, Mr. Gaye said in 2012, the EC undertook the adjudication alone, if he could remember, an adjudication teams were formed at the IT section. But in 2014, the EC expanded the adjudication process by creating other stages, the Commission IT teams and an IPAC/EC Directors team as the final or the third stage.

Responding to a question regarding whether the database has ever been compromised? Mr. Guy said, from his check across the districts to regional and national levels, there was no evidence of hacked/ breached of the database.

Again, in response to a question in connection with using the WAN infrastructure to intercept election results as alleged and reported on the 9<sup>th</sup> December 2012? The STL official said, their company is in Ghana for business and has no interest in the politics of the country. He said it was a mere fabrication.

Mr. Gaye further said, STL has a data centre which keep back-up for banks and other clients. STL decline a proposition to host the EC database at their centre in Tema after the contract has been awarded.

#### **10. TECHNICAL SUPPORT TO EC**

STL has supported the Electoral Commission since December 2011 to date. He pointed out that, STL had an exceptional working relationship with Mr. Hubert Akumiah, the immediate past Director of the IT Dept.

On the caliber and skills of the IT staff, the STL official said though the personnel in the IT Dept. have an appreciable capacity of IT knowledge, it was relatively inadequate to handle the technology in place, hence STL facilitated and supported further training some of IT staff in Ghana and outside the country. STL did that to enable the IT staff operate as the first line of support for the biometric process.

He cited cases where STL tried their best off-load some task to the Commission's IT staff but they could not handle it due to lack of the requisite skills.

On the capacity of the IT Director, Mr. Gaye the Director is incapacitated to effectively discharge his responsibilities.

On allegation of scanned pictures, some with staple pins, Mr. Guy said the statement made at the forum, was incorrect. What was seen were actually holes in the red background cloth used during the photo taking at the registration? He said, these can be evidently seen on the original forms (Form1C) printed which are available.

#### **11. VERIFICATION**

The scope of operation given to STL under the contract as in 2011, was to execute only the biometric registration and not verification. It was later that the EC contacted STL to advice on the application of a verification process in Ghana's elections.



STL spelt out the advantages and disadvantages of the verification technology to the EC. Emphasizing that the verification processes in an election is a gray area with a high probability of the elections running into day two.

With Commission's insistence to have verification, STL acquired the design and advised the EC to make all the necessary efforts for the BVDs to be procured and used in the 2012 exhibition of the voters register, in order to mitigate possible challenges that may occur. Release of funds for STL was delayed till June 2012 and worse of it all was the inclusion of the verification in drafted bill. Indeed the designing, procurement and finally piloting of the BVDs had time constraints as well.

#### **12. TRAINING OF OFFICIALS FOR THE VERIFICATION**

A total of 1,200 EC staff were trained by STL to key trainers and by using the cascading approach, each person was to train 40 verification officers. In all, a total 52,000 persons were trained to operate the BVDs at the polling stations.

In the training itself, all the trainees were expected to have their biometric information uploaded on the BVDs in order to verify each other using the register and the BVD, as part of the practical, (hands-on) training. The list of verification officers whose biometric information were to be uploaded onto the BVDs for the training never came on time. Only 5000 names were provided by the EC for the practical trainings, hence close to 100 districts conducted theoretical trainings for the verification officers, according to the STL officials.

In the recent District Assembly Elections however, the rate of voter rejection by BVD has reduced drastically.

#### **13. RECOMMENDATIONS /REMARKS –STL**

In the view of the STL as a Vendor, Ghana was the only country in world with 100% success rate in terms of biometric voter registration that has been complimented by a verification process within a period of 40 days.

On the Permanent Voters Card (PVC) with a micro-chip as in Nigeria elections, Mr. Gaye said the dynamics in the two countries are different. In Nigeria, the biometric data is on the chip in the card not the voter's register but the Voter's Register should be paramount.

Secondly, he said Nigeria had no verification. Only a card reader that authenticate the voter's identity and question what happened if the PV card is misplaced by the voter on Election Day? Means the voter has lost the right to vote.

On the privacy of personal data captured and its security, the STL officials said the procedure for capturing the data is through one-way encryption on the machine and therefore it would be difficult to access the data if unauthorized person picked the BVR or BVD.

He said what EC needs to resolve are;

1. STL operational issues in the country.
2. Operational difficulties regarding who is a citizen/noncitizen and minors on the register.
3. Operational and system errors- duplications, bad information and the possibility of the Face Only window being exploited.

The STL official accepted that there are some errors which the system can detect.

Responding to an analogue on the effective use of E-ticket for travelling, Mr. Gaye said the solution is not to restrict the connectivity to the polling stations but to a larger scale such as the districts. He said if all 216 districts roll out the continuous registration which will be real-time registration, duplication of voter bio-data could be easily detected by the system.

He however commented that classification of some voters as Face Only (FO) could be an opening to the system for multiple registrations. He warned that to minimize possible exploitation of this, stringent procedures have to be put in place. By allowing the Registration Officers and the Data Entry clerks at the registration centres to authorize such an entry on the day of registration.

#### **THE UNDP**

**17<sup>TH</sup> NOVEMBER 2015**

*Represented by;*

Mr. Dismas O Ong 'Ondi

The UNDP representative commented that making conclusive issue regarding one's age is usually management and human problems considering the prevailing electoral laws in Ghana. General observations made regarding the electoral laws were that they lack enforcement; secondly, they are not punitive enough to serve as a deterrent. In some jurisdictions, breaching the electoral law particularly on registration leads to forfeiting one's right to vote.

Where parents and guarantors are used as a requirement for registration, what penalty measures exist for given false information? All guarantors who assisted underage persons to be registered should be charge as accessories to the crime. What is needed therefore is awareness and education to the people to stay away from such malpractices.

He added that using a National Identity or passport is more rigorous than voter's ID, in the sense that a national ID or passport will require the applicants providing many sources of proof of age or citizenship that voter registration which invariably more relaxed. He lamented, that the existing voter registration process unfortunately, may be said to be defective and he wonder if the existing voter's ID could be accepted for any new registration in the absence of a comprehensive civil register.

Again, the NIA Act 2006, Act 707, section 7(2) says for Voter registration, the EC requires applicant to produce the NIA card before registration and wonders if the requirement is not infringing on the independence of the EC, except the two institutions decides to cooperates he stated. Secondly, the use of the Voters card must be restricted to only elections to prevent the mass rush for Voters ID by minors and foreigners.

Another dimension to the issue is the collection data and the publication of individual residential address. This according to Mr.Dimas is a delicate balance in facilitating election planning and maintaining privacy of the voter.

Looking at section 12 of the Voter Registration regulations C.I 72, several questions can be raised, would it be possible to identify the number of persons who registered with NHIS cards?, can one use an expired Driving License or passport to register and the validity of these document between the time of registration and voting.

In South Africa, copies of the detailed voter's registers are only given to the contesting candidates not the parties. Contravening this provision is punishable under the law.

By the Electoral Act of Kenya, an application for voter registration requires the applicant to produce, a national ID or a valid passport. Details of the aforementioned document are captured in the registration process. And therefore if one falsified his or her details, the difficulty is not on the Electoral Commission (EC) to validate the information but rather the National Registration Bureau (NRB), the custodian of the data.

