

**Report of the Commonwealth Observer Group**

**GHANA PRESIDENTIAL AND  
PARLIAMENTARY ELECTIONS**

7 December 2012



**COMMONWEALTH SECRETARIAT**



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# Chapter 1

## Introduction

Following an invitation from the Chairman of the Electoral Commission of Ghana (EC), the Commonwealth Secretary-General, Mr Kamallesh Sharma, constituted an Observer Group for the 7 December 2012 Presidential and Parliamentary elections. Prior to his final decision on constituting a Commonwealth Observer Group, the Secretary-General initially sent an Assessment Mission to Ghana to assess the prevailing situation as well as the pre-electoral environment. The Assessment Mission was in the country in September 2012.

The Commonwealth Observer Group for the 2012 elections in Ghana was led by H.E. Dr Pakalitha Mosisili, MP, former Prime Minister of Lesotho, and comprised thirteen eminent persons in total. The Observer Group was supported by a five-person staff team from the Commonwealth Secretariat. A full list of members is at Annex 1.

### Terms of Reference

*"The Group is established by the Commonwealth Secretary-General at the request of the Electoral Commission of Ghana. It is to observe relevant aspects of the organisation and conduct of the Presidential and Parliamentary Elections which are scheduled to take place on 7 December 2012, in accordance with the laws of Ghana.*

*The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which Ghana has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.*

*The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.*

*The Group is to submit its report to the Commonwealth Secretary-General who will forward it to the Government of Ghana, the Electoral Commission, political and civil society organizations and thereafter to all Commonwealth Governments."*

### Activities

The Observer Group arrived in Ghana on 30 November 2012. During four days of briefings, the Group met with the Electoral Commission, political party representatives, civil society groups, media, Commonwealth High Commissions, and national and international observer missions.

An Arrival Statement was issued on 4 December 2012 (Annex 2). The Observer Group was deployed from 5-9 December 2012. Teams were based in seven of the ten Regions of Ghana. During deployment teams met with election officials, political party and civil society representatives, security agencies as well as other observers.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 9 December 2012 (Annex 3). The Group's Final Report was completed in Accra prior to departure on 14 December 2012 and thereafter transmitted to the Commonwealth Secretary-General.

## **Chapter 2**

### **Political and Historical Background**

#### **Independence and the Nkrumah Era**

On March 6, 1957 the Gold Coast was proclaimed a sovereign independent nation – the first in Sub-Saharan Africa. The nation chose to remain a member of the Commonwealth upon attaining independence. On 1st July, 1960 it was proclaimed a republic and Kwame Nkrumah was installed as President. The name Ghana was adopted after the medieval Ghana Empire of West Africa, which was also famed for its wealth and trade in gold.

It is interesting to note that prior to independence the British government held a referendum that resulted in the integration of the territory of British Togoland into the Gold Coast, enlarging the newly-independent nation's borders. (British Togoland was a League of Nations Class B mandate in Africa, formed by the splitting of German protectorate Togoland into French Togoland and British Togoland).

Nkrumah spearheaded the movement for African Unity, laid the foundations for the formation of the Organization of African Unity (OAU), and was a firm supporter of the Commonwealth and the Non-Aligned Movement. Domestically however, his popularity soon started waning. Ghana transformed into a one-party state, with the Convention People's Party (CPP) as the only recognizable party. Further, an increase in the President's powers, through laws such as the Preventive Detention Act of 1958, and widely unpopular economic and social policies contributed to his fall from grace.

#### **Political Turbulence From 1966-1980**

On 24 February, 1966, Nkrumah's government was overthrown by the Ghana Armed Forces, and a National Liberation Council (NLC) headed by Lieutenant-General Joseph Arthur Ankrah was formed to administer the country. In April 1969 however, Ankrah was removed from office and Lieutenant-General Akwasi Amankwa Afrifa took power, initially as the NLC Chairman and later as the Chairman of a three-man Presidential Commission. This Commission paved the way for a General Election in 1969, which brought the Progress Party to power, with Kofi Abrefa Busia as Prime Minister and Edward Akufo Addo as President.

The Ghana Armed Forces again seized government in January 1972, and Colonel (later General) Acheampong became the Head of State and Chairman of the National Redemption Council (NRC). The NRC later became the Supreme Military Council (SMC), and in July 1978, General Acheampong was replaced by General F.W.K. Akuffo in a palace coup.

The SMC was overthrown in June 1979 in a mass revolt of junior officers and members of the Ghana Armed Forces, led by Flight-Lieutenant Jerry John Rawlings. The Armed Forces Revolutionary Council (AFRC) was set up following the uprising under Rawlings' chairmanship, and carried out an in-house 'cleaning' exercise across both the armed forces and wider society aimed at restoring a sense of 'moral responsibility' and the 'principle of accountability and probity' in public life.

One of the AFRC's early acts in power was to summarily execute eight senior military officials – including, three former Heads of State, Generals Ignatius Kutu Acheampong, Akwasi Afrifa, and F.W.K Akuffo, on June 16 and June 26, 1979 for alleged corruption and embezzlement of public funds.

The AFRC held office for three months and honoured plans for a General Election announced before the uprising. The elections were won by the People's National Party led by Dr Hilla Limann, and on 24 September, 1979 power was transferred to the civilian government. This administration lasted two years before being overthrown on December 31, 1981 by another Rawlings-led coup. Rawlings became the Chairman of a nine-member Provisional National Defence Ruling Council (PNDC), which presided over a number of Secretaries of State responsible for the various government ministries.

### **Return to Multi-Party Democracy**

Upon assuming office, the PNDC set up a National Commission for Democracy (NCD) charged with formulating a programme for "the more effective realisation of true democracy". The PNDC also established elected District Assemblies to facilitate the introduction of more grassroots governance.

In 1990, prompted by the PNDC, the NCD organised forums in the country's ten regions to ask Ghanaians what form of government they wanted. This exercise eventually led to the promulgation of the 1992 Constitution, which was approved by the people of Ghana in a referendum in April and May 1992. In response, the PNDC lifted the ban on political activity and restored the freedom of the press.

The PNDC was accused however, of a reign of terror and repression by a cross section of the Ghanaian public. Notably three High Court Judges and a retired army officer were abducted and killed in 1982. This led to accusations of complicity being levelled at Rawlings and other PNDC leaders, although an official enquiry at the time exonerated the alleged perpetrators from any blame.

### **The 1992 and 1996 Elections**

Presidential Elections were held on November 3, 1992 and observed by the Commonwealth, among others. The election was won by Rawlings standing for the National Democratic Congress (NDC), who beat New Patriotic Party (NPP) candidate Professor Albert Adu Boahen. In the Parliamentary Elections held on December 29, 1992, the Progressive Alliance – made up of the NDC, the National Convention Party (NCP) and the Eagle Party – won 198 out of a total of 200 seats. Four parties, including the NPP, boycotted the Parliamentary elections due to dissatisfaction with election arrangements.

The 1992 Commonwealth Observer Group report noted that the process of transition to multi-party democracy was marked by a number of contentious issues, which engendered an atmosphere of deep-seated suspicion of the motives and actions of the incumbent. The report also noted that the "events of the first years of the [Rawlings] revolution cast a long shadow, and memories of traumatic events were still fresh in people's minds".

According to the report, the 'culture of silence' had been lifted and Ghanaians felt able to speak freely about their past experiences. This resulted in an acute polarization of society in

the lead up to the 1992 elections. Other concerns highlighted by the Group included a lack of dialogue between government and opposition, and an 'unsatisfactory' playing field.

On the electoral process itself, the Group expressed concerns about the preparation, compilation and publication of the voter register. The report further highlighted problems with technical aspects of the poll. Nonetheless, the report concluded that the above comments were not "to be understood as in any way detracting from the overall freeness and fairness of the process".

The opposition NPP meanwhile compiled its complaints in a report entitled "The Stolen Verdict". The NPP claimed that the voters' register – criticized by the Commonwealth and other observers – was fundamentally flawed. They also criticised the 1992 Commonwealth Observer Group's Interim Statement and Report, believing that the former had been issued before the polls had closed (Commonwealth records, however, confirm that it was issued on the morning of 4 November, 1992, the day after the election, as is the established practice with interim statements).

The Commonwealth again observed the elections in 1996, which saw Rawlings re-elected. In its report, the Observer Group points out that these elections took place "against the background of the contentious 1992 polls". Improvements noted were:

- the new Constitution, which provided the basis for a revamped Electoral Commission (EC) and electoral process;
- steps taken by the EC to instil widespread confidence that the electoral procedures would be open and fair;
- the concurrent holding of elections for the Presidency and Parliament.

Notwithstanding various concerns – such as delays in getting the results from some polling stations, the lack of a political parties' code of conduct, and the role and attitude of the media – the Group concluded that "overall the conditions allowed a free expression of the will of the electors".

## **The 2000 and 2004 Elections**

The 2000 Presidential Elections saw the NPP candidate John Kufuor win 48.17% of the vote, and his NDC rival John Atta Mills (Rawlings' Vice-President and hand-picked successor) secured 44.54%. The NPP also won 100 of the 200 seats in Parliament, with the NDC winning 92 (independents and candidates from other parties won the remaining eight). In the absence of a clear winner, and in accordance with Article 63 (3)(4)(5) of the 1992 Constitution, a Presidential Run-off was scheduled for 28 December, 2000. In the Run-off Election – with pledges of support from the other five opposition parties – Kufuor defeated Mills with 56.73% of the vote.

Both rounds of the election were observed, and declared free and fair, by domestic and international observers. President Kufuor took the oath of office on January 7, 2001, marking the first peaceful transition of power to an opposition party in Ghanaian history. The Commonwealth did not observe the election, although it was represented by a member of the Secretariat staff.

Kufuor was re-elected in December 2004 for a second four-year term, again defeating Mills with 52.45% of the popular vote to 44.64%, and in so doing became the first civilian (non-military) President to fully serve the maximum tenure of two terms in office. The NPP won

128 Parliamentary seats to the NDC's 94. The Commonwealth did not observe these elections.

### **The 2008 Elections**

The 2008 Elections held on December 7 were the fifth elections since Ghana's return to multiparty democracy and the second time that power had been handed from one democratically-elected leader to another. The Commonwealth observed the elections, which were expected to be particularly hard-fought because of two factors: the NDC's desire to return to office after eight years in opposition; and the discovery of major oil deposits, which would significantly increase the resources at the victor's disposal. The Commonwealth Observer Group was led by Baroness Valerie Amos of the United Kingdom, whose past roles had included Leader of the House of Lords and Minister for Africa in the Foreign & Commonwealth Office.

A major concern in the run-up to the elections was the voter register: delays in the EC 'limited registration' exercise – held every election year to capture new or relocated voters and remove the deceased from the register – created high levels of tension among political parties, and led to some incidents of violence. The EC claimed that the delays were due to difficulties in procuring new equipment for registration (in particular cameras) and a delayed start to the registration. This proved controversial amongst stakeholders, with various allegations being made that the decision to push the deadline back was politically motivated.

It was initially expected that between 600,000 and 800,000 voters would be captured by the registration process, but ultimately 1,835,417 voters were registered. Stakeholders, including the Chair of the EC itself, believed the register was bloated and confidence in the organisation's competence was called into question. In its report, the Commonwealth Observer Group highlighted this issue as a central area of concern and recommended that all efforts be made to address the integrity of the voters' register in future elections.

