

# **EISA Pre-Election Assessment Mission Report**



**REPUBLIC OF GHANA  
25 – 30 September 2016**

## ACRONYMS AND ABBREVIATIONS

|               |                                                                                   |
|---------------|-----------------------------------------------------------------------------------|
| <b>ADS</b>    | Africa Democracy Strengthening Programme                                          |
| <b>AU</b>     | African Union                                                                     |
| <b>CDD</b>    | Centre for Democratic Development                                                 |
| <b>C.I.</b>   | Constitutional Instrument                                                         |
| <b>CODEO</b>  | Coalition of Domestic Election Observers                                          |
| <b>CPP</b>    | Convention People's Party                                                         |
| <b>CSOs</b>   | Civil Society Organisations                                                       |
| <b>ECG</b>    | Electoral Commission of Ghana                                                     |
| <b>ECOWAS</b> | Economic Community of West African States                                         |
| <b>EISA</b>   | Electoral Institute for Sustainable Democracy in Africa                           |
| <b>EOM</b>    | Election Observation Mission                                                      |
| <b>IPAC</b>   | Inter-Party Advisory Committee                                                    |
| <b>MMC</b>    | Media Monitoring Centre                                                           |
| <b>NCCE</b>   | National Commission for Civic Education                                           |
| <b>NDC</b>    | National Democratic Congress                                                      |
| <b>NDP</b>    | National Democratic Party                                                         |
| <b>NGOs</b>   | Non-governmental organisations                                                    |
| <b>NMC</b>    | National Media Commission                                                         |
| <b>NPP</b>    | New Patriotic Party                                                               |
| <b>PAM</b>    | Pre-election Assessment Mission                                                   |
| <b>PEMMO</b>  | Principles for Election Management, Monitoring and Observation in the SADC Region |
| <b>PNC</b>    | People's National Convention                                                      |
| <b>PPP</b>    | Progressive People's Party                                                        |
| <b>WANEP</b>  | West Africa Network for Peacebuilding                                             |
| <b>WILDAF</b> | Women in Law and Development in Africa                                            |

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## 1. EXECUTIVE SUMMARY

Through the implementation of its Africa Democracy Strengthening (ADS) Programme, the Electoral Institute for Sustainable Democracy in Africa (EISA) seeks to contribute to the improvement of electoral processes on the continent. In line with this objective, it deployed a pre-election assessment mission (PAM) to Ghana from 25 September to 1 October 2016. The PAM was tasked to assess the pre-election and political context in Ghana, and to determine whether conditions exist for the conduct of democratic elections on 07 December 2016. The mission also examined the state of preparedness for the elections by key stakeholders such as the Electoral Commission of Ghana, political parties, and civil society organisations. This PAM report will serve as a reference document for international Election Observer Missions (EOMs) that will be deployed to observe the elections. The EISA PAM's assessment is based on international benchmarks for democratic elections provided in the African Charter for Democracy, Elections and Governance; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa; the Declaration of Principles for International Election Observation, the Principles for Election Management, Monitoring and Observation (PEMMO) and the Ghanaian legal framework for elections.

The EISA PAM to Ghana was conducted by Ms Olufunto Akinduro, Head of Elections and Political Processes, EISA Johannesburg, and Ms Randrara Rakotomalala, Assistant Programme Officer, EISA Madagascar office. The mission held consultative meetings with electoral stakeholders in Accra. EISA wishes to express its gratitude to the stakeholders who met with the assessment team and provided the necessary information for the realisation of the mission's objectives.

The EISA PAM noted that the 2016 general elections come after the keenly contested presidential elections of 2012, which ended with a petition at the Supreme Court and a very close outcome. The presidential election petition and the close outcome of the 2012 elections led to questions about the credibility of the Electoral Commission of Ghana's (ECG), as the petition raised concerns about the validity of over 3 million votes on the basis of electoral irregularities. The closeness of the 2012 electoral outcome and the acceptance of the outcome is noted as an indication of the level of democratic maturity in Ghana. The 2016 elections are also taking place within the context of electoral reforms. The ECG undertook these reforms to address demands expressed by electoral stakeholders, following the 2012 presidential election dispute. The 2016 Presidential and Parliamentary elections in Ghana are taking place against the backdrop of a leadership change at the Electoral Commission, Ghana (ECG). These elections will be the first national election to be conducted under the leadership of the new chairperson of the Commission. The new chairperson is filling a position that was held for the last 22 years (1993-2015) by her predecessor, who gained the confidence and trust of stakeholders over time. The new leadership is therefore faced with the daunting task of earning the trust of stakeholders.

The EISA PAM noted that stakeholders are well prepared for the forthcoming elections and the key activities listed in the electoral calendar have so far been successfully implemented. The PAM also noted concerns raised by stakeholders it consulted about the increased commercialisation of the electoral process in the run-up to the 2016 elections. There were further concerns about the impact of the 400% increase in the candidates' fees, which was decided without clear criteria or clarification by the ECG. Stakeholders noted that the increase in candidate filing fees could lead to the exclusion of some candidates on the basis of their financial capacity. The EISA PAM noted that excessively high fees may hinder the participation and development of small political parties, which found it challenging to mobilise the necessary financial resources, and may further entrench the domination of the political scene by the two biggest parties. The PAM also noted that increased fees could also impact negatively on the participation of youth and women in the 2016 general elections. The EISA PAM further noted that the right of all citizens to participate in public affairs through political parties, which is guaranteed by the Ghanaian Constitution as one of the cornerstones of democracy, could be compromised in the long run if the political environment is not conducive to the sustainability and the emergence of smaller parties because of financial limitations.