At the close of the day the Electoral Commission and the NRB must synchronized their data using the name, the unique ID number and age of the applicant through the matching process and the feedback given to the EC. For applicants who produced passport for voter registration, the request for validation is made by the National Immigration Service.

He said, since Ghana allows dual citizenship, it will be appropriate to re-open the register for exhibition by making it mandatory and again, the 10 days exhibition period has to be extended to 1 month. By this suggestion, Mr. Dimas said NCCE/EC must develop key messages and plan to address issues regarding minors and non-citizens. CSOs, political parties, Faith Based Organizations should be involved.

Other alternative could also be explored, the possibility of having an Active and an Inactive Register, so that if a person miss out of 2 to 3 successive elections, the name of that person is expunged or place on an inactive register. He said in Brazil where voting is compulsory, a voter may loss access to public services because if failed to vote in an election on two successive polls.

The Exhibition process should be accessible to Ghanaians registered voters living outside as well, avenue should be created to allowed them check their details online. In addition, the SMS platforms must be opened for voters to check their personnel information at any location.

He said in South Africa, the National ID is the basic requirement for voter registration. South African citizens living abroad are required to produce additional document in this case a valid passport.

Mr. Dismas pointed out that the decision of the EC to broaden the discussions by public forum was unfortunate. He believed the situation regarding the voter's register is more of EC internal systems challenges that can be handled internally. Systems are in place and working.

He cautioned that there is no full-proof system anywhere. All that was required by the EC was to be consistently using the de-duplication process more transparently; secondly, EC must get people with the appropriate expertise to assist. Again, the Registration of voters Regulation C.I 72 must be reviewed, same applied to the need to review regulation 30 (a & b) C.I 75 on No Verification No Vote should be completely expunged. The right to vote as in the 1992 constitution should be the determinant, not a technology, he advocated for the use of valid manual procedures as backup in case the technology fails.

Having a perfect voter register is not possible however; certain legal, administrative and technical measures can be put in place to make the register more accurate, credible and acceptable.

#### RECOMMENDATION

##### Auditing of the Voters Register;

1. Computer Test ;- Analysis drawing patterns of age, gender etc.
2. Statistical analysis- List of Registered voters to list( list to people randomly selection)
3. People to list; - Which is accurate and more comprehensive approach using the addresses to locate individual voters.

He said the results from these forms of auditing usually boost integrity and confidence in the electoral system. He cited a case in Kenya where the Institute of Education and Democracy (IED) conducted an audit of the voter register after the Kenyan General Elections. In the case of

Ghana an independent body outside the Commission may undertake this venture and this must should be regular.

Going forward he said;

- Any recommendation on the option of a new register must be informed by a convincing proof and a compelling need to register afresh.
- The country must find means of addressing the underlying issues of bloated register.
- The Country must demonstrate that it has matured in the biometric technology introduced quite recently.
- In Kenya the auditing process was completed within a period of three (3) months and if that is exactly what the EC may consider, it should not wait any longer.
- As an African country, we must not rush going for vendor driving technology.

#### REFORMED PATRIOTIC DEMOCRATS

16<sup>TH</sup> NOVEMBER, 2015

Represented by;

Mr. Kwabena Adjei- The 2008 Presidential Candidate  
Mr. Kwame Teahu.

Mr. Adjei expressed apprehension on current developments on the political landscape between the NPP and the NDC. He said though the RPD failed to make a presentation at the forum, he felt the need to meet the Panel to express his concerns:

1. Making reference to the tension during the 2012 election petition hearing, he cautioned that he foresees some national crises if the Panel failed to critically reflect and recommend a fresh registration in line with the NPP demands towards election 2016. To the RPD, it is better to accept the request for a new voters register than 5,000 people being organized by the opposition to make the country ungovernable.
2. Responding to a question on how the RPD can assist in cleaning the register, Mr. Adjei said that to the RPD the current Voters Register is credible, so far as it does not contain the name of multiple registrants.
3. On the part of the RPD, the NPP calls for a new register should not be brushed aside, since he knows what the NPP can do.

#### RECOMMENDATIONS

4. On the way forward, the RPD called for the implementation of the National Identification System. A national database system that will prevent non-citizens and people under age from registering to vote. The NIA database can serve as source information for the Electoral Commission to compile the voters register.
5. Mr. Adjei admitted that though the full implementation of the NIA system would be a long term solution. It is better to have the 2016 general elections postponed in order to put things right than going into an election with issues that may lead to mayhem.

#### **EGLE PARTY**

Represented by;  
Mr. Francis Lokko  
Miss. Dinah Alorsu Glah

Mr. Lokko said the EGLE party's concern was about the importation and manufacturing of fire arms in the country.

Responding to a question on how to prevent the registration of minors, Mr. Lokko said it has been the strategy of all political parties to organize such unqualified people to register and vote for the parties. It is therefore the responsibility of every political party to utilize the prevailing mechanisms; the challenges and objections procedures as part of the methods towards cleaning the register.

He added, that the C.I 72 Voter Registration Regulation permits Party Agents be sent to the registration or exhibition centres to assist in identifying suspicious persons by challenging such unqualified applicants, but often these agents had persistently failed to play their political role effectively.

Responding to filing a challenge to someone's registration based on his/her physical structure or facial outlook. Mr. Lokko said, operatives at the Registration centres should not engaged in challenging for the sake of challenging but must produce evidence or a proof to support their case as per the requirement.

He recommended that the way forward was to undertake massive voter education; citizens must be compelled to use birth certificate and neighbors as proof of citizenship and residence. This he said may go a long way in streamlining the process, thereby exposing if not preventing unqualified persons from the Registering.

Responding to a question on how to determine who is a citizen, Mr. Lokko admitted it would be difficult though to determine who is a Ghanaian and who is not, in view of the fact that a national data system is non-existent. He said the first step towards national identification is the

acquisition of birth certificate. The EGLE party Representative, admitted that politicians should be faulted for failing to perform their roles at the centres for a clean voter register.

He questioned the rationale behind the erratic transfer of police personnel across regions. To him erratic transfers in the police service were irrelevant. These frequent transfers have not served any purpose towards arresting recalcitrant electoral offenders.

#### **THE NPP**

##### **NPP MEMBERS PRESENT**

1. Mr. Peter Mac Manu
2. Mr. Kwabena Agyei Agyepong
3. Mr. O. B Amoah
4. Mr. Martin Adjei Korsah

To the NPP the impression created that the registration of minors was strategy of the political parties to win advantage over their opponent was incorrect and has no bases. The NPP until proven that the Registration Officers appointed by the EC do not condone and engage in these malpractices, the Party would squarely blame the Registration Officers. Making reference to Regulation 16 of CI. 72, they said it is the responsibility of the Registration Officers to protect the integrity of the registration process.

