

**NDC STAKEHOLDER  
ENGAGEMENT:  
PROPOSALS FOR ELECTORAL  
REFORMS**

**PART 'A' PRESENTATION:  
PROPOSALS REQUIRING ACTION BY  
THE EXECUTIVE, LEGISLATURE &  
BODIES OTHER THAN THE EC**

**Presenter: Prof. Kwamena Ahwoi**

# **PROPOSAL 1**

**Proposal: Provide for prior parliamentary approval for appointment of EC members**

**Background: EC's critical requirements include independence, neutrality, credibility, transparency and competence and the perception of these requirements**

- **Current mode of appointment makes the EC appear partisan**
- **Representatives of the people must have a hand in their appointment**

# **Proposal 1: Justification**

- **Appointment of Supreme Court Justices with similar critical requirements involve prior parliamentary approval**
- **Chairperson of EC as Returning Officer of presidential election must not be solely appointed by the President who is often a candidate**
- **The CRC, of which the current EC Chairperson was a member, recommended prior parliamentary approval**
- **Government White Paper on the CRC Report accepted the recommendation of prior parliamentary approval**

# PROPOSAL 2

**Proposal: Repeal the requirement for the consent of the AG to be given before the prosecution of electoral offences**

**Background: Section 42 of the Representation of the People Act, 1992, PNDCL 284, requires this consent**

- **Provision used by police as an excuse for the non-prosecution of high-profile electoral offence cases**
- **This creates a culture of impunity and undermines fairness and credibility of Ghanaian elections**

# **Proposal 2: Justification**

- **AG a partisan political appointee and a member of an incumbent Government**
- **AG faces the difficulty of consenting to the prosecution of such offenders who are very often his/her ministerial colleagues or his/her party supporters and activists**
- **Non-prosecution leading to impunity is detrimental to Ghana's democracy and encourages other to repeat the offences**
- **This proposal was first made by the EC's own Electoral Reforms Committee in 2015**

# **PROPOSAL 3**

**Proposal: Specially-designated courts should be appointed exclusively for electoral disputes and offences before, during and after registration of voters and elections**

**Background: There is undue delay in the adjudication of electoral disputes and offences in Ghana**

- **There are no courts with specialisation in election matters in the country**

# **Proposal 3: Justification**

- **This is to ensure balance between the need for justice and the need for expedition of judicial proceedings**
- **It will avoid an illegitimate President being in office for too long**
- **It will avoid an illegitimate MP representing the electorate**
- **The proposal takes into account the period required for reviews (Supreme Court) and appeals (Court of Appeal)**
- **It will help develop courts with specialisation in election dispute matters**
- **The proposal was first made by the EC's own Electoral Reforms Committee in 2015**

# PROPOSAL 4

**Proposal: EC should be allowed by law to apply to the courts to remove names of deceased and other unqualified persons from the provisional register when informed by the relevant authorities**

**Background: Currently only a registered voter can object to the inclusion or exclusion of any voter in the provisional register**



# **Proposal 4: Justification**

- **This is the universal practice**
- **It will allow for the register to be more effectively cleaned up**
- **Examples of sources for the clean-up are the Registry of Births and Deaths and Obituary columns of newspapers**

# PROPOSAL 5

**Proposal: GBC should be made to comply with the Supreme Court decision for it to provide equal access to all political parties**

**Background: The case of New Patriotic Party v. Ghana Broadcasting Corporation [1993-94] 2 GLR 354**

**Justification: it will ensure an even playing field and an equitable access to state-owned media which are after all taxpayer-funded**

# PROPOSAL 6

**Proposal: IPAC should be backed by legislation through an amendment to the Electoral Commission Act, 1993, Act 451, which should spell out its composition and functions**

**Background: IPAC has served Ghana's electoral system well but because it is informal, the EC tends to ignore some of its concerns or even to marginalize it**

# **Proposal 6: Justification**

- **EC has demonstrated the usefulness of inputs of external bodies such as IPAC and the recently established Eminent Persons Advisory Group**
- **Constitutional justification for external advisory bodies to independent constitutional institutions exist such as the Judicial Council for the independent Judiciary**
- **The proposal was first made by the EC's own Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC**

# PROPOSAL 7

**Proposal: Spell out by law the security responsibilities of the EC (if any), the police and the military during registration of voters and during and after voting**