The EISA PAM commended the dialogue facilitation initiative undertaken by the ECG through the Inter-Party Advisory Committee (IPAC) and the active participation of a vibrant civil society in the 2016 electoral process. The IPAC model in Ghana has been considered a success in the West African region. The mission noted the generally positive perception of the committee by political parties and CSOs, as it has efficiently provided a platform of debates and exchanges where representatives of the EC and parties, as well as CSOs acting as observers, can build consensus around electoral issues. The IPAC has also contributed substantially to enhancing the transparency of the electoral process. Nevertheless, the PAM noted with concern reports that the effectiveness of the IPAC as a consensus-building platform may be waning, as some critical decisions, such as the increase of filing fees, were taken by the EC without due consultation and consensus among key stakeholders through the IPAC.

The EISA PAM noted the efforts taken by the ECG to improve the credibility of the voter register, which is fundamental for the conduct of democratic elections. The 2016 elections will be conducted on the basis of a register, which, according to most stakeholders, had been reviewed and updated over the past year. Collaboration and coordination is occurring between the Electoral Commission of Ghana (ECG) and the National Commission for Civic Education (NCCE) on civic and voter education towards the 7 December elections. The team also noted with satisfaction the complementary efforts of civil society organisations on voter education aimed at women, youth and people with disabilities.

The EISA PAM noted that the ECG has developed a comprehensive electoral calendar, which includes consultative activities with key stakeholders and contributes to the transparency and the credibility of the process.

## 2. HISTORICAL BACKGROUND AND CONTEXT OF THE 2016 ELECTIONS

Over the last five decades, Ghana has emerged as an example of stable and mature democracy, and counts among Africa's fastest-growing economies.<sup>1</sup> Since its independence in 1957, the country's political history has evolved through different phases, including a one party-party system, military coups, military regimes, a transition to multi-party democracy, as well as several peaceful transitions of power that have forged Ghana's positive reputation as a developed democracy.

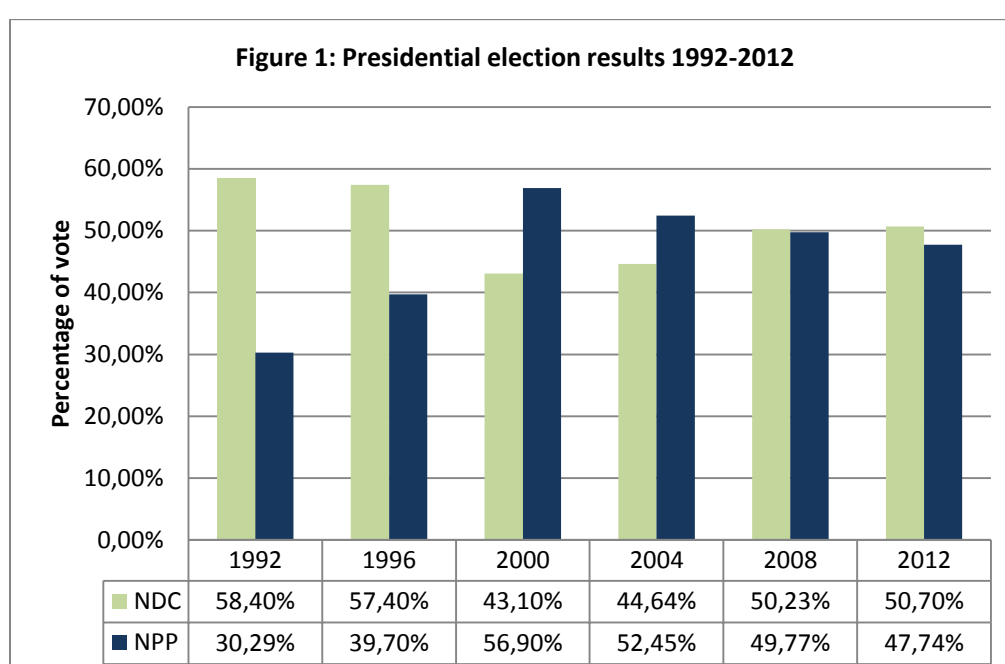
Ghana was the first African country to gain independence on 6 March 1957. The country was proclaimed a republic in 1960, and Dr Kwame Nkrumah of the Convention People's Party (CPP) became its first President. Ghana was then under a one-party political system. However, in the face of growing popular dissatisfaction with the government's legal reforms and socio-economic policies, it was overthrown by the military in 1966. This coup marked the beginning of a long period of military rule punctuated by other coups and elections. Ghana began its transition to a multi-party political system in 1992, following the adoption of a new Constitution that was approved by the people in a referendum held in April 1992 and the lifting of the ban on political party activities in May 1992.<sup>2</sup> One of the first reforms undertaken by the then government led by Lieutenant Jerry John Rawlings was the restoration of the freedom of the press and the revocation of the ban on political activity, which marked the beginning of the transition to a multi-party system. Since the return to multi-party politics, regular elections have held with peaceful transfer of power.