On how the party can assist in finding solution to minors on the register, the NPP representatives, said in subsequent voter registration, one of the requirements for registration should be an educational record as a proof of age. Furthermore it was their suggestion that the Provisional Voters Register should include residential details of voters, which would allow the political parties to conduct a follow up checks to confirm the identity or otherwise of voters. They insisted that the provisional and final voters register issued to political parties do not have residential addresses and this must not continue.

Most Rev. Emmanuel Asante, inquired whether the inclusion of residential addresses of voters would not violate the private rights of individual to enjoy non-disclosure of personal information.

Mr. Mac Manu responded by asking for the enforcement of sections of the regulation C.I 72, that entreated the EC to publish the details of voters Register on its website.

Mr.O. B Amoah, raised concerns over the nature of contractual relations between the Super-lock Technology Limited (STL), as a supplier of biometric equipment and the EC. He said whatever contractual arrangement prevails between the two bodies should be brought to the full disclosure of the political parties. He said, "The IT Dept. of the EC is weak and the suspicion

has given the political parties the leverage to interrogate the role of STL-EC by making reference to report released by the UNDP Assessment Team.

According to Mr. Agyeipong, EC- STL contract arrangements needs to be re-negotiated, a process that would open the process up for competitive bidding. Allowing other experienced IT vendors to also apply.

Mr. Martin Adjei Korsah said a request made by the NPP for the supply of a copy of the voters register on 2<sup>nd</sup> March 2015, was only met by the EC in August 2015.

Responding to question on the role of IPAC in discussing EC/STL relations, the NPP former chair, said at IPAC meetings STL matters are not discussed. He further revealed that until recently, minutes are taken at IPAC meetings.

On a question on non-Ghanaians on the voters register, Mr. Mac Manu said to prevent the registration of non-citizens, the Ghana Immigration Service (GIS) should be prompted to enforce it legal mandate under the constitution. The GIS should educate the populace particularly foreigners living in Ghana to abstain from electoral activities.

Mr. Kwabena Agyepong said, since the Supreme Court has ruled against the use of the NHIS card for registration, and the fact that Drivers License though has citizenship written on it is not considered in normal transactions. Thus the National Identification system should be resourced and re-activated to complete the registration of all persons in Ghana by the first quarter. In the view of Mr. Agyeipong, if the EC could register 14 million in 40 days, NIA with the right resources should be able to produce a credible national database that could be used by EC in three months for election 2016.

Dr. Mrs Bediako, pointed out that so far Ghana birth registration was about 60% completely captured, while death registration is about 50% completed. Nonetheless, the NIA is still working to have a credible data. Mr. O. B Amoah agreed with the statement by saying the NIA database have information for Ghanaians and non-Ghanaians, however since the NIA as an institution has been compromised, it will be difficult to rely on the NIA data.

On the challenges posed by settlement along the border areas, the NPP representatives said, identifying who is a Ghanaian or otherwise is the responsibility of the National Immigration Service and the Security Services. Mr. O. B Amoah alleged that biometric registration kits were taken across the Ghana-Togo border to register people. Most Rev. Emmanuel Asante requested from Mr. Amoah whether the EC was alerted on the issue of foreigners being registered across the border. Mr. Amoah said going forward; the EC must thoroughly do a background check on the caliber of persons recruited for electoral work.



On what is the guarantee that the prevailing challenges of having minors and non-citizens registering in any fresh registration may not re-occur. In other words, will a change of Voter Register not bring about the same issues of minors and foreigners being raised? the NPP representatives said certain key issues must be tackled, these included the removal of all voters who registered with the NHIS cards from the register and given a fresh opportunity to these persons in a fresh registration to apply. This according to the NPP would sanitize the system. Secondly, the provision to allow two persons as guarantors to a voter must be discarded except parents of the award. Again, to the NPP, they doubt whether the EC is actually using the AFIS system because of the alleged re-occurring multiple registration they have noted. As a result, they recommend the Automatic Fingerprint Identification System (AFIS) must actually be procured and used.

Responding to a question of limiting the use of the voters' ID specifically for voting, the NPP representatives agreed that the voters ID should not continue to be a de-facto national ID. Its usage should be limited only to elections and anyone who infringed on that law should be used as an example to deter others.

The NPP representatives, expressed their misgivings on broaden of the discussions on their petition on 'the status of the Voters Register' by EC to include other political parties. To the NPP, only three other political parties qualified under the law (Act 574) and by EC report released. They expected their specific concerns to be directly addressed than the issue being diluted under a public forum.

In concluding the NPP representatives said the EC has persistently performed some of its activities with utmost suspicion, reduced transparency and above all mistrust. Mr. O B. Amoah intimated the need for EC to be proactive in its quest to shift the presidential/ parliamentary elections to 7<sup>th</sup> November as part of the electoral reforms. Draft proposal for the amendment to the constitution in this case take 3 months to mature for gazetting.

#### **NATIONAL DEMOCRATIC PARTY ( NDP)**

represented by;

1. Alhaji Frimpong
2. Mr. Charles Opoku

The use of biometric verification with a ballot papers and ballot box associated with the filing of forms give rise to militancy at the polling stations.

Going into 2016, what is needed as a country, Alhaji Frimpong said, was to introduce Electronic Voting Machines (EVMs) at the polls. In the view of Mr. Frimpong, the use of the EVM will render the presence of many EC officials, Party Agents and “machomen” redundant. The EVM facility at the centres would drastically reduce cost and the number of persons at the centres.

Responding to a question on what is the possibility of adopting and using the EVM in 2016, Mr. Frimpong made reference to the recently held parliamentary elections in India, which he said for the first time, perfecting the EVMs operations prevented electoral disputes if not virtually eliminated. He said, India has an huge illiterate population than Ghana, yet the EVM system is working in their polls. Once Ghana has gone biometric, it would be relatively easier to introduce the EVM at the polling stations.

He said, through bilateral relations, the Government can appeal to India to lend some ( 30,000) its EVM equipment to Ghana for the 2016 elections.

To the NDP, all persons who had difficulty being verified by the BVDs in the 2012 elections should be identified, placed on the Face Only (FO) category of voters and copies of this list given to the political parties for their scrutiny prior to the voting.

On a question on how does the system prevent possible manipulations at the polls, if EC official recruited for the elections are compromised? The NDP representative said a solution was to request for a printout of the BVD, giving details of the headcounts of persons voted, this they said should be matched against results of the EVM at the close of the poll which in effect prevent malpractices and manipulations at the poll.

#### GHANA CONSOLIDATED POPULAR PARTY (GCPP)

Represented by;

Mr. John Amekah

He said from the view point of the GCPP, the structures and procedures in the electoral system are robust enough to correct issues in connection with the voters register.

The opportunity to challenge someone’s eligibility is available for every voter. The biometric machines are also capable of detecting multiple registrations, in that respect the GCPP found it difficult to understand and accept the allegation of the register being bloated.

On the question of non-citizens, Mr. Amekah said the Representation of the People’s Act (ROPA) if actually implemented by the EC would be the panacea to the problems. He suggested the need to use Ghana mission facilities abroad to implement the law.