The Commonwealth Observer Group report concluded that the conduct of the 2008 elections widely confirmed the view that Ghana's maturing democracy had become a good reference point for the African continent and the Commonwealth as a whole. The elections were found to have been conducted in an open, transparent and inclusive manner, and were therefore considered credible.

The Parliamentary Elections were declared at constituency level and the results collation process concluded successfully. The Presidential Election results were announced by the EC Chairman, Dr Kwadwo Afari-Gyan, on Wednesday 10 December, 2008. He declared that neither of the leading contenders – Nana Akufo-Addo of the NPP and John Atta Mills of the NDC – had obtained more than 50% of the votes. Out of a total valid vote of 8,465,834, the former polled 4,159,439 (49.13%), whilst the latter achieved 4,056,634 (47.92%).

In the absence of a clear winner, and in accordance with Article 63 (3)(4)(5) of the 1992 Constitution, a Presidential Run-off was scheduled for 28 December, 2008.

### **The 2008 Presidential Run-off**

The Commonwealth Observer Group continued to follow developments in Ghana between the first and second round of voting, and was reconstituted for the Presidential Run-off. The Group of four persons was also led by Baroness Amos.

Whereas the build-up to December 7, 2008 had been primarily issues based, the tone of the Run-off campaign shifted focus to personality politics and party loyalty. Ethnicity became a decisive feature, a move that heightened tensions in some areas and was widely viewed as a step backwards for Ghanaian politics. The conduct of the campaign was generally orderly, although some negatives did remain, including:

- a certain readiness to protest on the basis of rumours rather than relying on institutional mechanisms of redress;
- politically-biased coverage of the elections by some sections of the media;
- the arguably-pernicious influence of money and patronage in inducing support.
- allegations of irregularities in the Ashanti region relating to the special voting process held on 23 December 2008 were particularly concerning.

Delays seen in a number of areas in the December 7, 2008 elections were less of an issue in the Run-off, thanks to improvements in the provision and management of polling materials that enabled greater numbers of stations to open on time. A relatively high voter-turnout on Election Day indicated the determination and interest of Ghanaian citizens in enhancing their country's democratic credentials through a credible transfer of power. Some problems did persist – such as the uneven allocation of voters to polling stations, and the presence of too few polling booths in some densely populated areas. While this led to long waiting times for some voters, the overall efficiency of the process did not seem to be affected.

Voting took place in 229 of the 230 constituencies on 28 December, with these results being announced two days later. Voting in the final constituency of Tain, in the Brong Ahafo region, however, was delayed until 2 January, 2009 due to electoral materials arriving late. This delay – and the fact that the election result could come down to the final constituency – created tension across the country, with stakeholders urging all parties to exercise restraint until the final votes were cast and the results announced. On the morning of 2 January, President Kufuor called on Ghanaians to respect the authority of the EC and urged peace and calm for the remainder of the election.

On 3 January 2009, the final result of the Presidential Election was announced at a press conference by the EC. The Run-off was won by NDC candidate John Atta Mills with 50.23% of the vote, defeating NPP candidate Nana Akufo-Addo who secured 49.77%.

In its report, the Commonwealth Observer Group welcomed the initiatives taken by the EC between 7 and 28 December 2008 to improve the efficiency of electoral procedures: building on many of the positives from the first round and addressing some of the negatives. These efforts had helped to ensure that the electoral process was robust, credible and met the benchmarks for democratic elections to which Ghana committed itself. The group commended the professionalism and dedication of the EC and security personnel, and expressed the hope that Ghana would further consolidate its democratic gains and promote political inclusiveness and co-operation in the future.

## **Background to the 2012 Elections**

The 7 December 2012 elections were the sixth Presidential and Parliamentary Elections since the restoration of multi-party democracy in 1992. When President Mills died suddenly on 24 July 2012, he was immediately succeeded by Vice-President John Mahama. The President's death was expected to significantly influence the elections. His candidacy had reportedly divided his own party and he was at odds with party founder and former President Jerry Rawlings, whose influence reportedly remained strong among sections of the party's

grassroots supporters. Rawlings had publicly and repeatedly predicted that with the late President at the helm, the ruling party would lose the 2012 elections.

An issue of contention in the pre-election period concerned the Electoral Commission's announcement, in June 2012, that 45 new electoral constituencies would be created following the release of the 2010 census figures, and the creation of new Districts. Some stakeholders were unhappy that the timing of the decision came so close to the election itself, and challenged the Electoral Commission in the Supreme Court, which upheld the Electoral Commission's decision in October 2012. The force of this criticism however subsided somewhat with the new constituencies coming into law, and focus switched to candidate-nomination and campaigning.

There were some substantive policy differences between the two leading parties: the ruling NDC describes itself as social democratic and says it believes in the "egalitarian treatment of all persons". The opposition NPP pledged to "promote a vibrant, free-market economy". On its website, it states that its primary goal is to create a "property-owning democracy". The economy was touted as the key electoral battleground: both parties planned to use Ghana's new-found oil and other mineral wealth to kick-start an industrial transformation, improve state education, health services, infrastructure, and create jobs.

One key area of divergence was education: the NPP proposed free High School education immediately; a policy that the NDC claimed was unrealistic, and whose alternative proposal called for the phasing-in of free Senior High School Education over a twenty year period. NPP candidates pointed to their party's management record – during its two terms in government, the economy more than doubled in size – whilst the NDC claimed that, after assuming office four years ago, it had presided over Ghana's elevation to a lower-middle income economy, with the economy registering a 14.4% growth rate in 2011. While some commentators viewed the elections as a two-horse race between the NDC and the NPP, smaller parties made their voices heard, articulated alternative policies and priorities, and in the context of the highly contested elections, potentially held the balance of power.

There were 8 Presidential candidates, with running mates, 7 representing a political party and an Independent as follows:

John Dramani Mahama	National Democratic Congress (NDC)
Nana Addo Dankwa Akufo-Addo	New Patriotic Party (NPP)
Papa Kwesi Nduom	Progressive People's Party (PPP)
Henry Herbert Lartey	Great Consolidated Popular Party (GCPP)
Ayariga Hassan	People's National Convention (PNC)
Michael Abu Sakara Foster	Convention People's Party (CPP)
Akwasi Addai Odike	United Front Party (UFP)
Jacob Osei Yeboah	Independent

A total of 1332 parliamentary candidates were nominated to contest the 275 constituencies, representing a total of 14 political parties and Independents. Only the ruling NDP and the opposition NPP fielded candidates in all 275 constituencies. Smaller political parties fielded candidates in areas where they believed that they drew support. The political parties which contested the Parliamentary elections and the number of seats they contested were as follows:

## Political Party

## Parliamentary Seats Contested

National Democratic Congress	(NDC)	275
National Patriotic Party	(NPP)	275
Progressive People's Party	(PPP)	211
National Democratic Party	(NDP)	145
Convention People's Party	(CPP)	145
People's National Convention	(PNC)	94
Democratic People's Party	(DPP)	16
United Front Party	(UFP)	7
Independent People's Party	(IPP)	5
United Renaissance Party	(UPP)	4
New Vision Party	(NVP)	4
Ghana Freedom Party	(GFP)	3
Great Consolidated Popular Party	(GCPP)	2
Yes People's Party	(YPP)	1

## Concerns and Tensions

During our briefings, we were made aware of a series of concerns and specific tensions engendered by the fiercely contested Presidential and Parliamentary elections campaign. This had the potential to lead to violence. Many issues of concern are covered in greater detail in later chapters of our report and some of the alleged significant items included:

### Concerns

- "Monetisation" of the political and electoral processes including alleged widespread treating, bribery and other forms of corruption.
- Abuses of incumbency, including the use of state vehicles, state security apparatuses, state officials and state venues and paraphernalia. At the level of Parliamentarians, this abuse reportedly manifested itself especially with Ministers of State, District/Municipal/Metropolitan Chief Executives (DCEs) or Mayors who were also Parliamentary candidates. Some Mayors reportedly exploited their positions to their advantage and often to the detriment of the incumbent Members of Parliament, even those who are from their own parties.
- The winner-takes-all politics of exclusion, perpetrated by governments in power against losing political parties.
- Concerns were that some chiefs openly engaged in partisan politics. According to the 1992 Constitution, chiefs are debarred from participating in active party politics, but they remain an influential and indispensable part of the process of campaigning. It is seen as practically impossible for a political party to try to campaign in a traditional area without first calling on the chief.
- Registration irregularities in the biometric voter registration exercise conducted earlier in 2012, where there were reported cases of violence and misconduct by some political actors. These irregularities, some corroborated by the Electoral Commission itself, included the registration of minors, registration of non-Ghanaians, bussing of persons to register in constituencies other than where they are resident, double registration and assigning wrong ages and genders to voters.
- Politicisation of ethnic issues, which is arguably one of the biggest threats to the holding of peaceful elections. Ghana has a number of ethnic tensions that feed into the national political agenda, and historically these have been exploited for political gains.

- Police bias towards competing public political events, with ruling party events reportedly being accorded priority allocation of policing resources.
- Biased media coverage of the campaigns.
- Subjecting female candidates to slander, abuse, and character assassination, which also discourage female participation in elective politics.
- Defacing of publicity materials of political opponents.

### **Tensions**

- High levels of intolerance, which manifested itself in several ways, including through the use of vile and insulting language against political opponents, especially in phone-ins on Ghanaian FM radio broadcasts.
- The hiring by the major political parties of so-called 'macho men' or 'party foot soldiers' to promote their interests and discourage opponents through intimidation and violent measures.
- Reluctance to prosecute offenders for serious electoral offences, particularly if the offenders belonged to the ruling party.
- The partisan involvement of District and Regional-level public officials in the electoral process. We were informed that under the Security and Intelligence Agencies Act, 1996, Act 526, Ghana, Regional Ministers and District Chief Executives are the Chairpersons of the Regional Security Councils (REGSECs) and District Security Committees (DISECs) respectively. In those positions, they give orders to the Regional Police Commanders and District Police Commanders. Their orders are sometimes viewed with suspicion and interpreted as being pro-Government by the minority parties, especially when the Regional Minister or District Chief Executive is also a parliamentary candidate in the elections.
- Concerns were expressed about the influx of Economic Community of West African States (ECOWAS) nationals into the country due to the ECOWAS Protocol that provides for free movement of ECOWAS nationals, and whether these persons were encouraged or otherwise enabled by some political parties to illegally participate in the elections.

It was in this context that the Group was pleased to learn that in the week preceding the elections, Presidential candidates, witnessed by the Chief Justice, traditional and civil society leaders and Security Chiefs, had signed the Kumasi Declaration (see Chapter 4 for further discussion) under which leaders publicly committed themselves to taking a stand against electoral violence, impunity and injustice.

## Chapter 3

### The Electoral Framework and Election Administration

#### Background

The President of Ghana is elected for a four-year term and can serve a maximum of two terms in office. The President is elected in a single national constituency on the basis of a majority system. In order to be elected in the first round a candidate needs to secure at least 50%-plus-1 of the valid votes cast. If no candidate secures such a majority then the leading two candidates contest a run-off election. In the run-off whichever candidate secures the most votes is the winner.

The Parliament of Ghana now consists of 275 members, who are elected from single-member constituencies on the basis of the first-past-the-post system. The term of a Parliament is also four years.