On 7 December 2016, Ghana will hold its seventh presidential and parliamentary elections since the return to multi-party democracy. Ghanaian elections since 1992 have been characterised by peaceful alternations in power between the two main dominating parties – the National Democratic Congress (NDC) and the New Patriotic Party (NPP). Jerry John Rawlings emerged winner of the 1992 and 1996 elections when he contested

<sup>1</sup> <http://databank.worldbank.org/data/reports.aspx?source=2&country=GHA>

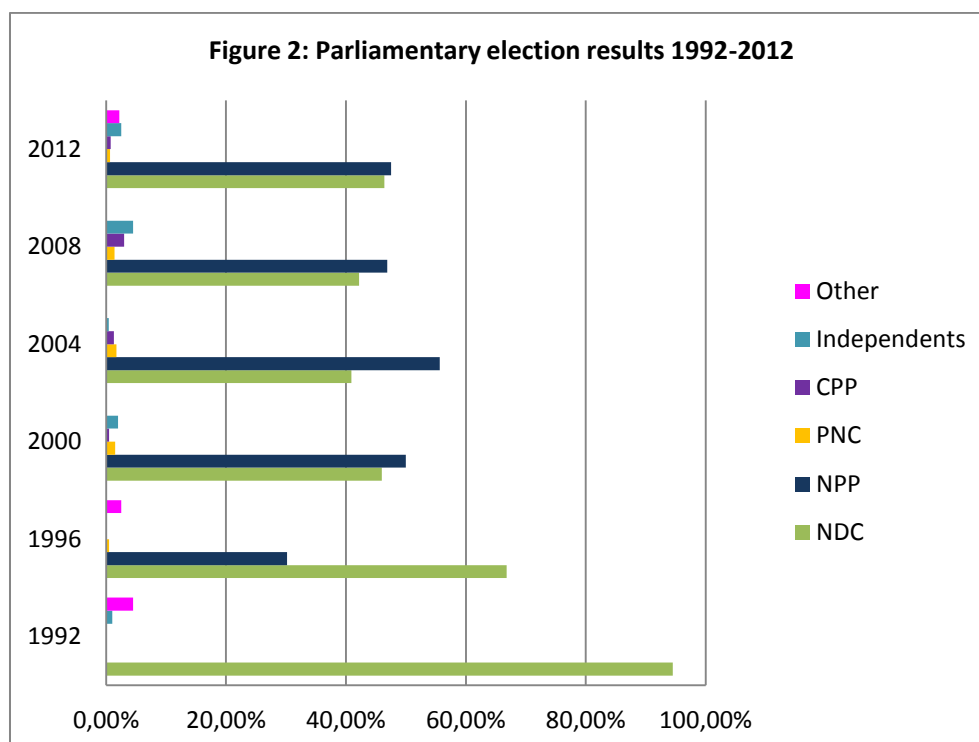
<sup>2</sup> Sergio Bitar, Abraham F. Lowenthal. *Democratic Transitions: Conversations with World Leaders*, JHU Press, 2015, p. 135

on the platform of the NDC party. In the 2000 presidential elections, John Kufuor of the NPP defeated the NDC candidate John Atta Mills, with 56.9% of the votes cast. The NPP also won 100 of the 200 seats in Parliament. This event marked the first peaceful transition of power to an opposition party in the country's history. John Kufuor was re-elected in 2004, and Atta Mills won the 2008 elections, marking the NDC's return to power. In 2012, Vice-President John Mahama replaced President Atta Mills as the NDC's candidate after President Mills's sudden death in July. President Mahama was elected in the December 2012 elections with 50.70% of the votes. The NDC won 151 out of 275 seats in the Parliament. The NPP candidate Nana Adu Donkor and two other NPP officials, Dr Mahamudu Bawumia and Jake Ofori-Atta, presented an election petition to the Supreme Court to challenge the 2012 presidential election results. The core grounds of their petition were alleged malpractices, irregularities and violations in the conduct of the elections such as over-voting and voting without biometric verification. However, the Supreme Court dismissed the election petition and confirmed President Mahama's victory in a judgement dated 29 August 2013.<sup>3</sup>



Sources of data: Electoral Commission of Ghana, <http://www.ec.gov.gh/election-results.html>; African Elections database, [http://africanelections.tripod.com/gh\\_detail.html](http://africanelections.tripod.com/gh_detail.html); Parliament of Ghana, <http://www.parliament.gh/publications/50>

<sup>3</sup> <http://www.myjoyonline.com/docs/full-sc-judgement.pdf>



Sources of data: Electoral Commission of Ghana website, <http://www.ec.gov.gh/election-results.html>; African Elections database, [http://africanelections.tripod.com/gh\\_detail.html](http://africanelections.tripod.com/gh_detail.html); Inter-Parliamentary Union (IPU), Ghana country page, [http://www.ipu.org/parline-e/reports/2123\\_E.htm](http://www.ipu.org/parline-e/reports/2123_E.htm)