Responding to an issue of how realistic can the system flagged a foreigner or minor? The GCPP representative said though the challenge and objection mechanisms were available, however because of fear of being lynched, threatened and it associated violence, Party Agents deployed to certain centres, found it difficult if not impossible to challenge or object to names of minors and foreigners on the Register. In some case, the parties have no Agents at the centres hence the need for the state to finance the political parties for the parties to play their watch-dog roles effectively.

On the GCPP's position on the state of the Voters Register, Mr. Amekah said the GCPP would be disappointed if the register is replaced. His Party's position was for an independent auditing of the voters register. In that respects, whoever thinks there are minors or noncitizens on the voters list should identify these persons for their name to be deleted.

Mr. Amekah suggested EC having pictures of the running mate of presidential candidates as well on the ballot papers.

He further recommended an extension of the period for the collection and submission of nomination forms by the EC.

#### **UNITED FRONT PARTY( UFP)**

Represented by;

1. Dr. Nana Agyenim-Boateng.
2. Mark Achiabor

The solution to the current national dialogue on bloated register was to reactivate the operations of the National Identification Authority (NIA) and the Immigration Services to perform their obligations to the fullest. Branding Ghana as the Gateway must go with resources and empowerment. The authorities must ensure stringent measures put in place for the acquisition of a Ghanaian national ID or birth certificate.

The UFP Representatives recommended the involvement of traditional authorities, churches, maternity home, traditional birth attendants and primary schools for the compilation of any national data.

### YES PEOPLE'S PARTY(YPP)

Represented by;  
Mr. Anim Kofi Addo.

To the leadership of the Yes People's Party, the problems that have characterized the Ghanaian electoral system could be attributed to the two major parties; the NDC and the NPP. He advocated for the sampling of some selected constituencies for the purposes of auditing the Voters Register. He singled out the KPMG as one organization that has the capacity to audit the current voters register which he said has been bloated with the registration of foreigners particularly.

Responding to a question on how the auditing could be conducted, Mr. Anim Addo said, the "Prisoners Dilemma" could be applied. He proposed that the Commission could ask the two major parties to produce list of persons they suspect to be ineligible to be deleted from the register.

To Mr. Kofi Anim Addo, the issue of who is a citizen of Ghana is the law. He recommended the need to have a new law drafted on who qualifies as a Ghanaian.

### CONVENTION PEOPLE'S PARTY (CPP)

18<sup>TH</sup> NOVEMBER, 2015

1. Hajia Alandutu Ibrahim Haruna – 1st Vice Chairperson
2. Susan Adu Amankwah- 2<sup>nd</sup> Vice chairperson
3. Yaw Asany Tano- Dep. Gen Sec.

The position of the convention People's Party has not changed after the forum. The party believes that for the purpose of having clean new voter's register the National Identification system must be operational. A process that would allow an automatic extraction of data of persons aged 18 years and above to be captured and transferred unto the voters register with limited human intervention.

They call for the need to enforce a law that will make the culture of carrying an ID by citizens mandatory. Again, the use of the voters ID must be limited to voting and no other transaction.

They said in Kenya, SMS are being used to send details of new birth to a dedicated central database by traditional attendants; this can be replicated in Ghana as part of the data generation process.

Responding to a question on why do you think the voters register is bloated, the representatives of the party said, 'the current register has multiple defects; names of minors, non-citizens and the dead'. They said the CPP don't engaged in busing minors nor influence unqualified persons to the registration centres and register for political advantage. Although they admitted some political parties are behind this fraudulent practice.

On the issue of what level of assistance the CPP provided to the EC towards cleaning the register after receiving the Provisional Voters Register (PVR), the parties representatives said, the PVR given to the political parties by the EC were always bulky and often too late to conduct any effective scrutinize of the list. She said, perhaps, the appropriate and ideal method is to release the Voters Registers to the parties at the district level, secondly such registers must be issued to the political parties at least 6 months to the exhibition.

The CPP representative said, it was unfortunate that they found EC activities most often shrouded in secrecy and always rushing political parties through its activities and programmes, thereby making such programmes and activities impossible to closely observe and make informed decisions.

They also pointed out that is it sometimes impossible to raise a challenge or object to names of unqualified persons during the Register period particularly in hostile environment or certain political party's strongholds.

On the issue of non-citizens on the voters register, the CPP representative said the only solution was to adopt Civil Registration using the NIA. They cited a case in Nigeria where persons with dual citizenship were not allowed to hold public office.

An observation made by the CPP was that the EC has always being hesitant in responding to issues of public interest that fuels tension and suspicion.

They recommended the following as the source of information for future registration;

1. Birth Certificates
2. The Hospitals- maternity home
3. Birth and Death Registry

According to the CPP representatives, the underlying factor that would make any registration exercise successful is sensitization and massive public education.

#### **THE PROGRESS PEOPLE'S PARTY (PPP)**

Represented by;

1. Kofi Asamoah Siaw

## 2. Dennis Oforu- Appiah

Mr. Siaw said, the position of the Progressive People's Party regarding the voter's register has not changed after the forum. He said the problem the panel is trying to solve was that the voters' ID has been made a de-facto national ID. He added that the parliament that passed the NIA Act in 2006 was to be blamed for including the voter's ID card as a prerequisite for registration. He did not exonerate the political parties for influencing minors to register thereby bloating the current voters register.

The solution, according Mr. Siaw assertion was to enforce use the NIA system as the basic registration for all national records. The NIA requirements to acquire an ID should be tough enough to deter manipulation and alteration of personal details and abuse.

Responding to a question on whether the NIA database at the moment can support the EC, the PPP representative pointed out that the NIA has completed the registration of 7 regions as in September 2015, awaiting the distribution of cards. And that if the EC effectively completed the registration of 14 million Ghanaians at 7,000 locations in 40 days, the remaining 3 regions could be captured in weeks, for data compatibility process and matching to be completed for EC to have a sound and credible data for 2016. He said if the NIA system is fully operational and all cards in their custody are released, it would relief the EC of any pressure to produce a register for 2016.

He said with NIA system working well, dishonesty in the system due to personal data manipulation would be drastically minimized if not prevented; there would be no incentive to cheat the system. Every entrant into the system would sign a declaration which must be punishable by the system and other linked systems such EC, SSNIT etc. EC would automatically feed on NIA database to extract information including voters who have changed residence. He said if NIA per their mandate were determined to issue cards to persons at age 6, that alone could deter a lot of the under aged from registering to vote. According to Mr. Oforu-Appiah many people acquired the voters ID for other reasons than voting.

He said, "the challenge of Ghanaians was that when a problem is identified, we let the difficulties surrounding the problem to scare us than tackling the problem head-on'. Making reference to excuses given at the forum in connection with time and cost. To the PPP all the challenges pertaining to the voters register could be fixed within the limited timeframe before election 2016.

### **NATIONAL DEMOCRATIC CONGRESS (NDC)**

**19<sup>TH</sup> NOVEMBER, 2015**

Represented by;

1. M. Johnson Asiedu Nketia
2. Mr. Kofi Adams
3. Mr. Ofosu Ampofo
4. Mohammed Giddil

The creation of the NIA in 2006 was not interest of the NDC, and therefore the party thought that the establishment of that Institution was unnecessary. Mr. Asiedu Nketia said that party's wish at that time was for parliament to allow the EC to perform the role of conducting civil registration after elections, since the Commission has the infrastructure and the personnel.