#### International and Regional Commitments and National Legal Framework

Ghana has signed or agreed to all the major regional and international commitments and instruments relating to human rights and the conduct of elections. These include:

- Port of Spain Affirmation of Commonwealth Values and Principles (2009)
- AU African Charter on Democracy, Elections and Governance (2007)
- ECOWAS Protocol on Democracy and Good Governance (2001)
- International Convention on the Elimination of All Forms of Racial Discrimination (1996)
- African Charter on Human and Peoples' Rights (1981)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- International Covenant on Civil and Political Rights (1966)
- Universal Declaration of Human Rights (1948)

The Ghana Constitution guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of the elections are:

- Constitution of Ghana (1992, as amended)
- Representation of the People Act (1992, as amended)
- Presidential Elections Act (1992, as amended)
- Electoral Commission Act (1993, as amended)
- Political Parties Act (2000)
- Representation of the People (Constituencies) Instrument (2004)
- Public Elections (Registration of Voters) Regulations – CI 72 (2012)
- Public Elections Act – CI 75 (2012)
- Political Parties Code of Conduct (2012)

## **The Electoral Commission of Ghana (EC)**

Article 43.1 of the 1992 Constitution provides that the EC shall consist of seven members: a Chairman, two deputy Chairmen plus four other Members. Collectively the seven members of the Commission constitute the policy-making and management body of the organization and exercise general supervision over the activities of its staff. The current Chairman of the EC is Dr Kwadwo Afari-Gyan.

The Constitution and the Electoral Commission Act provide for the establishment of the EC as an independent body. The President, on the advice of the Council of State, appoints members of the Commission for an unspecified period.

The key responsibilities of the Electoral Commission are to:

- Compile the register of voters and revise it at such periods as may be determined by law;
- Demarcate the electoral boundaries for national and local government elections;
- Conduct and supervise all public elections and referenda;
- Educate the people on the electoral process and its purpose;
- Undertake programmes for the expansion of the registration of voters; and

There are seven departments at the Head office of the EC in Accra, each headed by a Director. The departments are: Elections; Finance; Information Technology; Human Resource and General Services; Research and Monitoring; Training; and Public Affairs.

The EC has an office in each of the ten Regions. The Regional Office is headed by a Regional Director, who is appointed by the EC. The EC also has an office in each of the 226 Districts, headed by a District Electoral Officer (DEO), who is also appointed by the EC.

The EC appoints a Returning Officer and two Deputy Returning Officers for each electoral constituency. Over the election period the EC will hire in excess of a hundred thousand staff, including Presiding Officers and other poll officials, to administer the process and manage polling stations (Chapter 5).

### **Voter Eligibility and Voter Registration**

Article 42 of the Constitution states that, "Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda".

The Registration of Voters Regulation, established as a Constitutional Instrument and laid before and considered by Parliament, provides for the continuous registration of voters as well as for a national registration of voters. The Regulation sets out exactly how these are to be conducted, who is to conduct these activities as well as their duties and responsibilities.

A national registration of voters utilizes the same locations for registration that an elector would eventually vote at. The Electoral Commission is obliged to locally publicize the details of the national registration of voters. Registration staff will complete the application on behalf of the elector who must themselves provide the information to complete the application. An applicant's photograph and biometric details are then captured.

Any person who is entitled to be in the register can challenge the inclusion of any other person at the time of their application for registration. An EC Registration Officer and any Supervisor also has this same right. These challenges are then the subject of a very well defined, time delineated process to consider whether the challenge is bonafide, and this challenge process utilizes Magistrates at the District level and provides for an appeal to be heard by a Judge of the High Court.

Political Party Agents are entitled to be present at the time of the initial application, and are entitled to the same right to challenge any application at the time of initial registration. Similarly, the Electoral Commission can provide authority to other "interested" organizations to observe the registration application process, and to challenge the initial registration of an individual.

Should there be no challenge at the time that an application for voter registration is completed, the Registration staff are obliged to produce and provide a Voter registration card to the applicant, and to include them in the provisional register of voters.

The EC is then obliged to produce a Provisional register of voters, and to exhibit it at the same polling station for the purposes of allowing electors to confirm that they have been included, and for purposes of identifying and correcting any of the information therein. Any person authorized to vote in the same electoral area is entitled to challenge the provisional registration of any other voter.

After determination of all challenges and objections, the EC is free to certify the register and to publish it. All persons included in the certified register are entitled to vote provided they have registered more than 60 days in advance of any election.

### **Candidate Eligibility and Nomination**

There are no unreasonable requirements to stand as a candidate for elections in Ghana. Freedom of association and participation are fairly provided for.

To be eligible as a candidate for the Presidential elections a person must be a citizen of Ghana, over 40 years of age and be a registered voter. For the nomination process, prospective candidates had to submit to the EC certain relevant documents, signed by the candidate plus two other persons registered in each District Assembly, by a specified date.

To be eligible as a candidate for the parliamentary elections a person must be a citizen of Ghana, over 21 years of age and be a registered voter. In order to qualify to stand for a particular Constituency a person must be resident in that Constituency or have been born there. For the nomination process, prospective candidates had to submit nomination papers to the relevant Returning Officer for the Constituency by a specified date, with 20 signatures of registered voters of that Constituency.

Candidates for either election could be a representative of a registered political party or could stand as an independent.

A person is prohibited from standing as a candidate for either election if he/she is a public employee (unless he/she resigns from their post); a Chief; or, have been ruled to be unfit for public office, convicted of treason or another offence concerned with state security.

## **Complaints, Appeals and Election Petitions**

Ghana has established an effective mechanism for dealing with election disputes, including a fast-track dispute resolution mechanism for dealing with election-related complaints during the electoral period.

Decisions of the EC can be challenged through the Courts as can challenges to election results. A challenge to the results of the Presidential Election must be submitted to the Supreme Court within 21 days of the declaration of results. A challenge to the results of the parliamentary elections must be submitted to the High Court within 21 days of declaration of the results.

A challenge to the validity of the process on the grounds of corrupt practice *et cetera*, must be done prior to the publication of results.

Criminal activities are to be dealt with by the appropriate law enforcement agency. Non-criminal complaints relating to the Code of Conduct can be dealt with through the Inter-Party Advisory Committee (IPAC)<sup>1</sup> mechanism. The IPAC mechanism is informal.

## **Key Issues**

### **1 Constituency Delimitation**

In September 2012 the EC announced that it would create 45 new constituencies, thereby increasing the total number from 230 to 275. The EC's decision was taken in response to two key developments. Firstly, population data from the 2010 census was only made available in early 2012, and, secondly, the relatively late decision taken by Government to create 21 new Districts.

Under Article 47 of the Constitution, the EC has responsibility for delimitation of constituency boundaries. The principles underlying the demarcation of boundaries are also established in the Constitution, according to which each Constituency should be located in a single region and the population of a single constituency should be as equal as possible but with geographic and demographic considerations provided for.

Whenever there is a new census the EC is obligated to conduct a review of the data with a view to ascertaining the requirement for potentially amending the existing demarcation of constituency boundaries. The EC conducted such a review and applied its established formula and determined that the new constituencies were required. The EC was not obligated to create them at this time but was mandated to do so as it saw fit.

The Chairman of the EC stressed to the Group it was his constitutional duty to review constituencies given that the Government created a series of new Districts, as constituency boundaries cannot cross District boundaries, and due to the fact that the new census indicated noticeable population growth in certain areas. Further, it appears that the EC created additional constituencies in order to ensure balance across the country as a whole.

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<sup>1</sup> IPAC was created upon the initiative of the EC and brings together political contestants, civil society and the electoral commission and is a forum at which issues, decisions and concerns can be discussed and resolved. It is an informal mechanism and constitutes an advisory body to the EC, but its decisions are not binding upon the EC.

The Chairman also highlighted that if the new Constituencies were not created for these elections then they could not be created until after the dissolution of the parliament in January 2013. This would mean that the new Districts would not have proper constituency representation until after the 2017 elections. Thus to a large extent the EC's hands were forced in this regard even though the timing was unfortunate.

It was not disputed that new Constituencies needed to be created. However, the timing of the creation of the new constituencies, less than 90 days before the election, did cause concern among opposition parties, which claimed it would cause problems for them in organising the nomination of their candidates. Some also claimed that the timing raised suspicion that somehow the Government stood to benefit from the new constituencies. However, even the opposition acknowledged that the main population areas where the new constituencies were located provided potential advantages to both of the main political parties. The EC's decision to create the Constituencies was challenged in the Supreme Court, but the Court upheld the EC's decision.

It is noted that despite the requirement for constituencies to be as equal as possible there are in fact quite wide variances in size. Based on figures released for the 2012 elections, while the average number of registered voters per constituency across the country is some 50,000, the smallest constituency has just 12,082 while the largest has 126,659. Equal suffrage is therefore not adequately provided for.

Further, the number of constituencies has been increased quite substantially over the last decade. The Constitution states that the minimum size of the parliament is 160 members, but it is currently at 275. It is not sustainable for Ghana to continue the cycle of creating more and more Districts and thus driving further increases in the size of the parliament. In the interests of good governance and financial sustainability there needs to be a more rational process.

## **2 Voter Registration**

Concerns about voter registration were in the forefront of considerations approaching the 2012 election, 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 registration. Issues continued to exist regarding persons who are not residents, and those who were not eligible for other reasons (see underage voters below).

The registration process is underpinned by a system of electronic biometric voter identification. The EC procured upwards of 40,000 Biometric Verification Devices in order to ensure that a machine available for each of the 26,000+ polling stations, and providing for sufficient spares in case of breakdown. Biometric verification, using the photographic image and a fingerprint, provides absolute certainty that the person who appears at the polling station to vote is the same person who applied for registration as an elector.

The registration process set out in CI 72, providing the opportunity for political party and civil society organization representatives to be involved at the initial time of registration, appears on its face to enable sufficient scrutiny to the process, should EC registration officials not exercise their own authority to challenge registration applicants. However, such participation would have required significant planning by all parties, and would require they all be given reasonable notice. What is clear is that the COG received no indication of any

significant participation in the initial and provisional registration review processes in this regard by parties and others.

There was information received that the entire registration application process and the provisional register review processes were compressed into a very short time period, with little advance notice being given. More specifically, from the perspective of all of the Political Parties who made presentations to the COG, provisional and final voters list were not provided within the timelines set out in CI 72, with some final lists of voters still being outstanding just days before the election.

All stakeholders should review the processes and associated timelines as set out in CI 72, and determine if a consensus can be built around actions necessary to ensure that its potential for ensuring the transparency and effectiveness of the registration process can be fulfilled.

### **3 Underage Persons on the Voter Register**

As mentioned above, there were reportedly some 20,000 underage persons on the voter register. In an extract of the register provided to the COG it was clear from the photographs of registrants that a number of persons appeared to be children.

It was incomprehensible to the members of the COG why EC Registration staff did not exercise their clear authority to challenge the registration of these persons during the initial registration process.

After the initial registration process is completed without a challenge, there is no capacity to challenge provided for in the legislation for a Registration Official or the representative of a Political Party or other organization during the process of the exhibiting of the provisional voter register.

If the involvement of the participation of persons observing at the time of the initial registration process cannot be assured, a change in who can participate in the second stage, the exhibition of the provisional register, should be explored.

### **4 Women's Participation and Representation**

More than 50% of the population of Ghana is female and a majority of the registered voters are female, yet the level of women's representation as candidates was low.

None of the Presidential candidates was a woman; though three of the running mates were. Further, only some 10% of the parliamentary candidates were women, and the level of women's representation in the new parliament remains relatively low, with just 29 of the 275 new parliamentarians being female.