**Table 1: Parliamentary election results by seats 1992-2012**

| Election year | Party        | No. of seats won | Percentage |
|---------------|--------------|------------------|------------|
| 1992          | NDC          | 189              | 94.50%     |
|               | NCP          | 8                | 4%         |
|               | EGLE         | 1                | 0.5%       |
|               | Independents | 2                | 1%         |
|               | Total seats  | 200              |            |
| 1996          | NDC          | 133              | 66.8%      |
|               | NPP          | 60               | 30%        |
|               | PCP          | 5                | 2.5%       |
|               | PNC          | 1                | 0.50%      |
|               | Total seats  | 199              |            |
| 2000          | NPP          | 100              | 50%        |
|               | NDC          | 92               | 46%        |
|               | PNC          | 3                | 1.50%      |
|               | CPP          | 1                | 0.50%      |
|               | Independents | 4                | 2%         |
|               | Total seats  | 200              |            |
| 2004          | NPP          | 128              | 55.65%     |
|               | NDC          | 94               | 40.90%     |
|               | PNC          | 4                | 1.75%      |
|               | CPP          | 3                | 1.30%      |
|               | Independents | 1                | 0.40%      |
|               | Total seats  | 230              |            |

|      |                    |            |        |
|------|--------------------|------------|--------|
| 2008 | NDC                | 115        | 50%    |
|      | NPP                | 108        | 47%    |
|      | CPP                | 1          | 0.43%  |
|      | PNC                | 2          | 0.87%  |
|      | Independents       | 4          | 1.74%  |
|      | <b>Total seats</b> | <b>230</b> |        |
| 2012 | NDC                | 148        | 53.82% |
|      | NPP                | 123        | 44.73% |
|      | Other              | 1          | 0.36%  |
|      | Independents       | 3          | 1.09%  |
|      | <b>Total seats</b> | <b>275</b> |        |

Sources of data: Electoral Commission of Ghana website, <http://www.ec.gov.gh/election-results.html>; African Elections database, [http://africanelections.tripod.com/gh\\_detail.html](http://africanelections.tripod.com/gh_detail.html); Inter-Parliamentary Union (IPU), Ghana country page, [http://www.ipu.org/parline-e/reports/2123\\_E.htm](http://www.ipu.org/parline-e/reports/2123_E.htm)

Considering the recurring pattern of alternations in power between the NDC and the NPP, and the close outcome of the 2012 elections, the 2016 elections are expected to be a keenly contested race between the NDC and NPP, with uncertainty surrounding its outcome. The NDC has experienced internal divisions, which manifest through open accusations against the current party leadership by senior party members.<sup>4</sup> The incumbent, President John Mahama of the NDC, seems to count on support from the Volta and three Northern regions. The NPP candidate, Nana Akufo-Addo, who contested the 2008 and 2012 elections, seems to have gained greater popularity in the Ashanti and Eastern regions. There are indications that the 2016 elections, like previous elections, will be contested along regional support lines.<sup>5</sup> Table 2 below presents the regional dynamics of the results of the 2012 presidential elections. This gives an indication of the geographical support enjoyed by the two main candidates, which remains largely the same in the 2016 elections.

**Table 2: Detailed results of 2012 Presidential election**

| Region               | Candidate         |                       |       |
|----------------------|-------------------|-----------------------|-------|
|                      | John Mahama (NDC) | Nana Akufo-Addo (NPP) | Other |
| Ashanti              | 28.35%            | 70.86%                | 0.79% |
| Brong-Ahafo          | 51.49%            | 47.33%                | 1.18% |
| Central Region       | 52.12%            | 45.53%                | 2.35% |
| Eastern Region       | 42.03%            | 56.91%                | 1.06% |
| Greater Accra Region | 52.31%            | 46.92%                | 0.77% |
| Northern Region      | 58.23%            | 39.11%                | 2.66% |
| Upper East Region    | 66.43%            | 29.29%                | 4.28% |
| Upper West Region    | 65.54%            | 29.26%                | 5.2%  |
| Volta Region         | 85.47%            | 12.93%                | 1.6%  |
| Western Region       | 54.42%            | 43.80%                | 1.78% |

Source of data: <http://ghanaelections.peacefmonline.com/pages/2012/> Africa practice. "Ghana election watch – May 2016". May 2016, p.1. <http://www.africappractice.com/wp-content/uploads/2016/05/Africa-Practice-Ghana-Election-Watch-May-2016.pdf>

<sup>4</sup> - Africa practice. "Ghana election watch – May 2016". May 2016, p.2. <http://www.africappractice.com/wp-content/uploads/2016/05/Africa-Practice-Ghana-Election-Watch-May-2016.pdf>

- Abdul Raufu Mustapha, Lindsay Whitfield. *Turning Points in African Democracy*. Rochester, NY: Boydell and Brewer (James Currey), 2009, p. 64

<sup>5</sup> Abdul Raufu Mustapha, Lindsay Whitfield. *Turning Points in African Democracy*. Rochester, NY: Boydell and Brewer (James Currey), 2009, pp. 63-64

### 3. THE LEGAL FRAMEWORK

#### 3.1. The Constitutional and Legal Framework

The 2016 general elections in Ghana are governed by a legal framework comprising the 1992 Constitution of the Republic of Ghana, amended in 1996; the Representation of the People Act of 1992; the Electoral Commission Act of 1993; the Political Parties Act of 2000; the Representation of the People (Constituencies) Instrument of 2004; the Public Elections Regulations of 2016 also known as C.I. 94; and the Public Elections (Registration of voters) Regulations C.I. 91 of 2016.