He said now that the NIA has been established, though they found it mischievous to establish a parallel institutions performing similar registration functions the NDC, as a party has no choice than to support.

He raised questions in connection with cleaning the register and how data compatibility is to be ensured between the EC and NIA. Which of the two organizations would be prepared to scratch it data to make room for the other? How would EC get real data for 2016 if the data on the current voters roll is not acceptable?

On cleaning the Voters Register, the NDC representative said, it can be done using the existing mechanisms; the exhibition procedures, challenging and objecting to names of unqualified persons in the register this according to the party should be the right approach.

Mr. Nketia added that most often, political parties found it difficult to critically observe main registration exercises as against limited registration. He said the political parties are more vigilant during revision exercises because their presence at the centres prevents minors and non-citizens from registering.

## APPENDIX E

### SUBMISSIONS TO THE PANEL BY INSTITUTIONS AND INDIVIDUALS

#### 1.0 AN IDEG AND CFI THIRD OPTION PAPER: THE 2012 BIOMETRIC VOTERS REGISTER'S CREDIBILITY PROBLEM NEEDS EFFECTIVE AND LASTING SOLUTION

##### **Introduction:**

Dr. Emmanuel Akuettey expressed appreciation to the EC for given members of IDEG and the Civic Forum Initiative (CFI) the opportunity to participate in this public conversation on the 2012 Biometric Voters Register and whether or not it should serve as the basis for producing a highly credible voters' register for the 2016 elections. Distinguished Chair and Panelist I am jointly representing the IDEG and the Civic Forum here. In early September, IDEG AND CFI jointly issued a press statement calling on the EC to independently establish a competent and reputable body of experts to investigate the allegations against the integrity of the 2012 Biometric Register. My presentation here today complements that paper as we are also persuaded that we need more actions to cure the credibility problems of the 2016 BVR in a manner that would make the 2016 BVR highly credible and subsequently serve as a lasting basis for producing more credible elections registers in the long term. Our presentation is structured into separate but related parts.

##### **1. The 2012 BVR and the 2016 elections:**

The 2012 biometric register was introduced to remove the ills that persistently afflicted and undermined the credibility of the manual voters' registers of the past. The last of such manual voters register was the 2008 voters' register and the last time such a register was used to conduct elections was in December, 2010 in the Local Government Assemblies' elections. Since then the country has moved away from the manual register to the biometric register. So the December, 2012 elections – presidential and parliamentary was conducted, using a biometric register and not a manual register as in 2008. Similarly in the recent District Assemblies elections of September, 2012 it was the 2012 biometric register that was used. Distinguished Chair and panel, it has been standard operating practice in the Fourth Republic that once the national voters register has been deployed in national elections, i.e. presidential and parliamentary election as well as in the local government assemblies elections, a **new register** has to be prepared or produced for the next rounds of both presidential and parliamentary elections, on the one hand, and District Assemblies elections, on the other. Logically then, the 2012 biometric voters register cannot in its current state or form be used to run the 2016 elections and subsequently the 2018 District Assemblies elections. A new register is needed for the 2016 elections and future elections.



## 2. What is a new voters' register?

Distinguished Chair and panelists in elections' administration language, a new national voters' register can either be an updated register or a completely new register. In other words, a new national voters' register can be produced either by **updating** the existing 2012 biometric voters register, in this case the 2012 BVR, or **discarding** that register and **replacing** it with a completely new one, which is presumably also biometric. Whether we decide to update the 2012 BVR or discard and replace it with a completely new register, the most important thing is that the register we will use for 2016 presidential and parliamentary elections should be a highly credible or trustworthy register and widely considered to be better than the 2012 register.

Based on this reasoning, the IDEG and the CFI decided to address a simple question: **how can we produce a highly credible register for the 2016 elections?** Period. To decide on which was to go in producing such a register we felt it necessary to improve our own understanding of the differences between the 2008 **manual** voters register and the 2012 **biometric** voters register. This is what we learnt.

## 3. Difference between biometric register and manual register

The 2012 **biometric** voters' register is **superior in quality** to the 2008 **manual** voters register. The biometric register relies heavily on the 10 natural fingerprints and facial features of eligible voters, which are obtained through scanning. The natural fingerprints and facial features are God-given and unique for each individual and therefore cannot be claimed, duplicated or impersonated by any other person. These biometric identities are unchangeable and reliable no matter the number of times you scan them in order to compile a new register. Consistently, they would give you the same results. Lastly, but in no sense the least attribute, the biometric register is technology/automation centered and driven. It provides several tools for extracting data for investigations, for isolating problems and localizing their solution. The manual register, on the other hand, does not draw on these unique biometric identities of the individual that is eligible to register and vote. It is paper-based and simply relies on the names and addresses of those eligible to register them. It also does not make use of technology/automation to the extent that the biometric register does. One of its widely recognized weaknesses is that "the margin of error or manipulation in the manual system of voter registration is great; the election official may mistakenly cross out the wrong name, wrongly enter information on the Voters card, wrongly enter information on the registration form etc...."

Accordingly, while the biometric data makes it technologically possible to identify and control-prevent or reduce multiple registrations and voting as well as impersonation, the manual register cannot and fixing problems therein depends a lot on suspicion and guess work. This comparison may not be exhaustive but essentially indicative of the strengths and limitations of the two registers. Indeed it can be argued that the uniqueness of the identities in the biometric register, which is essentially a list of eligible voters, and its reliance on technology, makes the contents of a biometric register more credible than a manual data. Furthermore, the **qualities of the biometric register** tend to prevent more possibilities for fixing or facilitating the process for fixing flaws in that register surgically in order to improve the **overall health or credibility of the register**.

However, it has been observed that the biometric registration also has limitations. The biometric system for example cannot differentiate between minors and adult as well as between foreigners and citizens and the bloating of a voters register. Therefore, it cannot be relied upon to effectively deal with these problems. But it certainly can identify multiple registration and expose redundant or ghost names through the active use of the individual's biometric identities. These features would be instructive to deciding on which way to go to improve the credibility problems of our national voters' registers.

#### **4. Credibility problems of the 2012 Biometric Voters' Register**

The recent allegations against the 2012 biometric voters register suggest that the register, just like the manual register has credibility problems. It has been afflicted by the age-old problems such as the registration of minors and foreigners as well as the 'bloating' of the register. It was in pursuance of solutions to these very problems that led to the decision to adopt the biometric system of voter registration. But despite producing a more reliable data in terms of fingerprints and facial features, and enabling us to quickly tracking multiple registration and prevent multiple voting, as well as cleaning the register of ghost names, the 2012 biometric register failed to solve problems such as the registration of minors and foreigners and bloating of the national voters' register. Bluntly stated, a thousand new biometric voters' register would not remove these actively man-made problems. Therefore, if we want to address these specific problems by compiling an entirely new biometric Voters register for the 2016 elections then we are clearly set out for failure.