At present there is no formal incentive or requirement for political parties to promote women's participation as candidates and they appear disinclined to do so. The only positive feature is that both of the larger parties reported that women pay just 50% of the nomination fee to be a candidate.

## **Recommendations**

- Changes to the electoral framework, such as the creation or alteration of constituencies, should not be done in the lead-up to the election, as this can cause uncertainty and tension. Further, the creation of new Districts should also be avoided during this same period as this has the effect of driving a review of Constituencies. Further, these factors result in an increase in the size of the parliament beyond what might be deemed reasonable.
- The current balance between the size of constituencies across the country should be reviewed to ensure a more equal balance and thereby ensure that equal suffrage is better provided for.
- The process for challenging the registration of underage and other unqualified voters needs to be more effectively implemented, or otherwise additional opportunities for EC officials and others may need to be provided for after initial registration is completed.
- There is a need to explore mechanisms to encourage and increase the participation of women as candidates and as elected representatives in Ghana. Alternatively, or in parallel, political parties are strongly urged to take account of the need for women's participation as candidates.

## Chapter 4

### Election Campaign and Media

#### The Election Campaign

The 2012 election campaign in Ghana was held in a largely peaceful environment, though there were reports of isolated violent incidents. Basic freedoms of association, movement and assembly were generally respected. The Electoral Commission of Ghana worked with the various political parties to agree on the schedule for campaigns.

The election campaign was highly competitive, with political parties and candidates holding rallies and meetings across the country. There was extensive use of advertisement on radio, television and in newspapers. Posters, flags and billboards were used extensively.

Candidates also used leaflets, road-shows, images, music and social media to reach their supporters. SMS text messages were used to invite party supporters to rallies. Parties also ran websites on which they advertised their manifestoes, news and information.

The campaigns generally focussed on issues, with the candidates putting across a spirited agenda on, for instance, the use of oil resources, infrastructure development, education, youth employment and health.

The Kumasi Declaration, which was signed by the eight presidential candidates committing themselves to peaceful conduct in the lead up, during and after the elections, was a welcome development. The Group was encouraged by the consistent messages from various actors, in particular, the National Peace Council, calling for peaceful conduct of the elections.

During our briefings, we heard concerns about abuses of incumbency. The most flagrant alleged abuses involved the abuse of state vehicles, state security apparatus, state officials, venues and paraphernalia. It was suggested that abuses of incumbency in the Ghanaian electoral context were more pronounced due to the fact that the incumbent President and Vice-President were contesting the elections.

The Group heard calls for the consideration of public financing of political party activities. Smaller parties, in particular, expressed the view that public funding of political party activities, could enable them to compete on a more even ground, in the context of the overwhelming dominance of the two major political parties.

The Group observed that substantial resources were deployed by political parties in the campaign. We were informed that while existing campaign finance regulations prohibit political parties from obtaining foreign sources of funding certain foreign business interests were supporting some political parties. We also heard concerns that reporting requirements for campaign expenditure were inadequate, and that the transparency of the electoral process could be enhanced by the strengthening of campaign finance regulations.

Overall, the campaign was peaceful, though characterised by fierce rivalry and trading of harsh words, particularly between the main political parties—NDC and NPP.

## **Media Coverage**

Freedom and independence of the media is guaranteed by the 1992 Constitution. This guarantee provides for media to operate without interference and censorship. As a result, Ghana has a vibrant and diverse media with several newspapers, radio and television stations as well as online news agencies.

There are over 50 newspapers published in Ghana. Radio is a very popular medium, with over 200 FM stations spread across the country. There are over 50 registered television stations, with Ghana Broadcasting Corporation TV, a state owned station having national reach. Ghanaians are also increasingly using the internet as a source of news and information. Mobile phone subscription is also very high in Ghana with about 10 million people owning a handset.

A number of bodies, such as the Ghana Journalists Association, the National Communications Authority, the National Commission on Civic Education, the Media Foundation for West Africa and the National Peace Council, organised a series of workshops and training programmes for journalists on how to effectively and responsibly cover the election.

## **Laws and Regulations**

As stated above, freedom and independence of the media is guaranteed in the 1992 Constitution of Ghana. Chapter 102 provides the framework for establishing media enterprises, and the benchmarks for professional practice. Article 166 provides for the establishment of the National Media Commission (NMC), a statutory body whose functions are to promote and ensure the freedom and independence of the media for mass communication and information. The Commission also is charged with the maintenance of the highest journalistic standards, including the investigation, mediation and settlement of complaints made against the press or other mass media.

Section 2 (c) of the National Media Commission Act (1993) stipulates that the NMC is meant to insulate the state owned media from government control. However, Section 19 of the same Act states that "A President shall at all times have access to sound or television broadcasting, the press and other media of mass communication or information which are financed from public funds for the purpose of broadcast, announcement or publication of any matter which appears to the President to be in the public interest." This leaves a conundrum during elections, particularly, with regard to state media, which is required by the Electoral Act to provide equal and balanced coverage to all political parties.

In ordinary situations, such a provision would not pose any problem. However during elections where a sitting President is also a candidate, such a provision may be subject to abuse.

In the lead up to the 2012 elections, the NMC maintained regular dialogue with media houses, calling on them to discharge their duties responsibly, to ensure a peaceful election. In light of the reports, the Group received regarding the use of inflammatory language by some media houses, it was however not clear what sanctions the NMC had in place to deal with media that did not live up to the guidelines of professional conduct.

## **Print Media**

Newspapers devoted substantial space to covering the election process, highlighting political party platforms, analysing party manifestoes and activities of the National Electoral Commission. There were also in-depth analyses and commentaries of the profiles of the candidates. The Group noted that the main daily newspapers, notably, Daily Graphic, Ghanaian Times, The Chronicle, Daily Guide and Crusading Guide offered more in-depth reporting about the elections. There were also several pamphlets which were clearly partisan in their editorial content. These, the Group learnt, were started by various political groups to champion their cause, and that they would fold as soon as the elections are over.

## **Radio**

Radio provided robust coverage of the issues in the lead up to, during and after the elections. There were special programmes dedicated to discussing positions of political parties and their candidates. On polling day, there was live coverage of the process at locations around the country. Callers and reporters on the ground provided live updates about the events at the polling stations.

The Group was informed that some radio stations were allowing their platforms to be used to disseminate inflammatory information, bordering on hate speech. One organisation, the Media Foundation for West Africa carried out an extensive monitoring of the language used by the media during elections, and reported their findings at public fora. In general, their findings were that there had been many cases of use of indecent and insulting language on radio by some politicians as well as offensive, provocative and unsubstantiated allegations.

Against this background, there were reports in the newspapers that the National Media Commission and the National Communications Authority, two statutory bodies established to ensure professional conduct of media practitioners, issued statements calling on the media to desist from using language that could incite public violence. The use of inflammatory language in some newspapers and radio stations, however, persisted.

## **Television**

As noted above, there are several television stations in Ghana. The Group was informed that this time around, the state broadcaster, Ghana Broadcasting Corporation provided a fairly balanced coverage of the election process and campaign rallies, although this was largely in respect of the two main political parties—NDC and NPP. Another important feature during this election was live television coverage of the Presidential and Vice Presidential candidates debates. Like radio, television stations provided live updates and reports on polling day. In addition, the Group was pleased to note that Ghana Independent Broadcasters Association (GIBA), the umbrella body of independent radio and television stations, put in place guidelines and a code of conduct for its members to follow in reporting election related issues.

## **International Media**

Various international media covered the events leading up to, during and after the elections. There were several foreign media correspondents in the country during the elections, and the story of the polls received international attention.

## **Use of Social Media**

Social media platforms such as Facebook, YouTube, Twitter, websites, *et cetera* were used as political campaigning tools. The ability to access internet on mobile phones enabled people to follow campaign issues. Candidates made announcements about forthcoming events on these social media platforms, and engaged in discussions with supporters online.

The Group was briefed by a team from 'An Africa Election Project', an initiative that used the internet to track media coverage as well as reporting on other incidences during the election process. Another initiative, Ghana Votes 2012, provided regular updates about incidents across the country on their website as well as through Twitter and Facebook pages.

The Group was particularly impressed that the websites of radio stations were regularly updated and provided instant postings of results as declared by the polling officials at various polling stations across the country. In many respects, the information on the website of this radio station was more up to date than the information on the EC website, which at times was unavailable.

## **Safety of Journalists**

The Group received reports that there were attacks on some journalists who were covering the protests after the announcement of polls and during subsequent post-election events. One such incident was reports of the roughing up of a BBC journalist by a security officer on 8 December 2012. The journalist was reportedly covering a group of protesters in Accra, when a security officer roughed him up and confiscated his recording equipment. At the time of writing this report, Ghana Journalists Association was investigating these reports, including those on alleged attacks on journalists from Metro, TV3 and Multi TV.

## **Conclusion**

With the exception of the issues highlighted above, the Commonwealth Observer Group was generally satisfied with the way media covered the 2012 elections. The media played a key and helpful role in informing the voters about the issues in the election and contributed to the quality of the process.

## **Recommendations**

- Mechanisms should be put in place to strengthen adherence to the Code of Conduct for Political Parties during elections.
- The National Media Commission working with editors and the Ghana Journalists Association and other relevant bodies should ensure greater adherence of journalists and media houses to the guidelines for reporting elections
- Editors should ensure that the content of materials they publish is in good taste.
- The Electoral Commission should improve the management and updating of its website, particularly during posting of results.

- State-owned media should develop and publish more detailed guidelines on how they intend to ensure that their reporting meets the benchmarks of the electoral regulations, regarding balanced and equitable coverage of various political parties.
- Safety of journalists who report and cover the election process should be guaranteed and protected, and where attacks occur, they should be investigated and action taken.

## Chapter 5

### Voting, Counting and Results

#### Background

The 2012 Presidential and Parliamentary elections in Ghana took place on Friday 7 December. Polling was scheduled to take place from 07.00 hrs to 17.00 hrs and was organized in more than 26,000 polling stations across the country.

Most polling stations were organized outdoors, with tape used to create a designated polling area. Campaigning is prohibited on the day before the election and on election day itself. In addition, a 500 metre exclusion zone is in effect around a polling station, within which it is prohibited to try to influence voters, for instance by the placing of campaign posters.

Each polling station is managed by a Presiding Officer (PO), supported by four polling assistants (Names Reference List Officer, Biometric Verification Officer/Inker, Presidential Ballot Issuer, Parliamentary Ballot Issuer).

Each polling station had two ballot boxes - one for the presidential election and one for the parliamentary election. There were also two cardboard voting booths in each polling station. At each polling station there was to be a Security Officer, drawn from the police or another section of the country's uniformed sector.

Due to some problems (see below) the election was continued on Saturday 8 December in some 431 polling stations; representing 1.65% of the total number of polling stations.

#### Key Procedures for Opening and Voting

The stated procedures for opening and voting are as follows:

- Prior to opening, the ballot boxes are shown to all present to confirm that they are empty.
- The boxes are then sealed.
- Accredited Party Agents and Observers, as well as media, are allowed to be present.
- Upon arrival at the polling station a prospective voter presents their Voter Card to the Names Reference List Officer, who finds their details on the Names Reference List. This list identifies the page number and location of the voter's details on the voter register.
- The Names Reference List Officer informs the Biometric Verification Officer of the page number of the voter in the voter register.
- The Biometric Verification Officer scans the bar code on the elector's Voter Card and compares the details brought up on the Biometric Verification Device (BVD) against the voter card and compares the photo with the voter
- The voter then places a finger on the BVD for verification purposes. If the first finger is unsuccessful the process is repeated for as many fingers as it takes to get a match.
- If the match is successful then the BVD will flash green and announce "verified" (If there is no match then it flashes red and announces "rejected". The voter's details

on the main voter register are marked by crossing lines through the bar code entry, indicating they have voted and preventing the bar code being re-used.