Article 35 of the Constitution provides that *‘Ghana shall be a democratic state; and accordingly, sovereignty resides in the people of Ghana from whom Government derives all its powers and authority through the Constitution.’*

The EISA PAM noted that fundamental civil liberties and human rights are guaranteed by the Constitution. Ghanaian citizens are constitutionally entitled to freedom of speech and expression, freedom of thought, freedom of assembly, freedom of association, the right to information, freedom of movement, the right to form or join political parties and to participate in political activities, and the right not be discriminated against on grounds of gender, race, colour, ethnic origin, political opinions, occupation, religion or creed. The right to vote by universal, direct and secret suffrage is also guaranteed by the Constitution.

In line with international standards as stipulated in relevant AU instruments, the Ghanaian Constitution also provides for the establishment of an independent election management body responsible for the conduct of regular elections. The Electoral Commission of Ghana is established by article 43 of the Constitution and its independence is guaranteed in article 46 of the Constitution.<sup>6</sup> To further guarantee its independence, the EC is funded from the Consolidated Revenue Fund.

The Constitution also provides for the resolution of disputes arising from electoral processes through the courts. Presidential election disputes are addressed in article 64 of the Constitution, which provides a period of 21 days after the declaration of the results for any Ghanaian citizen to present a petition before the Supreme Court.<sup>7</sup>

Parliamentary election dispute is regulated by articles 16, 17 and 18 of the Representation of the People Law, 1992. The legislation stipulates that parliamentary election petitions shall be presented to the High Court. *‘An election petition shall be presented within twenty-one days after the date of the publication in the Gazette of the result of the election to which it relates, except that a petition questioning an election on an allegation of corrupt practice, and specifically alleging a payment of money, or other award, to have been made by the person whose election is questioned, or to have been made on his behalf to his knowledge, may be presented within twenty-one days after the day of the alleged payment’.* The law specifies that *‘the presentation of an election petition shall not be valid unless, within the time specified, the petitioner gives GHS20,000 as security for costs. The time limit for the presentation of an election petition shall not be extended’.*

In view of these findings, the EISA PAM assessed the Ghanaian Constitution as providing a solid framework for the conduct of democratic elections in line with international benchmarks.

<sup>6</sup> Article 43 of the 1992 Constitution (as amended): *‘There shall be an Electoral Commission which shall consist of a Chairman, two Deputy Chairmen, and four other members’.* Article 46 of the 1992 Constitution of Ghana (as amended): *‘except as provided in this Constitution or in any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission shall not be subject to the direction or control of any person or authority’.*

<sup>7</sup> Article 43 of the constitution: *‘The validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the result of the election in respect of which the petition is presented’.*

### ***Legal reforms ahead of the 2016 elections***

Following the outcome of the 2012 elections and the Supreme Court judgement that followed, proposals for reforms were submitted to parliament to address some of the issues identified during the 2012 elections. The main legal reform that was implemented ahead of the 2016 elections were the revision of the Public Elections Regulations C.I. 75 of 2012 and the Public Elections (Registration of Voters) Regulations C.I. 72 of 2012.

- **The Public Elections Regulations C.I. 94 of 2016**, which repeals and replaces the Public Elections Regulations C.I. 75 of 2012, regulates the conduct of the presidential and parliamentary elections. The repeal of C.I. 75 was based on the need to relax the strict provision for biometric verification, to allow manual verification when biometric devices fail to identify voters. This step was taken to address the technical challenges experienced during the 2012 elections, when voting had to be extended due to failures of the biometric verification devices.

The EISA PAM noted with satisfaction the implementation of the EISA EOM recommendation regarding voter identity verification. The EISA EOM deployed to the 2012 election recommended that measures should be taken to ensure that registered voters are not disenfranchised on the basis of their non-verification by the biometric voter verification machine. This recommendation was addressed in article 32 of the new legislation,<sup>8</sup> which provides for manual voter verification in the event that the biometric verification device fails to verify a registered voter.