Yet we cannot allow these problems, which are persistent ailments in Ghana's voter registration history, to exist in the biometric register for 2016. If we disregard them, then the credibility of the 2016 biometric register would continue to be questioned and the results disputed. The challenged to the nation then is to search for an appropriate cure for the problems of voter registration that have historically persisted and so far proven immune to biometric treatment.

#### **5. Inadequacy of the two dominant positions:**

So far, Mr. Chairman and panel, two dominant views have arisen out of the controversy surrounding the integrity of the 2012 biometric voters' register. There are those calling for a complete replacement of the 2012 biometric register and those calling for a clean-up of the 2012 biometric register. As noted earlier, the biometric register cannot cure the problem of registration of minors and foreigners and prevent a bloating of the register. But it can prevent multiple registrations and voting and enhance the cleaning of dead voters on the system. Similarly, the proposal that the 2012 biometric register needs to be only cleaned up and then its credibility problems would be solved and then it can be updated to serve as the biometric register for the 2016 elections also has serious weaknesses.

For example, a clean-up would not eradicate minors who acted against the law in getting their names into the register. The individuals who facilitated this offence cannot be dealt with and they will continue with their nefarious activities the next time around which is just around the corner because if we do not produce a completely new register for 2016, then the biometric

registration process ought to be opened to newly eligible voters to register. We are afraid that the system as it exists, as we knew it in 2008 and 2012 would definitely be exploited to the advantage of the political parties especially the two major parties in their strongholds. This clear and present danger left unattended would not cure the integrity problems of the register. Indeed, it is also a danger that will persist were we to decide to compile an entirely new register for 2016. Clearly then, a third option is needed to tackle the credibility problems that have plagued every voters register since the independence of Ghana.

#### 6. IDEG-CFI proposals – Third Option

The IDEG and CFI, after deliberating over this matter over several weeks, believe that neither the proposal to cleaning up the 2012 biometric register and then update it in a biometric register the 2016 elections would **sufficiently and effectively** solve the credibility problems of the voters register and the outcomes of presidential elections. We are persuaded that as we cannot rely exclusively on biometric system to sure all ailments that have raised questions about the credibility for the 2012 biometric voters' register, biometric solutions must be complemented with stringent manual or human driven controls. It is the combination of the biometric system with stringent manual controls measures that constitute the third option. The third option would require the adoption and implementation of a set of actions, which we have clustered into **curative, preventive, deterrent and policy intervention measures**. May I briefly elaborate these measures?

##### Curative Actions:

The curative measures are aimed at tackling identified problems in the existing 2012 Biometric Voters Register and dealing with them surgically, based on evidence, so that they can be subsequently updated and upgraded into a more credible register. The biometric register, as stated earlier is superior to the manual register in terms of the consistency and reliability of the biometric data on the individuals registered. Therefore based on evidence or specific allegations or suspicions, data in the register can be isolated to facilitate investigations and subsequently cure the problem surgically. For example, we think it should be possible to identify and locate the alleged 76,000 alien voters in the 2012 Biometric Voters' Register, as some evidence has been presented to the EC and can be processed surgically, using a combination of legal and policy procedures to verify the evidence and act accordingly to cure the identified problem. If any evidence is presented on the registration of minors in the compilation of the 2012 BVR, this surgical procedure can similarly applied.

##### Preventive Actions:

To prevent the registration of minors and foreigners in the production of the 2016 biometric voters register, the EC should provide political parties and accredited CSOs with the **Daily Proof List** to enable them to verify the ages of suspected minors who have attempted to register or been registered in places such as schools, homes and churches etc. The feedback should subsequently inform decisions on their eligibility for registration. Accordingly, the law that currently requires such suspected minors should simply be cleared on the certification of two adult witnesses ought to be amended. Another preventive measure is to educate and sensitize

parents, community leaders, political activists, the police, among others, on the law against the registration of minors and the sanctions that would be meted should such minors be caught.

**Deterrent Actions:**

The laws against the registration of minors and aliens must be rigorously enforced to serve as a powerful deterrent to such violations of the law. Hitherto the laws have not been enforced and neither parents, communities, civil society actors nor politicians and the police have proactively taken action against these illegal acts. Also limited amnesty could be offered to minors and aliens who have registered to voluntarily own up to have their names expunged from the register.

**Policy Actions:**

These comprise the prioritization of the issuing of the National Identification Card to all Ghanaians, as is the case in the Francophone neighboring countries, by 2020. The NIC, when issued would effectively cure or radically reduce the persisting problem of registration of minors and alleged foreigners to vote in elections in Ghana. We recommend the National Identification Authority should be the sole central authority responsible for issuing the NIC and that the independence and financing of the Authority should be enhanced by decoupling it from the Office of the President. We further recommend the suspension of the implementation of the law on continuous registration until the NIC is issued to facilitate the process and minimize the risk of registering minors and foreigners in the process.

Another policy action we recommend is that the use of the Voters ID card should be restricted to voting only and should be prohibited from further usage as a multi-purpose ID card as it is currently the practice. Our final policy action recommendation is that the authorities should consider closing the countries border during the registration of voters and on elections' day, albeit for a limited period. If that were difficult to do, then more stringent entry and exit monitoring of our borders should be done during registration of voters and on elections' day.

**1. Conclusion:**

In conclusion we argue these recommendations are more likely to tackle the recurrent credibility problems of both past and present voters' registers in the country. It is a third option that would raise the credibility of the 2016 BVR and direct resources – financial and time – to the appropriate areas where the identified problems need to be targeted and addressed. We are further convinced that in adopted and implemented these measures would make the 2016 BVR the register that opened a new chapter towards credible registers, elections and outcomes in the future.

## **2.0 THE CONTROVERSY SURROUNDING GHANA'S VOTER REGISTER: SUGGESTIONS FROM THE GHANA CENTER FOR DEMONCRATIC DEVELOPMENT (CDD-GHANA).**

### **Context /Background**

The credibility of the current voter register has been questioned and calls for its replacement made by sections of the Ghanaians populace. The largest opposition political party, the New Patriotic Party (NPP), has alleged that the present voter register is flawed and contains people who are not qualified (including non-Ghanaians) to register and vote, in Ghana. For this reason the NPP has called on the Electoral Commission (EC) to compile a new voter register before the 2016 general elections.

Prior to this allegation the Supreme Court had ruled in 2014 against the use of National Health Insurance Authority (NHIA) Identity Card as one of the required documents for a voter registration exercise, primarily because the card did not differentiate between who is a Ghanaian and who is not. However, because the NIHA card was used as one of the identification documents during the 2012 Biometric Voter Registration (BVR) exercise and subsequent periodic registrations prior to the Supreme Court ruling (which did not take retrospective action), it is plausible that some non-Ghanaians and other persons not eligible to register may have gotten themselves registered. It is important to note that the Court ruled that the existing voter ID cards, other than the biometric one issued in 2012 could be used as forms of identity for future voter registration.

Sections of Ghanaians have also questioned the credibility of the voter register based on possible statistical inconsistency per Ghana's national adult population, compared to available international standards. It is also generally acknowledge by the EC, political parties and civil society organizations that some minors may have managed to get themselves registered as voters during the compilation of the BVR in 2012 and subsequent ones.