- A specified finger of the voter is then marked with indelible ink
- The Presidential ballot is stamped with the official unique stamp of the polling station and handed to the voter
- The voter proceeds to the booth, marks the ballot to indicate their choice of candidate by virtue of a thumbprint, using an ink pad provided and then places ballot in the box for the presidential elections
- The voter then collects a ballot for the parliamentary election, which is also stamped with the unique stamp of the polling station
- The voter goes to a voting booth, marks their choice in the same way, places the ballot in the box and leaves the polling station.

In cases where the BVD could not identify the finger print of a voter, they were informed to wash/clean their fingers and return to try again. Ultimately, if the BVD could not identify the finger print of a person then they would not be allowed to vote.

Persons requiring assistance could be helped by a person of their choice, or failing this by the PO. Proxy voting is permitted in Ghana, but a person had to apply for this in advance and for their proxy to be identified and registered at the polling station. There was then a separate list for designated proxy voters.

Special Voting for registered members of the security services and electoral officials had taken place on 4 December 2012. These votes were held by the Returning Officer (RO) to be added and tabulated with the main vote aggregation at the tabulation stage.

### **Assessment of Opening and Voting**

On Election Day, Commonwealth teams reported a largely peaceful process and it was generally well managed, transparent and voters were free to exercise their right to vote. Poll officials overall worked hard in sometimes difficult and trying circumstances. Party Agents were present throughout and national observers were also present in quite a few places. The turnout of voters was high and in the vast majority of cases voters waited extremely patiently in queues in order to be able to cast their vote.

Some of the key observations of our teams were:

- In a number of locations materials were delivered late to the polling stations, resulting, in some areas, to late opening and lengthy delays. This occurred in quite a few instances, but did vary somewhat between Regions. While polling was underway in most areas by 08.00 hrs, it did not start until quite a bit later in some places, including up to mid-day in a limited number of places.
- Many voters had turned up early at polling stations and others turned up just before the official opening time of 07.00 hrs. This resulted in quite lengthy queues at the beginning in many polling stations. While queues were generally orderly and voters patient, some queues were not always well managed, and lacked a designated official for this task and to help provide information to voters.
- In addition, polling locations with a larger number of voters were sometimes split to create smaller polling stations based on alphabetical groupings. While this was a positive effort to try to alleviate overcrowding, this arrangement was not always

made clear to voters nor was there adequate signage. Further, the splitting of polling places in this manner was not always done in a way that created an equal balance in numbers between stations, and larger stations still often faced a challenge in managing the number of voters allocated to them. This aspect caused quite an amount of confusion and frustration for voters in some affected places.

- The role of the Presiding Officer at the polling station was critical. Where there was a capable and strong PO the process was well managed. Where the PO lacked confidence or a full awareness of the process then there were often problems. In such instances it was noted that a number of Party Agents played an intrusive role, including, in such situations, being involved in the processing of voters.
- Polling stations were located in the open air, which would have made them vulnerable to rain (it did rain the evening before the poll). Further, the choice of location for many stations, in busy market areas or blocking roads, made them less secure and also complicated management of queues.
- The layout of polling stations varied. Some were well laid out, facilitating the envisaged flow of voters, communication between officers and scrutiny of the process. In other instances the layout was poor, with voters and party agents mingling in and around the ballot boxes and tables where officials were located. In such instances verification officers were unable to adequately communicate with ballot issuers. In addition, the layout sometimes compromised the secrecy of the vote as voting booths were visible to people in the polling station or to passers-by.
- In the lead-up to the election there was concern expressed at the reported number of underage voters registered (Chapter 3). However, on the day of the election our teams only observed a relatively small number of apparently underage persons voting, notably in a number of constituencies in the Tamale area (Northern Region). In none of the cases observed were they challenged regarding their age after voting.
- Commonwealth teams were very impressed at the assistance and support offered to less-able voters, particularly as they were often ushered to the front of a queue and/or offered seating or other assistance.
- The uniformed forces played a highly positive role in terms of providing security and order at polling stations and responding to incidents in the vicinity.
- The Biometric Verification Devices (BVD) worked well in most instances and the voter register appeared to be fairly accurate. However, there were clearly also some problems and challenges with some of them. The instances of the machine not able to read a person's finger print even though they were on the register and had a voter card were not too numerous, but they did occur. This problem, where it occurred, particularly seemed to affect older people whose finger prints may have been somewhat worn due to their manual livelihoods. In such instances it meant that a person who had registered, had a voter card showing their ID and were on both the Names Reference List and the main Voter Register were not allowed to vote.
- There were also quite a few instances where the BVD stopped working (possibly due to a lack of batteries or the lack of awareness of officials to get it working or re-set again) and had to be replaced, thus delaying the poll. There were also instances where the BVD stopped working and could not be replaced. This issue led to

consternation on election day among affected voters and the political parties. As a consequence fairly late on election day the EC ordered that polling in affected places should be adjourned and could continue the following day, 8 December. This reportedly occurred in 431 polling stations in various regions of the country; though it was not every Region.

- Beyond the inconvenience and uncertainty this problem created, there is also concern as to the lack of clarity on behalf of the EC at the national and Regional levels as to the numbers of affected polling stations and also the criteria by which places were selected for a continuation of polling the following day. Further, due to the fact that this extension of polling beyond the 7<sup>th</sup> was not foreseen there were no set procedures regarding the securing of ballot boxes and polling materials, resulting in local solutions being found on an ad hoc basis. On the 8<sup>th</sup> some polling officials were not always clear as to the length of time they should remain open, though in the event they remained open until the allotted time of 17.00 hrs.
- It was reported that there were problems in some instances during the Special (advance) Voting on 4 December. Apparently quite a few of the uniformed persons presenting themselves were not found on the Voter Register, sometimes due to their late transfer from one area to another for the purpose of their electoral duty. Further, journalists complained at the change of regulations, which meant that they were not included in the Special Voting, whereas in previous years they had been.

Commonwealth teams observed polling on 8 December in some areas and the process was conducted well and the types of problems encountered in these areas on 7 December were not repeated.

### **Key Procedures for Counting and Results Aggregation**

At 17.00 hrs persons waiting in line are allowed to vote and polling continues until all such persons have been processed. Following this the PO is to close the polling station and start preparing it for the count. Agents and Observers can be present for the count and the public are permitted to return to also observe. The stated procedures for counting and results aggregation are as follows:

- The number of unused and spoilt ballots are to be counted and recorded
- The number of ballots issued is to be ascertained by adding the number of persons marked as having voted on the Voter Register
- The seals on the ballot box are to be broken and the ballot box opened (starting with the Presidential ballots)
- Ballots are sorted for each candidate
- Doubtful ballots are separated and adjudicated upon. They are only to be counted as valid where the intent of the voter is clear. Rejected ballots should be shown to Agents and explained.
- The ballots for each candidate are then audibly counted for persons present
- Once the vote total for each candidate has been confirmed, the result is announced and the relevant paper work completed
- This process is then repeated for the parliamentary elections
- The number of ballots in any one box should not be more than the number of persons verified by the BVD.
- Result sheets are provided for endorsement by Party Agents. Non-endorsement does not invalidate the results, but the reason is supposed to be noted.

- Agents are entitled to receive an official copy of the polling station result.
- Following completion of the counts and the relevant paper work, all materials are to be packed, secured and delivered to the relevant RO for tabulation
- The RO will check and confirm the paper work of each PO upon delivery and the PO will receive a receipt for the 'Transfer of Election Materials'.
- Agents are allowed to follow the delivery and tabulation.
- At the constituency level Party Agents can endorse the tabulated result or lodge an objection

An RO will collate results from all of the polling stations in his/her Constituency and will declare the parliamentary result and announce the Constituency vote totals for the presidential elections. Thereafter the RO will transmit the results through the Regional office to the EC in Accra. The EC in Accra issues the final result for the Presidential election.

### **Assessment of Counting and Results Aggregation**

The vote count at the polling stations was transparent, with party agents able to follow the process closely. This was also the case during the tabulation process. At the polling station level party agents were able to get a copy of the result and could therefore check and verify the results later tabulated and announced at the constituency and national levels. Results from polling stations and constituencies were also broadcast extensively on TV, radio and online, enabling people to follow on an on-going basis as the final results were calculated.

Some of the key observations of our teams were:

- In some places results for the presidential election were counted prior to the prescribed verification of numbers of unused ballots *et cetera*. This was the main preoccupation of polling staff, Party Agents and the public alike.
- The process was highly transparent and inclusive, with consensus reached on apparent invalid ballots and all present often joining in on counting and announcing the vote total as it proceeded.
- The issuing of a replacement BVD to a polling station or the re-setting of the existing BVD, resulted in a loss of the real total number of verified voters at that polling station. This caused some disagreements and uncertainty during the counting process, as such information is required as a check on the total number of ballots expected in the ballot box.
- The conditions were not always conducive for the count though, with so many polls continuing until after 17.00 hrs due to queues or delays, as discussed, there was often a lack of light which made the process harder for officials. But most were industrious and pragmatic and did their best under difficult circumstances.
- The delivery of results to the RO was sometimes hampered by a lack of transportation, reflecting similar problems in the delivery of materials to polling stations in the morning.
- At the constituency level, political parties were well represented and again the process was transparent and accountable, with Party Agents checking the final tabulated results.

## **Overview of the Countrywide Observation**

Commonwealth teams were deployed to seven of the ten Regions of Ghana. Our teams observed the voting, counting and results aggregation and also met with electoral officials, observers and other stakeholders at the Constituency level to build up a larger picture on the conduct of the process.

### **Ashanti**

- Only a few of the polling stations visited by the Team opened late due to late delivery of election materials.
- Most polling stations did not have signs/posters for clear identification of the polling stations and neither were there any signs to guide voters to the correct polling stream.
- Polling staff at the stations visited were generally efficient and the Presiding Officers professional and in charge of their stations. Party agents and local observers respected and cooperated with the Presiding officers at the polling stations visited. It was noted that not all party agents had identity cards/badges for clear identification.
- There was generally a large turnout of voters on average 86% per polling station and voters were processed fairly quickly.
- The BVD machines functioned well at the polling stations visited and on average only one person could not be verified by the machine and these were either elderly men or women. There were a few reports of persons not appearing in the voters' register.
- There were rumours that macho men might attempt to snatch ballot boxes. Fortunately there were no such incidences, though at one polling station some party agents armed themselves with sticks and clubs to protect the ballot boxes. This did not disconcert the Presiding Officer and the police officer remained alert.
- In another incident security personnel had to intervene and maintain vigilance near one polling station where it was rumoured that macho men were in the vicinity to snatch ballot boxes.
- The delivery of constituency elections results to the office of the EC's Regional Director was extremely slow and was attributed to the long distances and the need to deliver all the election materials at the same time.
- The faxing of constituency results for both the Presidential and Parliamentary elections in the Regional Director's office was witnessed in a cordial atmosphere by party agents. Not all the results forms were witnessed by agents or reasons given for refusal to witness. This did not hinder the transmission of the results to the EC headquarters.