- **The Public Elections (Registration of Voters) Regulations C.I. 91 of 2016** repeals and replaces the C.I. 72 of 2012, and was enacted to address some issues related to the voter registration process. One of the main changes that were made to the former legislation relates to the evidence of identification for voter registration, following the petition by two officials of the People's National Convention (PNC) party, who questioned the credibility of the voter register because of the concerns raised about alleged inclusion of foreigners on the voter register. There were suspicions that foreigners may have registered by using the National Health Insurance card (NHIS), which was accepted as one of the bases for registration under the C.I. 72 of 2012. The petitioners noted that the NHIS card is provided to both Ghanaian nationals and foreign residents, thus opening the possibility for foreigners to register. The C.I. 72 was repealed, and the new legislation adopted after a Court case lodged by the two PNC members. The EISA PAM commended these changes in the legal framework and procedures. The PAM considers these changes as contributing to the transparency and the credibility of the voter register and further strengthening public confidence in the electoral process.

### ***3.2. The Electoral System***

The President of Ghana is elected by a two-round majoritarian system. The law provides that a runoff election should be held within twenty-one days after Election Day should no candidate obtain more than 50% of the valid votes cast. Ghana has a history of second-round presidential elections, as the outcomes of previous presidential elections have been very close. Runoff elections were held in 2000 and 2008. The President is elected for a term of four years, which is limited to two terms.

The unicameral Parliament of Ghana is composed of 275 members who are elected by the simple majoritarian electoral system. Members of parliament serve four-year terms in single-seat constituencies.

<sup>8</sup> C.I. 94 of 2016, Art.32: *'Where the biometric verification device fails to verify a registered voter and the red light is shown with a voice message "REJECTED," the polling assistant shall inform the agents of the political parties present at the polling station; complete a Verification Form, as set out in Form Seven of the Schedule in the presence of the party's candidate or agent; and hand over the completed Verification Form to the Verification Officer. The Verification Officer shall draw a horizontal line across the voter's barcode in the register to indicate that the voter has been manually verified.'*

### 3.3. Party and Campaign Finance

Political party and campaign finance in Ghana is regulated by article 55 of the Constitution<sup>9</sup> and the Political Parties Law, Act 574 of 2000.<sup>10</sup> The legal framework allows only Ghanaian citizens to contribute directly in cash or in kind to the funds of political parties. The Political Parties Law of 2000 also allows foreign assistance in cash or in kind from governments and international NGOs, but only indirectly through the Electoral Commission of Ghana. The law also mandates that donations by foreign bodies must be used for the collective benefit of all parties, not a specific party or group of parties. Corporate funding is also allowed, provided that the company is registered in Ghana and is at least 75% Ghanaian-owned.

The legal framework provides for mandatory disclosure through declaration of party assets and expenditure, as well as the sources of their revenues to the Electoral Commission within 90 days after the issue of their final certificate of registration. Parties are also mandated to publish their audited accounts annually. During an election period, political parties are mandated to submit a statement of their assets and liabilities to the Electoral Commission within 21 days before a general election, and a detailed statement of all expenditure incurred for that election within six months after the polling.

The PAM noted that, notwithstanding the existence of legal provisions on party and campaign finance, there is a persistent challenge of tracking political party funding and expenditure, as the Ghanaian economy is still largely cash-based. The PAM also noted the absence of provisions on ceilings on private sources of party and campaign donations and on campaign expenditure as a noticeable gap in the legal framework. The absence of provisions on donation and expenditure ceilings makes it difficult to guarantee a level playing field for all contestants. The PAM noted that there is currently no provision for public funding of parties in the legal framework. The provision of public funding is necessary to strengthen party structures, especially for smaller political parties. It also provides a basis for equal access to state resources.

### 3.4. Election Management

The Electoral Commission of Ghana is established by article 43 of the Constitution<sup>11</sup> of Ghana, and the Electoral Commission Act of 1993 regulates the functioning of the institution. The ECG comprises a Chairperson, two Deputy Chairpersons, and four other members. The members of the Commission are appointed by the President in consultation with the Council of State, in accordance with article 70 of the Constitution.<sup>12</sup> The terms of appointment of the members of the Commission provide security of tenure, as they cannot be unduly removed from office by executive power.

<sup>9</sup> Constitution, Art. 55: *‘Political parties shall be required by law to declare to the public their revenues and assets and the sources of those revenues and assets; and to publish to the public annually their audited accounts. Only a citizen of Ghana may make a contribution or donation to a political party registered in Ghana.’*

<sup>10</sup> Political Parties Law, Act 574 of 2000, Art. 14: *‘(1) A political party shall, within twenty-one days before a general election, submit to the Commission a statement of its assets and liabilities in such form as the Commission may direct. (2) A political party shall, within six months after a general or by-election in which it has participated, submit to the Commission a detailed statement in such form as the Commission may direct of all expenditure incurred for that election. (3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party. (4) Without prejudice to any other penalty provided in this Act or any other enactment, where a political party refuses or neglects to comply with this section; or submits a statement which is false in any material particular, the Commission may cancel the registration of the political party.’*

<sup>11</sup> Constitution, Art. 43: *‘There shall be an Electoral Commission which shall consist of a Chairman; two Deputy Chairmen; and four other members.’*

<sup>12</sup> Constitution, Art. 70: *‘The President shall, acting on the advice of the Council of State, appoint the Chairman, Deputy Chairmen, and other members of the Electoral Commission.’*

The EISA team noted with satisfaction that women are well represented in the leadership of the EC, as its Chairperson, one Deputy Chair and three of the commissioners are women.