The picture painted above raises some credibility concerns with Ghana's register. It is therefore crucial that efforts are made to address these issues and ensure that the voter register does not become the focus of election disputes in the 2016 general elections. As major stakeholders and beneficiaries of a credible voter register, the political parties must be given a full hearing. But it is also important that the search for common ground to create a credible voter register is not left to the political parties alone. Ghanaians political parties, as well as all other major stakeholders in the electoral and democratic process, including state and non-state actors, must be include in the process—with supervision of the EC, which has the constitutional mandate to produce a credible voter register and supervise clean elections in Ghana.

### **1. Context, Framework and History of the Voter Register**

The voter register has been a source of contestation in national election since the beginning of the Fourth Republic. It is therefore essential to understand not just the register but also the processes that produce it. It must be noted that only a good process will produce a good

register per the 1992 Constitution ,the responsibility for the compilation of the voter register in Ghana lies on the Electoral Commission -.The Commission is a constitutionally –mandated independent body of seven (including its chairperson) charged with conducting elections .This begins with compiling the voter register.

By law, any Ghanaian citizen of sound mind and at least 18 years of age who lives in an electoral area or location consistent with provisions in the Representation of peoples Amendment Act (ROPAA) and not barred from voting is entitled to register to voter. The EC is responsible for operating registration centres throughout the country for a specific period before elections are held.

When the EC conducts a voter registration exercise, a potential voter must go to an appropriate registration Centre, give the registration officer the requisite information, proof of eligibility to vote (i.e., a passport, a driver’s license, an existing voter’s registration card, or the affirmation of any two registered voters are all acceptable as proof of eligibility and a thumbprint .The thumbprint (biometric) component was introduced in 2012. If party agents and or citizens do not raise any objections with the application process, the registration official takes a digital photo of the voter, enters the voter into the registry, prints, and issues a voter ID card to be shown on election-day .During the registration period, any person can submit a written objection to a voter who has been entered into the register and the EC is obligated to investigate.

The voter register produced at the end of the registration period is the Provisional Voter Register. A copy is given to each political party to review, and if they see fit, challenge the inclusion of persons in the register deemed to be ineligible to be registered or incorrectly registered. In addition ,there is an “exhibition period”, within “registration period “,during which anyone can review the Provisional Voter Register at the same registration center(s).People can review their own entry on the list, and ask for corrections if necessary , or review other entries, and enter complaints if they see suspicious registrations.

Once the “exhibition period” has ended and all complaints and objections have been resolved ,the EC publishes the new version of the register .This becomes the Certified Voter Register .On election – day ,one must present a voter ID card issued by the EC and be matched to one’s entry on the Certified Voter Register to vote.

From the above steps , it would seem that adequate safeguards have been built into the process of compiling the voter register to ensure integrity of the end product .However, there have been continuous agitations and protests against the credibility of the voter register each time after its compilation .Some of the arguments seem to suggest that citizens are typically (and reasonably so)unwilling to challenge improper registrations in areas where one political party has a strong majority .Likewise, political party has a strong majority. Likewise, political party agents tasked with challenging suspicious registry entries are not always trained on how to properly file a complaint, which undermines their ability to serve as a corrective mechanism

for the register. Accusations of voters being admitted improperly into the system –with printed photographs, for example, instead of ones taken at the registration Centre-suggest that some registration officials may simply not be well competent at their jobs.

The introduction of the BVR in 2012 , a superior technology for voter registration , was hailed by all major stakeholders in our electoral process .Majority of Ghanaians affirmed that the 2012 BVR was a major improvement upon previous voter registration exercises. Indeed , CCD –Ghana , which is a founding member of a coalition of Domestic Election Observers(CODEO) and serves as its secretariat and technical partner , affirmed that the BVR exercise might have helped to reduce the incidence of multiple registrations; and the introduction of biometric verification devices (BVDs), potentially ,addressed the problem of multiple voting.CODEO and the Ghanaian public at large lauded the 2012 BVR exercise as a significant improvement over previous ones ,and largely affirmed its superiority.

The BVR, however, was not a full proof mechanism, and its limitations cannot be easily dismissed. Notably, the technology could not prevent minors, for example, from registering. Additionally, a non-Ghanaian who was able to produce a document providing eligibility could find his /her name in the register unless he/she was challenged by party agents through due process.

## **2. Addressing emerging concerns:CDD's Recommendations**

Given the above, it is easy to understand protestors 'frustrations with the current voter register .At the same time; it is also difficult to see how creating an entirely new register would solve the existing problem. We believe, however, that a trustworthy voter register cannot be expected to appear without a reliable system behind .It is therefore essential that the process by which voters are registered is improved, by appropriate means.

The creation of a list of eligible voters is one component of our electoral politics that must be devoid of partisan influence. However ,creating a new register now, without addressing the reasons for the shortcomings in the current one , would simply turn the issue of whether any register is credible into one more arena on which political contests are staged .Our position is that the underlying problems ,which produce poor voter registers must be addressed ,so that the question of "who can vote" is not something partisan political competitors argue about ,but is instead left in the hands of a reliable ,transparent process.

Therefore, it is essential for the EC to address the specific concerns that have been raised about the current voter register. It is also essential that the process for creating future voter registers be redesigned, with the realities on the ground in mind .One possibility is to have a respected Ghanaian or international organization audits the current voter register, and possibly the process that creates it , for fraud ,error and inefficiency .There are best international methods in conducting such an audit exercise .CCD-Ghana/CODEO and its international partners are able and willing to lead such an audit if the EC offers the opportunity.

After a thorough audit, which would at the very least consider the way the EC hires registration officials and the ways the provisional voter register is reviewed, the EC's approach to voter registration should be revised as appropriate.

Moving ahead, and in the context of the present controversy (of which others have been skeptical of the calls for a new register, publicly expressing confidence in the current register ,and indicating that a new register is not a solution ),CCD-Ghana makes the following recommendations for the consideration of the EC, all political parties and stakeholders:

#### Short-term measure:

- In the short term, the EC must use the NPP's claim as prima facie basis for conducting an audit of the existing voter register to determine the degree of flaws in that register .The audit should seek to identify foreign nationals captured in the voter register as well as individuals who managed to register using the NHIAA card as proof of citizenship. If the EC did keep proper records ,it should be able to determine how many individuals have registered with the NHIA card.The audit ,which can be done either by using 'voter list to voter population' (List Verification) or population to voter list' (Resident Verification) can provide scientific basis for any further decision to be made by the EC.The fact that stakeholders can raise issues with the voter register is a good thing .The process will be compromised if formal complaints filed are not fully respected .A voter register audit is one way to ascertain the veracity of such claims.

A scientific audit will provide an objective basis for determining how compromised the register is, and if deemed fatal, to start a new registration process altogether and establish a legal and moral basis for the EC to systematically expunge ineligible voters from the roll. It will also help in the development of a more reliable method for voter registration in future .Such an independent audit exercise must be conducted by an experienced election analyst group (local and / or foreign), with the involvement of all key election stakeholders , to bring maximum transparency to the process and its outcomes.