### **Central**

- The polling began on time at most polling stations in this region and was orderly and transparent.
- Polling officers were inconsistent in the way in which they arranged the polling booths, which at times compromised the secrecy of the ballots.
- Voter turnout was high in most areas.
- Most of the BVDs worked well, although some malfunctions caused voting to continue in fifty-one (51) of the polling station in the Central Region on the following day. There were no problems with the machines on the second day of voting.
- There needed to be a more efficient system of collating results at the constituency level.
- Public education needs to be increased to ensure voters are fully aware of the process at each stage.

## **Eastern**

- In Akuapem South, Aburi, reports were that the Biometric Voters Machine rejected a total of 158 voters. We were told that these persons were not allowed to vote despite the fact that voter's identification cards were produced. Generally, in other areas, the machines worked fairly well.
- In many areas, polling staff were seen wiping the fingers of the voters and wiping the machines for increased performance.
- In very few areas, some voters had to return more than once, and as many as four times to do fingerprinting as the machines were not able to verify the voter. Polling staff ensured they check all ten fingers.
- The polling, counting and tabulation were generally smooth, orderly, and well conducted.
- Presiding Officers had problems with properly filling out appropriate forms at the end of counting.
- Security was quite adequate. In areas which were considered as "flash points", more than one security officer was identified. Additionally, patrol teams were visible in the region.
- Results were submitted within reasonable time.

## **Greater Accra**

- The polls generally opened between 7:15 – 9:00 am
- Several polling stations in KorleKlottey constituency, the location of the headquarters of the Electoral Commission, opened late due delays in receiving polling materials
- Polling stations were generally well organized although the arrangement of the stations was not always conducive to the secrecy of the ballot
- Party agents tended to be generally too intrusive in the process and often attempted to instruct the presiding officer on the arrangements at the stations
- Voters were enthusiastic and showed quiet determination to vote, notwithstanding the long queues
- Security was generally present and unobtrusive.
- There was an incident in Accra when a crowd gathered alleging that a building was being used to alter transmitted results. Various community leaders, notably the National Peace Council, came and calmed the crowd, explaining that the premises were used by a private company hired by the EC to help it with communications.

## **Northern**

- Polling started late at all polling stations visited, with delays ranging from 30 minutes to an extreme case of several hours.
- There were long queues at polling stations at the stated commencement time and more generally throughout the day. Voters were extremely patient and on the whole, very orderly in their conduct.
- In most polling stations visited party agents were involved in the process in one form or another (e.g. checking voters names in the registers, inking fingers, managing queues). Many party agents were not immediately identifiable as they were not wearing specifically distributed EC identification badges.
- The unequal division in the number of voters allocated to polling stations meant that some stations, often in the same location or nearby, were processing hundreds of voters and others were dealing with only a handful.
- Related to the above point, given voter numbers and the level of risk (as identified by the Regional EC) at some stations, the standard deployment of staff i.e. 5 polling officials and two security officers was not adequate to manage and secure polling stations and voter numbers.

- Elderly women were especially affected by the BVDs and their slowness or in many cases inability to identify their fingerprints.
- Two polling stations visited were built under the auspices of the current Member of Parliament for the constituencies in which these stations were located. This Member of Parliament was a candidate in the on-going election. The name of this Member of Parliament and the indication that these schools had been built by him, was painted on the walls of these schools so that anyone walking in to the polling station area would see it. At one station the desks being used by polling officials had painted across the front, the name of the same MP, indicating that the desks were donated by him.
- Several differently/less-abled voters were quickly and efficiently processed on voting day.
- Polling officials worked extremely hard during the day, often under considerable amounts of pressure.
- As Observers we were welcomed and helped by the Regional EC, all polling officials including the District and Returning Officers and the Regional Commander of the Police.

### **Volta**

- Polling stations were well organized mostly in school premises. Voters were enthusiastic and queues formed from 6am onwards. The general atmosphere was peaceful.
- Electoral officials, Party Agents and security personnel were known to each other and were agreeable.
- Voters, both young and old, were comfortable with using the BVD.
- The arrangements for vote counting caused some concern as by this time darkness had fallen and there was insufficient light. Car headlights were used to provide lighting.
- In one station the counting was challenged and was redone, with a variation in numbers achieved.
- Re-polling on 8 December was only done in one remote polling station.

### **Western**

- The Regional Police Commander at Sekondi complained about 100 police officers who could not vote on 4 December 2012 because their names were not in the voting register.
- Delayed opening of the polls led to a fierce exchange of words among the agitated voters who came early in the morning to vote only to find that the polls opened at 07.30.
- In some polling stations where the Biometric Verification Machines developed problems in the course of voting, the polling assistants were able to fix them immediately.
- Voting senior citizens and less-able people were given first preferential treatment in the polling stations.
- The Biometric Verification Machines were able to verify the thumb prints of voters who were farmers after they had washed their hands.
- Secrecy of ballot was compromised through bad positioning of cardboard polling booths such that Party Agents could see the choice of voters at some polling stations.
- Poor logistics led to a 2-hour delay in one of the polling stations because its voting materials were delivered to a wrong place.

- Availability of an information desk proved helpful to some voters who happened to lose their ID Cards in the course of voting.
- During the counting of votes, there was lack of light in some polling some stations in the city areas which led to Party Agents and Observers to save the situation with their phones.
- Where the polling officers did not have enough cars to transport ballots to the District Office, the Observers ended up offering them lifts to the collation centres.

## The Results

Results of the parliamentary elections were announced by the respective RO for each constituency. These were broadcast by media on a rolling basis. The final result of the Presidential election was announced by the Chairman of the EC late in the evening on 9 December 2012.

Just prior to the announcement the opposition NPP claimed there had been irregularities and claimed they had proof of errors in the tabulation process in some constituencies among other allegations, and urged the EC not to announce the results, but the EC did not see any grounds for doing so. At the time of writing it was reported that the NPP is considering submitting a petition to the Supreme Court against the results.

The final results announced by the EC for the Presidential Elections were:

<b>Candidate</b>	<b>Votes</b>	<b>%</b>
John Dramani Mahama (NDC)	5,574,761	50.70
Nana Addo Dankwa Akufo-Addo (NPP)	5,248,898	47.74
Papa Kwesi Nduom (PPP)	64,362	0.59
Henry Herbert Lartey (GCPP)	38,223	0.35
Ayariga Hassan (PNC)	24,617	0.22
Michael Abu Sakara Foster (CPP)	20,323	0.18
Jacob Osei Yeboah (Ind)	15,201	0.14
Akwasi Addai Odike (UFP)	8,877	0.08
Total Valid Votes	10,995,262	
Total Rejected Votes	251,720	
Total Votes Cast	11,246,982	
Total Registered Voters	14,158,890	
Turnout %	79.43	

At the time of writing the final nationwide results from the 275 constituencies had not all been finalised. But from the results published it appears that the vast majority of the seats in the parliament will be for NDC and the NPP, and of these it appears that the NDC will have a majority in the new parliament.

## Recommendations

- The Electoral Commission should assess the skills and attributes necessary to act as a successful Presiding Officer and recruit based on candidates matching that specification.

Their training needs in the specifics of any particular electoral event and the handling of reporting arrangements should be provided for in good time before deployment.

- Split polling stations should be provided where the maximum number of voters is exceeded, on the basis that voters at each station in a single location are broadly equal.
- The Electoral Commission should produce as part of their Polling Station Handbook/Guide to Presiding Officers specific guidance on signage, layout and management of stations to ensure voters can establish that they are in the correct queue, at the correct station, and the flow of voters through the process is maximized and the secrecy of the vote is better assured. The guidance should specifically deal with the role of and restrictions on Party Agents to avoid confusion of roles.
- The Electoral Commission should review their logistical plan for the distribution of materials to Polling Stations to avoid late opening of polls.
- The Electoral Commission should review the exceptions to the current practice on the use of the biometric verification device to minimize the number of elderly people being refused their vote due to the difficulty in matching fingerprints.
- The Electoral Commission should devise a specific plan or process and incorporate it into routine training to deal with circumstances where the poll is disrupted for any reason.
- The Electoral Commission should review the process at the stage of tabulation of votes to ensure that basic errors in the Presiding Officers' paperwork are dealt with as part of the check-in process.
- The Electoral Commission should consider publishing polling stations results by Constituency. This was recommended by the COG in 2008 and is a good electoral practice to further increase transparency, accountability and confidence in the results.

## Chapter 6

### Conclusions and Recommendations

The 7 December 2012 elections were Ghana's 6<sup>th</sup> elections since the restoration of multi-party democracy in Ghana. The elections were contested by eight presidential candidates from seven political parties and over 1,300 parliamentary candidates, illustrating that freedom of association is provided for, and that the elections were competitive. The campaign was highly active and generally peaceful, though characterized by a vigorous competition between the two leading parties. The various calls for peace, including the Kumasi Declaration involving all Presidential candidates, were helpful and are to be commended. However, some incidents and localized tensions involving party supporters were reported.

The election campaign was highly active, with political parties and candidates holding rallies and meetings across the country, and utilizing poster campaigns and TV advertising extensively, and with the Presidential aspirants engaging in a number of substantive debates. Overall the campaign was largely peaceful, though characterized by the sometimes fierce rivalry between the two largest parties and some isolated incidents were reported.

The Kumasi Declaration was a very positive initiative and all candidates are to be commended for their endorsement of it. While the various peace campaigns are highly welcomed, their perceived need reflects a lingering fear of violence and uncertainty linked to elections in Ghana, which is unfortunate. These fears are exacerbated by the spectre of so-called "macho men" by political parties, and the perception of impunity for those responsible for election-related violence. While all stakeholders have a role to play in addressing these issues the political leadership on all sides and at all levels must look to themselves in this regard. Elections need not and should not be a time of fear and uncertainty.

The Inter Party Advisory Committee (IPAC) provides a useful consultative mechanism between the EC and political parties and other stakeholders and contributes greatly to the level of confidence in the process, ensuring parties and other stakeholders are involved in most aspects of the process.

There is a vibrant media in Ghana and a comprehensive coverage was provided with a variety of voices and perspectives offered, though media in general provided the bulk of coverage to the two largest parties. There was allegedly some provocative commentary on some radio programming. It was also alleged to our team that there were misuses of incumbency. Such practices were also reported in past elections and need to be addressed where they occur.

While it is true that freedom of association and participation are fully provided for in Ghana, the level of women's participation as candidates, and thus as representatives, remains very low. None of the Presidential aspirants was female and just 10% of the parliamentary candidates were women. The total number of women in the new 275-member parliament is just over 10%. For a country with an increasingly strong democratic reputation this remains a concern. The nature of politics in Ghana, and the lack of willingness of parties to

proactively promote women's participation, *de facto* serve as a barrier to women's participation in political life in Ghana.

Stakeholders expressed their confidence in the role and capacity of the EC and generally it managed the process well. The undertaking of a constituency demarcation review and a biometric voter registration, both in an electoral year, was a major undertaking on behalf of the EC and represented a major effort. While there was some uncertainty and dispute regarding the creation of the new constituencies, this was ultimately upheld by the Supreme Court. The EC was put in a difficult position due to the late publication of the census data and the late creation of new Districts. The timing of the revision was far from ideal, which needs to be kept in mind for future elections.