**Background: Experiences of wanton violence during registration and during and after voting and the difficulty in pre-empting these or determining who is responsible for what makes this proposal a categorical imperative**

**Justification: It will ensure better and more coordinated security**

# PROPOSAL 8

**Proposal: Legislation should bind the Chairperson of the EC as the Returning Officer of the Presidential Election to afford the agents of the participating political parties and candidates full participation in the collation of the Presidential Election results at the EC's National Collation Centre**

**Background: The introduction of the regional collation Centre has disabled the party agents at the National Collation Centre from performing this role**

# **Proposal 8: Justification**

- **The 2021 Presidential Election petition heard evidence of the refusal of the EC Chairperson to receive and consider complaints lodged by a political party**
- **There was also evidence of the EC Chairperson's duplicitous conduct in sending the agents of one political party out of the National Collation Centre at a critical point in the collation process**

# PROPOSAL 9

**Proposal: The EC must by law be made:**

- **a mandatory party to all parliamentary election petitions just as is the case in Presidential Election petitions**
- **a compellable witness to produce all public election and related material and documents relevant to presidential and parliamentary election disputes;**

**Background: The EC has custody of all official election documentation and must be present at proceedings to:**

- **defend its decisions and actions;**
- **produce documentation that may assist the**



# **Proposal 9: Justification**

- **This will avoid the use of technical rules of civil procedure to prevent the EC from speaking to issues relevant to the case.**
- **It will compel the EC to perform its public duty and inform the public about how it performs its public duty**

# PROPOSAL 10

**Proposal: Split the EC into two separate bodies namely an Office for the Regulation of Political Parties (ORPP) and an Electoral Commission (EC) by amending the Political Parties Act, 2000, Act 574**

**Background: Neither the Constitution nor the EC Act makes the EC responsible for the regulation of political parties**

- **That function is prescribed by Act 574**
- **The two functions are separate, involving heavy responsibilities that require full-time attention**

# **Proposal 10: Justification**

## **The separation will:**

- **enable the two Offices to focus equal and full-time attention on their two different mandates**
- **mitigate the perception of bias on the part of the EC as a result of its current dual mandate**
- **address the concern expressed by the National Security Secretariat that mistrust of the EC is a potential ground for violence and a threat to state security**
- **ensure conformity with international best practice as many countries have this system of separation**

# CONCLUSION

- **Please feel free to add to or subtract from our proposals**
- **Please feel free also to suggest the best ways in which we can get our proposals to see the light of day**
- **We have made these proposals mindful of the fact that our party, the NDC, will very soon be in Government and that what we find unacceptable today because we are in opposition may be what we may be craving for when we find ourselves in Government. The reverse is true as far as the NPP is concerned**
- **We have made these proposals because we believe they are in the best interests of the country**

# **POSTSCRIPT**

**PROF. KWAMENA AHWOI THANKS YOU FOR  
YOUR ATTENTION!!!!**

# **NATIONAL DEMOCRATIC CONGRESS (NDC)**

**POSITION PAPER ON ELECTORAL REFORMS**

**(POST-2020 ELECTIONS)**

**PRESENTED BY: NANA ATO DADZIE**



# **PART B**




## **REFORMS REQUIRING ACTION BY THE ELECTORAL COMMISSION**



## Recommendation 14

The mandatory requirement for the publication of applicants for recruitment as temporary EC staff for registration of voters and for elections and for allowing the public to object to applicants who have questionable backgrounds or have overt partisan biases must be strictly complied with. The requirement for the list to be posted at the District EC offices to which the applications relate must also be complied with...