#### Medium to Long-Term Measure

- In the medium to long term, the EC and parliament should study the available evidence on best practices in voter registration. From Australia's compulsory voting to Uganda's recent efforts to develop a national ID card that could be used to voter, there is a wide variety of possible systems to learn from; the one Ghana currently has is only one.

One common component of reliable voter registrations is the use of a National ID card.We believes that no form of identification is corruption-proof. However, some may be more prone than others. Inparticular; the non –documentary form of identification, such as reliance on the word of any two registered voters is fraught with opportunity for fraud and abuse. Indeed, eligibility based on one's possession of an existing voter registration card will not address



concerns being raised presently, if a future register is to be compiled. We believe that a form of identification that is designed for use solely for election purposes is more susceptible to electoral fraud than a multipurpose ID like a passport or a national ID card. The Supreme Court reiterated this greater need in its ruling on November 24, 2014 for a reliable multipurpose national identification system, comprising the relevant data and communication infrastructure that would answer to most of our national needs, whether for electoral, planning or developmental, or other purposes.

CDD,-Ghana therefore, proposes, as an initial part of the reform process, the abolition of the verbal form of identification in voter registration, which has been abused in the past. In the long term,CDD-Ghana encourages providing a national ID to every citizen or linking the voter ID to birth and death registry , and national identification system, as more reliable means to register to vote.

### 3. Conclusion

CDD-Ghana believes strongly that the decision as to whether or not to produce a new register rests with the EC.We also believe, however, that such a decision must be backed by scientific analysis (auditing of the register) and thorough investigations of the current concerns that have been raised .Only preliminary audits input from the EC and otherstakeholders, and research will tell what a good plan will look like. Building a better approach to compiling the voter register will serve Ghana not just for one election cycle but indefinitely.

If any reason the EC decides to initiate the compilation of a new register, it is imperative that the deficits in the checks and balances outlined above, including the role and effective participation of political parties, are addressed. In addition, the EC and all stakeholders must ensure that Ghanaians (electorates) are well educated on the need to participate and take the process seriously, especially the exhibition phase, to ensure that the end-product is credible and generally accepted by all .Short of that, we will end up where we are today, and we may end up conducting a new register very election cycle.

### 3.0 **SUBMISSION ON THE BLOATED VOTER'S REGISTER** **November 11, 2015. Presentation@ EC Forum by Ben Epton**

#### **Main Points:**

1. The 2012 Voter Register was not bloated. Those who want to create the impression of the register being bloated do so in a very unorthodox and untrue manner.
2. To back their claim of a bloated voters register, they take the **2000** Population Census figure of about 51% of the population being above18 years. They then take the **2010** population figure of 25 million and divide it by half, making a little above 12.5 million.

- They then take the **2012** voters register figure of a little over 14 million, subtract 12.5 million and argue that the 2012 voter population was bloated by 1.5 million voters;
3. They get the analysis in the preceding paragraph all wrong. The correct way is to note that the 2010 population figure of the percentage of over 18-years-olds as being 55.29%. That makes the over 18 years as at 2010 at 13.63 million;
  4. To get the estimated population as at 2012, we need to use the 2.5% population growth rate, to get the 2011 figure of 25.27 million. The 2012 figure will be 2.5% of the 2011 figure- 25.9 million;
  5. 55.29% of the estimated 2012 population that is above 18 years is 14.32 million. The 2012 voter population was 14.03 million, that is 97.97% of the possible voter population;
  6. I agree that 97.97% of a possible voter population is high but the solution is not a new register. A new register will encourage more minors to vote;
  7. I must address the issue of Ghana's 55.29% being above 18 years as very high. It is not true, as a sample of countries will indicate – Nigeria- 50. 48% ; Ivory Coast- 53.02%; Kenya- 51.55%; Egypt- 63.62%; South Africa- 64.24%; U.K- 79.24%; U.S.A-77.05% and Canada-80.42%;
  8. There are a number of ways we can clean the register. One is the deletion of the dead and another is the deletion of those who have engaged in multiple voter register, estimated at nearly 160,000 voters. We need to remember that elections have been won by as little as 40,000 votes.
  9. Even in the extreme case of the NPP's allegation being true, we can use their mechanism to remove the alleged foreign vote;
  10. Just a thought- is it possible that the alleged foreign voters registered in Ghana first, in 2012 and then went to register in Togo in 2014 & 2015? In that case, than the bloated register worry would be that of the Togolese.

4.0 **RESPONSE TO BEN EPHSON'S PRESENTATION NOVEMBER 19, 2015**  
**By PETER MAC MANU**

1. NPP still maintains that the 2012 voter register is bloated.
2. Point of correction
  - a. We did not consider 2000 population Census but rather 2010 population census.
  - b. We did not divide any 2010 population census figure by half. Nowhere in our presentation did we state that.

3. He did not consider the population of Foreigners (Non-Ghanaians) in the country before calculating the 18 years and above population.

2010 population	24.65 million (24,658,823)
Population Growth rate	2.5%
18 years and above	55.3%
Foreigners (Non-Ghanaians)	2.4%

Ben should have deducted the **Foreign Population** from the **Total Population** before calculating the population of 18 years and above.

*Calculation for 2010 figures*

If 2010 population census is 24.65 million, considering foreigners (2.4%), the population of 18 years and above which is 55.3% should be **13.3 million** ~~not~~ 13.63 million.

*ADJUSTMENT FOR 2011*

By adjustment (2.5%) Total population figure in 2011 is 25.27 million.

Then considering foreigners (2.4%), the population of 18 years and above is 13.64 million.

*ADJUSTMENT FOR 2012*

By the same adjustment (i.e. 2.5%) 2012 population figure is 25.9 million.

Considering the population of foreigners (2.4%), the population of 18 years and above is **13.98 million** ~~not~~ 14.32 million. The 2010 population census report did not state the population of foreigners either above or below 18 years. It just stated the percentage of foreigners in the country.

4. So, if 55.3% of the estimated 2012 population is 18 years and above is 13.98 million and the 2012 voter population was 14.03 million then there is a problem with the register.
5. Voter population of over 100% of the number of people eligible to register as voters (i.e. 18 years and above) is ridiculous. A new register is required even if there is 100% registration.
6. With respect to the issue of whether it is Togolese who registered in Ghana or it is Ghanaians who registered in Togo, the fact is that it was Togolese who came to register

in Ghana. In Togo they have a National Identification system which was requirement for registration so a foreigner cannot register. In Ghana we do not have that system.

Ben in point 6 agrees that 97.97% of a possible voter population is high. We agree but disagree with him that a new register will encourage more minors to vote. We urge the EC to liaise with Ministry of Education to use schools records books / register to check the minors.

Again, if these people are indeed Ghanaians, then we demand their residential addresses in Ghana as clearly stated in the C.I. 72 (2012).

The issue of Dual Citizenship and foreigners must be left in the hands of Ghana Immigration Service to deal with.

7. Ghana Immigration Department is the best institution to deal with foreigners in the country. *The Ghana Statistical Service in the 2010 population census report states the population of foreigner as 2.4% out of which 1.7% are ECOWAS nationals.*