The voter register was criticized in 2008, including by the Commonwealth, and it is important to highlight that the new biometric voter register represents a significant improvement, providing for increased participation levels as well as increased safeguards for the integrity of the process. The main concern raised was in regard to reports of underage voters on the list in some areas. Prior to the election, there was concern at the number of underage persons registered to vote, but our teams did not find this to be a significant problem on the day in most areas. This is something to be addressed in the future and political parties and community leaders must help the EC in this regard.

On the day of the elections the process proceeded as planned in most areas and election day was largely peaceful and voters were free to express their will. There was a large turnout of voters, the process was transparent and the secrecy of the vote generally provided for. Problems were noted with the late delivery of materials in some areas and problems with the voter verification machines in some places, resulting in delays and uncertainty and frustration for affected voters. As a consequence the voting in some 431 affected polling places was extended to 8 December.

The layout of stations varied, and was not always conducive to proper scrutiny and control by poll officials. Further, in a number of instances, and notably the larger more crowded polling places, voters had trouble identifying their correct polling place. This was particularly so when polling stations had been split by alphabetical groupings. It is unfortunate that some voters were inconvenienced or even disenfranchised due to such confusion. Proper and timely signage plus the provision of adequate numbers of staff to manage the queues and direct voters to their right lines would help address this problem.

Party agents were present in virtually all stations, providing for transparency and accountability. However, in some instances they played an intrusive role and even were involved in administering the process.

The regulations required that voters had to be verified by their finger print to be allowed to vote. This is a stringent requirement, particularly as the voter details and photos were clearly on the register and on their voter card. This stringent requirement meant that the verification machines had to work as there was no fall-back option. While they did in the vast majority of cases there were also quite a number of cases where problems occurred. This resulted in serious frustration for voters and poll officials alike in affected places and led to the extended polling on 8 December.

Our teams followed the count at polling stations and the tabulation at the Constituency level. Transparency was maintained, with local observers and party agents present and agents able to get a copy of the result for later verification by the parties. The results

process received comprehensive coverage on TV, radio and online keeping people updated as the results were announced. The final result for the Presidential Election was announced in the evening of 9 December 2012 and there was a victory in the first round for the incumbent President.

National and International Observers were largely positive on the conduct of the election and the PVT conducted by a local observer organisation announced that its findings on the final result for the Presidential election reflected the EC's official result. However, the main opposition party did make some allegations regarding what it characterised as irregularities in the result tabulation and indicated that it was intending to undertake a legal challenge. At the time of finalising the report, this aspect was still on-going.

The 2012 elections in Ghana met many of the benchmarks for democratic elections. While aspects of the administrative system and the environment for the polls can still be improved further these elections were credible.

## **Recommendations**

### **Electoral Framework and Electoral Administration**

- Changes to the electoral framework, such as the creation or alteration of constituencies, should not be done in the lead-up to the election, as this can cause uncertainty and tension. Further, the creation of new Districts should also be avoided during this same period as this has the effect of driving a review of Constituencies. Further, these factors result in an increase in the size of the parliament beyond what might be deemed reasonable.
- The current balance between the size of constituencies across the country should be reviewed to ensure a more equal balance and thereby ensure that equal suffrage is better provided for.
- The process for challenging the registration of underage and other unqualified voters needs to be more effectively implemented, or otherwise additional opportunities for EC officials and others may need to be provided for after initial registration is completed.
- There is a need to explore mechanisms to encourage and increase the participation of women as candidates and as elected representatives in Ghana. Alternatively, or in parallel, political parties are strongly urged to take account of the need for women's participation as candidates.

### **Election Campaign and Media**

- Mechanisms should be put in place to strengthen adherence to the Code of Conduct for Political Parties during elections.
- The National Media Commission working with editors and the Ghana Journalists Association and other relevant bodies should ensure greater adherence of journalists and media houses to the guidelines for reporting elections
- Editors should ensure that the content of materials they publish is in good taste.

- The Electoral Commission should improve the management and updating of its website, particularly during posting of results.
- State-owned media should develop and publish more detailed guidelines on how they intend to ensure that their reporting meets the benchmarks of the electoral regulations, regarding balanced and equitable coverage of various political parties.
- Safety of journalists who report and cover the election process should be guaranteed and protected, and where attacks occur, they should be investigated and action taken.

### **Voting, Counting and Results Processes**

- The Electoral Commission should assess the skills and attributes necessary to act as a successful Presiding Officer and recruit based on candidates matching that specification. Their training needs in the specifics of any particular electoral event and the handling of reporting arrangements should be provided for in good time before deployment.
- Split polling stations should be provided where the maximum number of voters is exceeded, on the basis that voters at each station in a single location are broadly equal.
- The Electoral Commission should produce as part of their Polling Station Handbook/Guide to Presiding Officers specific guidance on signage, layout and management of stations to ensure voters can establish that they are in the correct queue, at the correct station, and the flow of voters through the process is maximized and the secrecy of the vote is better assured. The guidance should specifically deal with the role of and restrictions on Party Agents to avoid confusion of roles.
- The Electoral Commission should review their logistical plan for the distribution of materials to Polling Stations to avoid late opening of polls.
- The Electoral Commission should review the exceptions to the current practice on the use of the biometric verification device to minimize the number of elderly people being refused their vote due to the difficulty in matching fingerprints.
- The Electoral Commission should devise a specific plan or process and incorporate it into routine training to deal with circumstances where the poll is disrupted for any reason.
- The Electoral Commission should review the process at the stage of tabulation of votes to ensure that basic errors in the Presiding Officers' paperwork are dealt with as part of the check-in process.
- The Electoral Commission should consider publishing polling stations results by Constituency. This was recommended by the COG in 2008 and is a good electoral practice to further increase transparency, accountability and confidence in the results.

## **Annex 1**

### **Biographies of Observer Group Members**

#### **HE The Hon Dr Bethuel Pakalitha Mosisili (Lesotho)**

HE The Hon Dr Bethuel Pakalitha Mosisili is the former Prime Minister of Lesotho, having held this position from May 1998 to June 2012. Dr Mosisili was first elected to parliament in Lesotho in 1993. Over the next four years, he held various Ministerial portfolios including that of Deputy Prime Minister, Minister of Education and Minister of Home Affairs and Local Government. When the new Lesotho Congress for Democracy (LCD) was formed in 1997, Dr Mosisili was elected its party leader. Under his leadership the LCD won parliamentary majorities in three consecutive national elections. Prior to starting his political career, Dr Mosisili lived and worked in many countries across Southern Africa as a Lecturer in African Languages and instructor in Curriculum Development. Dr Mosisili is the founder and current leader of the official opposition party in Lesotho, the Democratic Congress.

#### **Ambassador Shahed Akhtar (Bangladesh)**

Ambassador Shahed Akhtar served as Bangladesh's Ambassador to Spain, Thailand and Cambodia as well as Head of the Foreign Service Academy. He was Bangladesh's Permanent Representative to the WTO and UNESCAP. He has been part of Bangladesh's diplomatic presence in New York, Kuala Lumpur and London. He has represented Bangladesh at various regional and international conferences of the UN, Law of the Seas, Commonwealth, SAARC, BIMSTEC and ARC. He has worked with the Bangladesh Foreign Trade Institute and the National Training Council. He is currently the Chairman of the Dhaka based social enterprise Asia House.

#### **Rochelle Lashley (Barbados)**

Rochelle Lashley is an Attorney-At-Law from the country of Barbados and has been a member of the Commonwealth Youth Sub-Committee for Human Rights and Democracy from 2010. Rochelle has been actively involved in grass roots human rights activism within her country as well as in the Caribbean region.

#### **Josephine Amelita Tamai (Belize)**

Josephine Amelita Tamai is currently Chief Elections Officer in the Elections and Boundaries Department of the Government of Belize. Under her leadership, dual elections for both general and municipal elections were held in March 2012. She has worked with the Government of Belize for over twenty-one years in various capacities.

#### **Thomas Foulds (Canada)**

Tom Foulds is an active member of both the Commonwealth Magistrates' and Judges' Association, and the Royal Commonwealth Society Toronto Branch where he is the immediate past Chair. Tom has more than three decades of service in the Canadian Forces Army Reserve, and is active in the area of education in the Law of Armed Conflict and International Humanitarian Law as a past Chair of the Legal Committee of Reserve Officers of the Confédération interalliée des officiers de réserve (CIOR). When not involved in volunteer activity, Tom serves as a Justice of the Peace in Toronto where he presides fulltime in the court of first instance.

### **Joseph Kiptiony Arap Misoi (Kenya)**

Joseph Misoi is a former Member of Parliament in Kenya, a position he held for ten years. During this time he also held the position of Assistant Minister in the Government of Kenya. Joseph's other previous roles include Deputy Director of the National Standards Organisation in Kenya, Vice-Chair of a Commission within the WHO/FAO's global Food Standards Programme and a Senior Veterinary Officer in the Government of Kenya. Currently Joseph is a Commissioner in the Election Board of a national political party in Kenya. By way of academic background, Joseph is a veterinary and food science expert.

### **Koki Muli (Kenya)**

Koki Muli is an expert in elections, governance, human rights and constitutional law. She has worked in the area of training, human rights, democracy, gender and women's issues, constitution making, conflict and electoral justice, governance and rule of law for over 18 years. She is an advocate of the Supreme Court of Kenya of 19 years standing and a Lecturer at the South Eastern University College at the University of Nairobi. She is a member of Institute of Certified Secretaries of Kenya, the Law Society of Kenya, the Institute for Education in Democracy and the Federation of Women Lawyers (Kenya).

### **Alberto F. Manhique (Mozambique)**

Alberto F. Manhique is the Executive Director of the Institute for Civil Education in Mozambique and a member of Board of Directors of Electoral Observers in Mozambique. He has observed elections in Mozambique, South Africa, Malawi, Lesotho, Zambia, Tanzania, Angola, Benin and Namibia.

### **Emmanuel Terwar Akem (Nigeria)**

Emmanuel Akem is currently a Director in charge of Voter Registry at the Independent National Electoral Commission of Nigeria. He is a Voter Registration Specialist and his work at the Elections Commission involves maintenance of the new Electronic Voters Register databases nationwide. He is a member of Computer Professionals of Nigeria and is a registered engineer.

### **Cynthia Barrow-Giles (St Lucia)**

Cynthia Barrow-Giles lectures in political science at the University of the West Indies, Cave Hall Campus, Barbados. She is a former Head of the Department of Government, Sociology and Social Work, former Deputy Dean of the Faculty of Social Sciences. Cynthia Barrow Giles was also a member of the St Lucia Constitution Reform Commission 2005-2011. She has published four books and has observed several elections for the Commonwealth and the organisation of American States.

### **Vuyisile Sikelela Hlatshwayo (Swaziland)**

Vuyisile Sikelela Hlatshwayo is a media specialist from the Kingdom of Swaziland. He is the National Director at the Media Institute of Southern Africa Swaziland, a regional non-governmental organisation aimed at fostering freedom of expression and media freedom. Hlatshwayo is a co-founder of *The Nation*, an independent socio-economic and political news magazine in Swaziland. He is director of the Swaziland Social Research Insight (SSRI), a research and media consultancy firm and teaches journalism at the University of Swaziland. His areas of interest are media regulation, media freedom and media and human rights.