The ECG has gained public confidence and proven its neutrality over the years. The former Commission, which was chaired by Dr Kwadwo Afari-Gyan from 1993 to 2015, conducted five presidential and parliamentary elections in 1996, 2000, 2004, 2008 and 2012, all of which were deemed credible. The new Commission was appointed in June 2015 and the first national election will be conducted under the leadership of the new chairperson in 2016.

The current members of the EC are:

- Mrs Charlotte Osei, Chairperson
- Mr Sulley Amadu, Deputy Chairman
- Mrs Georgina Opoku Amankwah, Deputy Chairman
- Mrs Pauline Adobea Dadzawa, Commissioner
- Mr Ebenezer Aggrey, Commissioner
- Mrs Rebecca Kabukie Adjalo, Commissioner
- Mrs Hajia Sa-Adatu Maida, Commissioner

The EC is responsible for the conduct of all elections and referenda; voter registration; boundary delimitation for all categories of elections in the country; voter education; and other electoral operations, including the design and proper storage of election materials.

The EC is required by law to make regulations by Constitutional Instruments, for the effective performance of its functions. The Commission is empowered to make regulations on voter registration, supervision of elections and referenda and other related matters. The EISA PAM noted the legally binding nature of regulations made by the EC as a good practice that strengthens the Commission's independence.

The independence of the ECG is further guaranteed within the legal framework by the provision for its administrative expenses to be charged to the government Consolidated Fund, within the terms of article 10 of the Electoral Commission Act.<sup>13</sup>

Article 9 of the Electoral Commission Act states that there shall be a representative of the Commission in every region and district of Ghana. Article 2 of the Public Elections Regulations C.I. 94 provides for the Commission to appoint a returning officer for each constituency. The EISA PAM noted that the decentralised structure of the ECG contributes to its effective administration.

## 4. KEY FINDINGS ABOUT THE PRE-ELECTION PHASE

### 4.1. Voter Registration

Article 42 of the Constitution provides 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. Article 1 of the Public Elections (Registration of voters) Regulations C.I. 91 adds a condition of residency in an electoral area and specifies that a person can register as a voter if he or she is not prohibited by any law in force from registration as a voter.

<sup>13</sup> The Electoral Commission Act (1993), Art. 10: *'The administrative expenses of the Commission including salaries, allowances and persons payable to, or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund'.*

The registration of voters is regulated by Public Elections (Registration of Voters) Regulations C.I. 91 of 2016. The regulation makes provision for continuous registration. The Commission, in consultation with registered political parties, determines the modalities for the continuous registration of voters. The Commission may also by notice in the Gazette specify a period during which the registration of voters shall take place, or review the original period set aside for registration. The EISA PAM noted that registration of voters has not been undertaken in a continuous manner; rather, the EC has conducted periodic registration of voters over time.

The first activity related to the reforms that were undertaken by the EC ahead of the 2016 elections was the update of the voters' register. Indeed, one of the prerequisites for a credible electoral process is the production of an accurate voters' register, as it guarantees that all eligible voters are provided with the opportunity to vote. After the 2012 elections, the credibility of the voters' register was questioned, as it was perceived as bloated and some stakeholders had raised concerns about the inclusion of unqualified people such as underage voters. Some stakeholders called for the creation of a new voters' register, but the Court dismissed the request as it was not necessary to have a new register. The Court ruled instead that there should be an update of the existing register.

A limited voter registration exercise for first-time voters was therefore conducted from 28 April to 8 May 2016, during which 1 031 356 voters were added to the register. Thereafter, the voter register was publicly displayed for claims and objections for a period of twenty-one days from 18 July 2016 to 17 August 2016. As part of the efforts to address the challenges experienced with the use of the biometric voter verification devices (BVVD) during the 2012 elections, the ECG conducted a test of the kits at the voter register exhibition centres alongside the public display of the register. Through citizen observer reports, the EISA PAM gathered that the VR display and BVVD test exercises had less than 50% attendance by registered voters. It was also reported that citizen observers witnessed verification devices failures in about 6% of the exhibition centres they observed during 11 days of monitoring.<sup>14</sup>

The PAM however noted that according to the revised legislation, manual verification of voters on Election Day will be allowed for voters whose details cannot be verified biometrically, to avoid their disenfranchisement. The names of voters whose fingerprints could not be picked by the devices were also gathered in a separate list under the label 'face-only' voters. These measures have been taken following the last election experience where the rejection of eligible voters by the biometric verification devices was the most common incident recorded by observers at voting stations.<sup>15</sup>

Another major issue regarding the 2016 voter registration process was the concerns about registrants included on the register based on the NHIS cards. With the repeal of the Public Elections (Registration of Voters) Regulations C.I. 72 of 2012, the use of NHIS cards as proof of identity for registration was prohibited, as the document does not prove Ghanaian citizenship. In July 2016, the Supreme Court issued a decision to delete the names of individuals who registered using the NHIS card from the voters' register. This decision was rendered in a case involving a former PNC official, Abu Ramadan, and Evans Nimako, against the Electoral Commission. Therefore, 56 900 names were deleted from the register and thereafter displayed on the EC website and in newspapers at the district level, to give affected voters the opportunity to register again with a different document. The re-registration was conducted in two phases: on 15 August 2016, then on 27-28 August. Prisoners were also registered during the second phase. The attendance recorded for this second registration