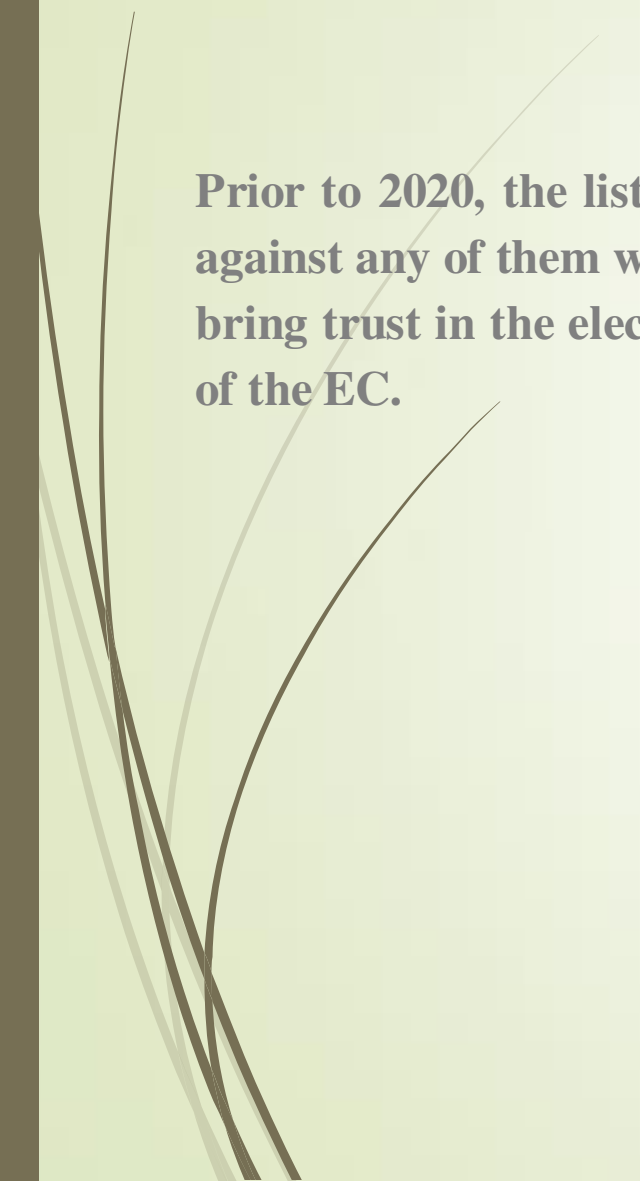






# Justification

Prior to 2020, the list of temporary staff was advertised and exhibited and persons who had misgivings against any of them were allowed to object. This was missing in 2020. It must be re-introduced in order to bring trust in the electoral process and ensure transparency and removal of suspicion of bias on the part of the EC.





## Recommendation 15

The EC should comply with the requirement for each political party participating in an election to be provided with a copy of the final voters' register.



## Justification

In order for political parties to be effective in canvassing for votes and monitoring elections, they require advance copies of the register long before Election Day. The EC should be compelled to comply with the law and provide the final certified register to all participating political parties within the stipulated time period.



## Recommendation 16

The EC should make sure that recruitment for the various categories of election officials is made as non-partisan as possible. The available positions should be advertised and non-partisan and competent persons selected after interviews. The selected persons should then be given appropriate training.



## Justification

Partisanship is the bane of free, fair and credible elections. It is therefore imperative to ensure that election officials are as unbiased and non-partisan as possible. Also in the face of increasing use of technology in registration and election processes, there is the need to use competent personnel who can understand the processes, fill the appropriate forms, do the necessary calculations and operate the machines in order to ensure credible elections and acceptable election results.



## Recommendation 17

The EC should give wider publicity to the annual calendar of its activities and events at the beginning of an election year that it publishes and ensure that all participating political parties are aware of it.



## Justification

- Advance knowledge of the programme for the election year will ensure a more effective participation of the political parties and other stakeholders.
- The calendar will compel the government to plan and provide the resources required on time and in accordance with the calendar of activities.
- It will enable political parties and other stakeholders such as the media, election observers and CSOs to plan their own programmes in the activities of the EC that concern them. For example, when the political parties know in advance the periods for the registration of voters, exhibition of voters' register and filing of nominations, they can better prepare for those critical activities.
- This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



## Recommendation 18


The EC must ensure that printing houses entrusted with the printing of election materials have equipment that can print pink sheets with duplicates that can contain all the names of the candidates on one sheet when written upon.





## Justification

A single original pink sheet generating copies containing the names of all the candidates will easily resolve this problem.





# ELECTION REFORM PROPOSALS



## Proposed Statutory Changes



## Recommendation 19

The list of all polling stations to be used for an election with their names, code numbers and locations should be published in the Gazette and as supplements in the state newspapers not later than 30 days to the election. This will require an amendment to the Public Elections Regulations, 2020, C.I. 127.