### **Max Caller CBE (United Kingdom)**

Max Caller is an Electoral Commissioner and also chairs the Local Government Boundary Commission for England, the body that determines the number of constituencies and their divisions for English local authorities. He has a background in local government, having

started his career inspecting London's sewers from the inside and rose to head three London Boroughs. He was first appointed a Returning officer in 1989. He has been responsible for electoral administration at Borough, Regional and National Level in the United Kingdom, most recently having been Deputy Chief Country Officer for the UK wide referendum on parliamentary voting. He has observed elections in the Balkans, USA and Kenya previously.

**Priscilla Mulenga Isaac (Zambia)**

Priscilla Mulenga Isaac is the Director of the Electoral Commission of Zambia and served on the Electoral Reforms Technical Committee which was established to review the Zambian electoral legislation from 2004 to 2005. She is a member of the Association of Election Administrators (UK) and the ACE Electoral Knowledge Network and has previously observed elections in Lesotho, Malawi, Finland and the United Kingdom.

## Annex II

### COG Deployment Plan

<b>Team</b>	<b>REGION</b>	<b>LOCATION</b>	<b>NAMES</b>
1	Greater Accra	Accra	Hon Dr Pakalitha Mosisili Mark Stevens  Julius Mucunguzi Jonathan Hawkes
2	Greater Accra	Accra	Martin Kasirye Cynthia Barrow-Giles
3	Central	Cape Coast	Joseph Misoi Rochelle Lashley
4	Ashanti	Kumasi	Priscilla Isaac Tom Foulds
5	Eastern	Koforidua	Alberto Manhique Josephine Tamai
6	Northern	Tamale	Amna Jatoi Max Caller
7	Volta	Ho	Koki Muli Shahed Akhtar
8	Western	Sekondi	Dr Emmanuel Akem Vuyisile Hlatshwayo

## **Annex III**

### **Arrival Statement**



## **Commonwealth Observer Group Ghana Presidential and Parliamentary Elections 2012**

### **NEWS RELEASE**

#### **Arrival Statement by H.E. The Hon. Dr. Pakalitha Mosisili, MP Chairperson of the Commonwealth Observer Group**

Following an invitation from the Electoral Commission of Ghana, the Commonwealth Secretary-General, Mr. Kamallesh Sharma, has constituted an Observer Group for the 2012 Presidential and Parliamentary Elections in Ghana. It is my honour and privilege to have been asked to lead the Group, and to be here in the country for these important elections.

I am also pleased to lead a team of twelve eminent persons drawn from across the Commonwealth, including politicians, members of election management bodies, judiciary, academia, civil society, youth and the media.

The Commonwealth has a long tradition of support for elections in Ghana, including observing the 2008 polls. We are pleased to be in the country to contribute to the further consolidation of Ghana's democracy.

For Ghana, the 2012 elections represent an opportunity to further enhance the country's democratic reputation, and I am hopeful that this will be the case. These elections are crucially important for the people of Ghana, as they elect their representatives. It is therefore imperative that the electoral process is transparent, fair, credible and free of violence.

We are encouraged by, and wholeheartedly support, the recent peace pact by political leaders and various calls by civil society and community leaders for peaceful elections. We call on all political parties and stakeholders to play their roles responsibly, to live up to their pronouncements and to adopt a constructive approach to the entire electoral process in order to ensure a peaceful poll.

Our task as the Commonwealth Observer Group is to consider all the factors impinging on the credibility of the electoral process as a whole, and assess whether the elections have been conducted according to the standards for democratic elections to which Ghana has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments.

In conducting our duties and undertaking our assessment, we will be impartial, objective and independent. We are here in our individual capacities as eminent Commonwealth citizens. The assessment by the Group will be its own, and not that of any member government.

In the pre-election period we will meet a wide range of stakeholders, including the Electoral Commission of Ghana, representatives of political parties, civil society and media, as well as High Commissions and representatives of other international and national observer groups.

Prior to polling day, Commonwealth teams will deploy to a variety of locations around the country to observe the voting, counting and results processes. Our teams will coordinate with other observers in the field in order to maximise our overview of the process. We will issue an Interim Statement after the election and a final report at a later stage.

These elections are an opportunity to make Ghana, Africa and indeed the Commonwealth proud. I wish the people of Ghana well. I also wish to pledge the unwavering solidarity of the Commonwealth as you go into these elections.

**Accra, 4 December 2012**

## **Annex IV**



# **Commonwealth Observer Group Ghana Presidential and Parliamentary Elections 2012**

## **INTERIM STATEMENT**

**H.E. Dr. Pakalitha Mosisili, MP**  
**Chairperson of the Commonwealth Observer Group**

The Commonwealth Observer Group has been present in Ghana since 30 November 2012. During this period we have met with the Electoral Commission (EC), representatives of political parties, civil society, media, Commonwealth High Commissions as well as other international and national observers. Commonwealth teams were based in seven of the ten Regions. Our teams observed the voting, counting and results aggregation and also met with electoral officials, observers and other stakeholders at the Constituency level to build up a larger picture on the conduct of the process.

### **Key Findings**

- This is the interim statement of the Commonwealth Observer Group, and it is issued with the process yet to be completed. The critical results process is on-going and we continue to follow this. We will issue a Final Report at a later stage, containing our final conclusions on the entire process.
- The 7 December 2012 elections were Ghana's 6<sup>th</sup> elections since the restoration of democracy in 1992. The elections were contested by eight presidential candidates from seven political parties and over 1,300 parliamentary candidates, illustrating that freedom of association is provided for, and that the elections were competitive. The campaign was highly active and generally peaceful, though characterized by a vigorous competition between the two leading parties. The various calls for peace, including the Kumasi Declaration involving all Presidential candidates, were helpful and are to be commended. However, some incidents and localized tensions involving party supporters were reported.
- While it is true that freedom of association and participation are fully provided for in Ghana, the level of women's participation as candidates, and thus as representatives, remains very low. None of the Presidential aspirants was female and just 10% of the parliamentary candidates were women. For a country with an increasingly strong democratic reputation this remains a concern.

- Stakeholders expressed their confidence in the role and capacity of the EC and generally it managed the process well. The undertaking of a constituency demarcation review and a biometric voter registration, both in an electoral year, was a major undertaking on behalf of the EC and represented a major effort. While there was some uncertainty and dispute regarding the creation of the new constituencies, this was ultimately upheld by the Supreme Court. The EC was put in a difficult position due to the late publication of the census data and the late creation of new Districts. The timing of the revision was far from ideal, which needs to be kept in mind for future elections.
- The voter register was criticized in 2008, including by the Commonwealth, and it is important to highlight that the new biometric voter register represents a significant improvement; providing for increased participation levels as well as increased safeguards for the integrity of the process. The main concern raised was in regard to reports of underage voters on the list in some areas. This is something to be addressed in the future and political parties and community leaders must help the EC in this regard.
- On the day of the elections our teams reported from seven of the ten Regions of Ghana. The process proceeded as planned in most areas and the election day was largely peaceful. There was a large turnout of voters, the process was transparent and the secrecy of the vote generally provided for. Problems were noted with the late delivery of materials in some areas and problems with the voter verification machines in some places, resulting in delays and uncertainty and frustration for affected voters. As a consequence the voting in some 431 affected polling places was extended to 8 December.
- Our teams followed the count at polling stations and the tabulation at the Constituency level. Transparency was maintained, with local observers and party agents present and agents able to get a copy of the result for later verification by the parties. The final results processes are on-going and we will reflect more on these in our Final Report, but we note the comprehensive coverage offered by TV, radio and online keeping people updated on the results as they are announced.
- We urge all parties and their supporters to remain constructively engaged, await the outcome and use official channels in case of any complaints. For the EC it is paramount that the high level of transparency achieved thus far is maintained, to ensure accountability and confidence and that the results are arrived at in a timely manner. Ghana has a burgeoning electoral reputation to uphold. Up to this point, the 2012 elections have met many of the benchmarks for democratic elections, though aspects of the administrative system and the environment for the polls can still be improved further. As the process concludes, we urge all parties and their supporters to be patient as the final stages of the 2012 elections unfold.

### **Election Campaign and Political Participation**

The election campaign was highly active, with political parties and candidates holding rallies and meetings across the country, and utilizing poster campaigns and TV advertising extensively, and with the Presidential aspirants engaging in a number of substantive debates. Overall the campaign was largely peaceful, though characterized by the sometimes fierce rivalry between the two largest parties and some isolated incidents were reported.

The Kumasi Peace Declaration was a very positive initiative and all candidates are to be commended for their endorsement of it. While the various peace campaigns are highly welcomed, their perceived need reflects a lingering fear of violence and uncertainty linked to elections in Ghana, which is unfortunate. These fears are exacerbated by the continuing use of so-called "machos men" by political parties, and the perception of impunity for those responsible for election-related violence. While all stakeholders have a role to play in addressing these issues the political leadership on all sides and at all levels must look to themselves in this regard. Elections need not and should not be a time of fear and uncertainty.

The Inter Party Advisory Committee (IPAC) provides a useful consultative mechanism between the EC and political parties and other stakeholders and contributes greatly to the level of confidence in the process, ensuring parties and other stakeholders are involved in most aspects of the process.

There is a vibrant media in Ghana and a comprehensive coverage was provided with a variety of voices and perspectives offered, though media in general provided the bulk of coverage to the two largest parties. There was allegedly some provocative commentary on some radio programming. It was also alleged to our team that there were misuses of incumbency. Such practices were also reported in past elections and need to be addressed where they occur.

More than 50% of the population is female yet the level of women's representation as candidates is extremely low, which is disappointing. None of the Presidential candidates was a woman; though three of the running mates were. Further, only some 10% of the parliamentary candidates were women, and the level of women's representation in the new parliament could be very low. The nature of politics in Ghana, and the lack of willingness of parties to proactively promote women's participation, serve as a barrier to women's participation in political life in Ghana.

### **Voting, Counting and Results**

On Election Day Commonwealth teams reported a largely peaceful process and in the majority of cases it was well managed and voters were free to exercise their right to vote. There were delays in some areas, including Accra, and in a limited number of instances this even went on for quite a few hours. However, the people remained patient as they awaited the start of polling.

The layout of stations varied, and was not always conducive to proper scrutiny and control by poll officials. Further, in many instances, and notably the larger more crowded polling places, voters had trouble identifying their correct polling place. This was particularly so when stations were sub-divided by alphabetical groupings. It is unfortunate that some voters were inconvenienced or even disenfranchised due to such confusion. Proper and timely signage plus the provision of adequate numbers of staff to manage the queues and direct voters to their right lines would help address this problem.

Party agents were present in virtually all stations, providing for transparency and accountability. However, in some instances they played an intrusive role and even were involved in administering the process. Prior to the election, there was concern at the number of underage persons registered to vote, but our teams did not find this to be a problem on the day.

The regulations required that voters had to be verified by their finger print to be allowed to vote. This is a stringent requirement, particularly as the voter details and photos were clearly on the register and on their voter card. This stringent requirement meant that the verification machines had to work as there was no fall-back option. While they did in the vast majority of cases there were also quite a number of cases where problems occurred. This resulted in serious frustration for voters and poll officials alike and to the re-scheduled polling in some 431 polling stations.

The vote count at the polling stations was transparent, with party agents able to follow the process closely. This was also the case during the tabulation process. At the polling station level party agents were able to get a copy of the result and could therefore check and verify the results later tabulated and announced at the constituency and national levels. Results from polling stations and constituencies were also broadcast extensively on TV, radio and online, enabling people to follow on an on-going basis as the final results of the 2012 election were calculated.

**Accra, 9 December 2012**

### **Declaration of Principles for International Election Observation**

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.