# Justification

If accepted, this recommendation will deepen the transparency of the electoral process and help to prevent possible abuses at obscure polling stations. Since the time limit for the creation of polling stations is 42 days, a 30-day period for the notification of the public, the political parties and the candidates is considered reasonable.

► This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



## **Recommendation 20**

Currently, the statement of the Poll and the Declaration of Results Form are serially numbered and each Form is traceable to a particular polling station in a constituency. It is recommended that the EC should print replacement Statement of the Poll Form and Declaration of Results Form in a colour different from the original ones in order to distinguish them. Where a replacement Declaration of Results Form is used, the original Statement of Declaration Form should be attached to it.



## Justification

This will guarantee the authenticity of the Pink Sheets and serve as a security measure to prevent the possibility of replacing the true Declaration Form of a polling station with a forged one.

It will help keep track of the original Pink Sheets which are issued to polling stations and help distinguish the replacement sheets from the original ones to facilitate an accurate account of the sheets.



## Recommendation 21

The BVD printouts for each polling centre should be given to each political party agent or candidate's agent and should be posted at the polling station.



## Justification

This will allow for more transparency and ease of adjudication in case of disputes.







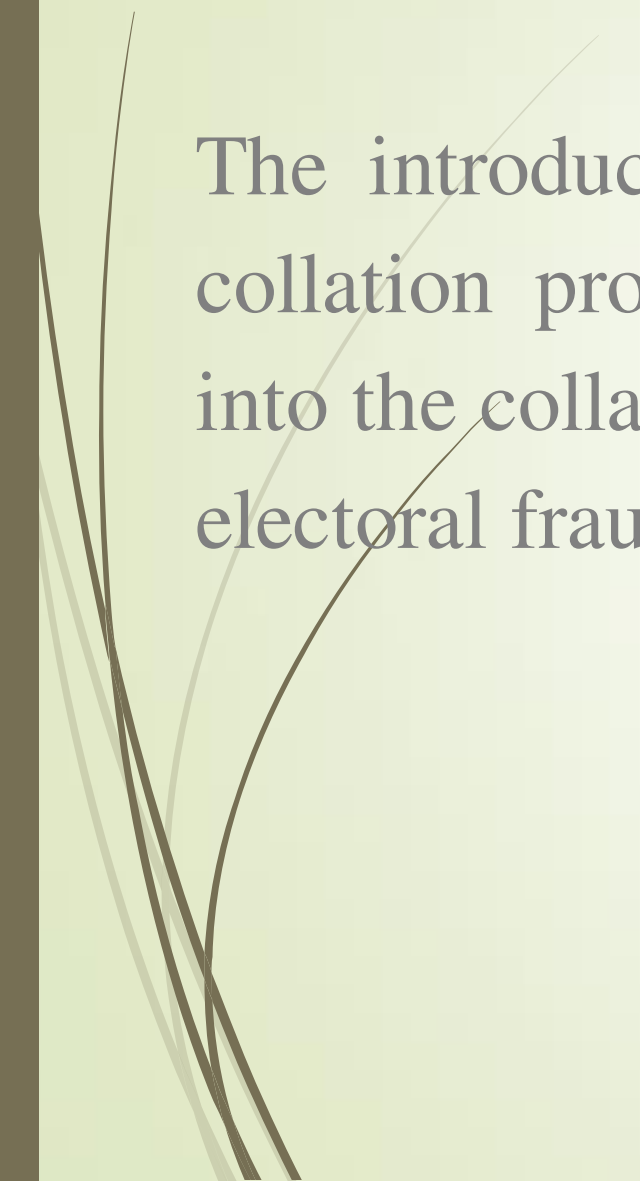
## Recommendation 22

- The Regional Collation Centre should be abolished. This requires an amendment to C.I. 127.
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## Justification

The introduction of this additional bureaucratic layer in the collation process only introduced an element of opaqueness into the collation process and ended up as a veritable engine of electoral fraud.





# Part B

Proposed Administrative/Operational/Implementation Changes





## **Recommendation 23**

Parliament should be given enough time and afforded ample opportunity to closely peruse and scrutinize all proposed C.I.s for registration of voters and election purposes and the Subsidiary Legislation Committee especially enabled to object to any provisions where necessary.



## Justification

This recommendation will safeguard the integrity of the electoral process and put paid to perceptions of incompetence and bias on the part of the EC.



## Recommendation 24

The Statement of Poll and Declaration of Results Forms should be re-designed and simplified.





## Justification

This recommendation will facilitate efficient recording of polling information and verification of election results and expedite dispute resolution.

This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



## Recommendation 25

The voting period of 7a.m. to 5p.m. on Election Day must be maintained.





## Justification

- The argument that the change in the period will allow the counting and collation of the votes to be done during daylight and therefore reduce the incidents of violence is a non-starter because the counting and collation of results take no less than a minimum of 5 hours to complete and therefore will still be done partly in darkness if the change is effected;
- The EC must ensure that appropriate arrangements for lighting are put in place to allow for night-time counting of votes and collation of results.
- A very large percentage of the voters are farmers and fishermen and would rather take advantage of the cool mornings to go to their farms and to sea and come and vote in the afternoons which is usually after 3p.m. Ending voting at 3p.m. is a sure way of disenfranchising them.
- In the riverine and lake areas where voters have to use pontoons and tractors and “aboboyaas” to get to their polling stations, arriving there sometimes around 4p.m, closing voting at 3p.m. will also be a way of disenfranchising them as well.
- ➔ Increasing the number of polling stations in order to cut down the number of voters per polling station and thereby enable voting to end earlier will mean compelling the political parties and candidates to incur extra cost of recruiting party agents, training them and providing for their meals and allowances on Election Day.




## Recommendation 26

The EC should stipulate clear procedures for presiding and returning officers on how to proceed in case of any irregularities occurring during the counting and collation process such as over-voting, non-matching reconciliation and mistakes in the results forms.



## Justification

➤ This recommendation will make for better accuracy of the declared results, reduce election disputes and ensure more transparency.





## Recommendation 27

➤ The EC should reduce the number of extra ballot papers supplied to polling stations for spoilage and include smaller booklets containing 20, 15 and 10 sheets so that smaller numbers of extra ballot papers can be given out.



## Justification

- This will guarantee the integrity of the polls and plug the loophole created by that particular phenomenon of over-supply of ballot papers to cater for spoilage.
- This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



## Recommendation 28

The regulation that persons with disability (PWDs) must be allowed to vote with the assistance of persons of their choice must be strictly enforced.



## Justification

This recommendation is to ensure that the vote of the PWD reflects the actual choice of the PWD.





# POST-ELECTION REFORM PROPOSALS



## Proposed Statutory Changes





## Recommendation 29

- The EC should establish by C.I. administrative dispute resolution mechanisms for first instance grievances against decisions and actions of election officials. In particular, an Elections Adjudication Committee (EAC) should be established at the Head Office of the EC to review disputed Presidential election results prior to the EC's publication of the final declaration of the Presidential election results and the gazetting of same.
- The EAC should comprise officials of the EC, representatives of the political parties and agents of independent candidates that participated in the Presidential elections and stakeholder CSOs.
- The EC should constitute EACs with similar composition at the constituency level to administratively resolve grievances against decisions and actions of election officials at the constituency level.
- No court action challenging the election results should commence prior to the completion of the work of the EACs at the various levels



## Justification

This is consistent with the growing trend towards alternative dispute resolution, saves time and saves expense. It will also reduce over-reliance on the court process and lessen the pressure on the election calendar.



## Recommendation 30

Party agents must be enabled by regulations to oversee the transmission of collated results at all the various stages of the collation process and at both ends of the results transmission. Such transmitted collated results must be confirmed and validated by the party agents at the receiving end to be acceptable.



## Justification

This is to ensure transparency and acceptability of the declared results.



## Recommendation 31

- ▶ The C.I. that regulates the elections should require the EC to publish details of all election results on polling station by polling station and constituency by constituency basis on its website and in the Gazette, as well as detailed results from all levels of collation, well before the deadline for filing petitions against the results.
- ▶ This will, in the case of Presidential elections, mean overturning by legislation the Supreme Court decision in Mettle-Nunoo & Others v. Electoral Commission [2007-2008] 2 SCGLR 1250 where it was held that the publication of a polling station by polling station results was not necessary for the declaration of Presidential election results to be valid. It will therefore require an amendment to Article 63 (9) of the Constitution.

## Justification

- ▶ There have been occasions where there have been discrepancies between what was declared as the total votes and what the collation actually provided. In one instance, that collation took a long time to complete by which time the period within which to petition had lapsed. It is therefore important for official record of polling station by polling station results to be published for cross-checking of the collation. That way, unnecessary litigation can be avoided and transparency and acceptability of the election results can be promoted. The necessary evidence can also be gathered for the filing of election petitions.
- ▶ This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



# **POST-ELECTION REFORM PROPOSALS**

**Proposed  
Administrative/Operational/Implementation  
Changes**





## Recommendation 32

The regulation requiring that the Returning Officer at the constituency collation centre should give a copy of the summary of results sheets of the constituency to the candidates or their representatives should be strictly complied with.





## Justification

This recommendation will enable the candidate or his or her agents to study the collated results to ascertain the accuracy of the results and be able to challenge the collation in good time if there are grounds.



## Recommendation 33

Electoral officials who breach the rules should be sanctioned. The EC itself should also be sanctioned for non-compliance with its legal obligations, including applicable rules and regulations.




## Justification

- It is actually an offence for election officials to breach regulations but it is the enforcement that is lacking. However, punishing election offenders will promote their diligence and deter others from doing the same.
- This recommendation was first made by the EC's Electoral Reforms Committee in 2015, adopted by the IPAC and accepted by the EC.



## Recommendation 34

- There must be a public broadcast of the Presidential vote collation process at the EC Head Office as and when the constituency Presidential results are received.
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## Justification

➤ This recommendation, if adopted, will enhance transparency and fairness of the collation process and enable citizens to view the trend of the collation and allow them to know how their favourite candidates are performing. This will allay any rumours, speculations and unfounded allegations which contribute to unnecessary tension in the country before and after the declaration of the results. This will also demystify the Presidential votes' collation process in the interest of accountability, transparency and fairness.

# Notes, Memoranda and Documentation

➤ The discussions of the NDC Electoral Reforms Committee that prepared the above proposals were supplemented by inputs from the following Notes, Memoranda and Documentation:

1. Ametor-Quarmyne Eric: Suggestions for consideration for Electoral Reform, 13<sup>th</sup> May 2021
2. Dadzie Nana Ato & Ahwoi Kwamena Professor: Presentation on “Electoral Reforms” at NDC NEC Retreat at Volta Serene Hotel, Ho, 16-18 April, 2021
3. Director, Research, Monitoring and Evaluation Department, Electoral Commission: Report on the Inspection of the Offices of Registered Political Parties (2006)
4. Electoral Commission, Ghana: A Guide to Candidates and their Agents Presidential and Parliamentary Elections (2016)
5. Electoral Commission: Guidelines for Continuous Voter Registration
6. Electoral Commission: Report of the Electoral Reform Committee submitted to the Electoral Commission of the Republic of Ghana dated April, 2015
7. Electoral Commission of Ghana: Report on the Inspection of Offices of Registered Political Parties 2013

# Notes, Memoranda and Documentation

1. EU EOM: Ghana Presidential and Parliamentary Elections 2016
2. European Union Election Observation Mission: Ghana 2020 Final Report Presidential and Parliamentary Elections 7 December 2020
3. Gyampo Ransford Edward Van Professor (Department of Political Science, University of Ghana, Legon, Ghana)/Agbevade Akpeko (Department of Political Science, University of Ghana, Legon, Ghana)/Graham Emmanuel (Department of Politics, York University, Toronto, Canada): Election Petition and the Future of Electoral Reforms in Ghana
4. Gyampo Ransford Professor (University of Ghana, Department of Political Science & Research Fellow, IEA): The State of Electoral Reforms in Ghana
5. IPAC: Communique issued at the end of a Two (2)-Day Review Workshop on the 2020 Presidential and Parliamentary Elections of Ghana, 18<sup>th</sup>-19<sup>th</sup> May 2021, at the Alisa Hotel, Accra
6. Serwah-Asamoah Barbara: Electoral Reforms for Post-Election 2020-Gaps and Challenges (A Memorandum to the Committee), 20<sup>th</sup> May 2021.



# **Closing Remarks**

**Thank You**

**The END**