<sup>14</sup>

<http://www.codeoghana.org/assets/downloadables/CODEO%20Final%20Statement%20on%20the%202016%20Voter%20Register%20Exhibition%20Exercise-August%2017.pdf>

<sup>15</sup> This incident occurred in 69.2% of the polling stations visited by observers from the Christian Council of Ghana. *Elections Events and Observation Report, 2012 Presidential and Parliamentary Elections*, Christian Council of Ghana, p. 13, 2012.

exercise was once again below 50%. The PAM noted the concern raised by some stakeholders that NHIS registrants who did not have access to the public advert, especially illiterate voters at the grassroots level, may have eventually been disenfranchised.

The final voters' register contains 15 703 890 registered voters. The PAM noted the increase in the number of registered voters in comparison to the 2012 voter registration statistics, when 14 031 793 were registered.<sup>16</sup> The EC is mandated to provide a certified copy of the register to political parties, not later than twenty-one days after the register has been certified by the EC, in accordance with article 27 of the C.I. 91. The EISA PAM noted the absence of age, gender or disability disaggregated voter registration data. Availability of such information is necessary for operational planning and for effective voter education strategy. Furthermore, such data provides indices of participation across different groups in the country and enables the EC to plan to engage non-participating groups more effectively in future elections.

Article 15 of the C.I. 91 provides that in cases where a voter's card is lost, stolen, damaged, tampered with or destroyed, the Commission shall authorise the issuance of a replacement voter card at a cost to be determined by the Commission. The EC set the cost for 2016 elections at 5 cedis (approximately 1.18USD).<sup>17</sup> The PAM noted with concern the fact that voters have to pay to get a replacement card, as such procedure should be systematically free of charge to avoid disenfranchising anyone on the basis of their financial capacity.

#### *4.2. Political Party and Candidate Nominations*

The Ghanaian Constitution guarantees the right to form political parties, which constitutes a pre-requisite for the entrenchment of the multi-party system. The registration of political parties is regulated by the Political Parties Law, Act 574 of 2000. The filing of candidate nominations took place from 13 to 30 September 2016.

Regarding the nomination process, the EISA PAM noted that several political parties have undertaken deliberate efforts to encourage the participation of women, young people and people with disabilities as candidates, by giving them a rebate of 50% on party nomination fees. The PNC gave a 100% rebate to female candidates.

Bigger parties such as NDC and NPP are fielding candidates running in all the 275 constituencies.

To be eligible as a candidate for the Presidential elections, a person must be a citizen of Ghana by birth, of 40 years old or older, and be qualified to be elected a Member of Parliament. The legislation requires the nomination form for each Presidential candidate to be signed by not less than two registered voters in the area of authority of each district assembly. The candidate shall also designate a person to serve as Vice-President in the nomination form. Furthermore, a candidate for presidential or parliamentary election must deliver to the returning officer a statutory declaration stating that he is qualified to be elected as President or a Member of Parliament and is not disqualified from being elected as such. The law also requires the candidate or the party to deposit filing fees, the amount of which is fixed by the Electoral Commission.

On 10 October 2016, the EC Chairperson announced the names of the qualified presidential candidates for the December 2016 elections. Thirteen out of seventeen nominations were rejected by the EC. The majority of the nominations were rejected on the grounds that the number of subscribers did not meet the minimum required by the law, as the Commission challenged some signatures. However, after a lawsuit lodged by some political parties, the Court ordered the EC to allow disqualified candidates to correct errors on their nomination forms. Upon review of the nomination forms, the nomination of the PPP candidate, Dr Papa Kwesi Nduom, the NDP candidate, Nana Konadu Agyeman Rawlings, and PNC candidate, Dr Edward Mahama, was eventually validated.

<sup>16</sup> <https://eisa.org.za/wep/gha2012registration.htm>

<sup>17</sup> <https://www.oanda.com/currency/converter/>

The EISA PAM noted that the legal requirements for qualification as candidates are to a large extent non-restrictive. The PAM however noted with concern that most of the rejected nominations contained signatures of subscribers who signed for other candidates, or who did not properly sign or mark the subscriber forms. This may imply that the signature process needs to be reviewed, or that civic education needs to be further developed to raise subscribers' awareness about the fact that signing for different candidates will lead to their disqualification.

The seven presidential candidates to the 2016 elections are presented in table 3 below:

**Table 3: Presidential candidates for the 2016 elections**

| Candidate                       | Political Party       |
|---------------------------------|-----------------------|
| Incumbent President John Mahama | NDC                   |
| Nana Addo Dankwa Akufo-Addo     | NPP                   |
| Nana Konadu Agyeman Rawlings    | NDP                   |
| Ivor Kobina Greenstreet         | CPP                   |
| Papa Kwesi Nduom                | PPP                   |
| Edward Mahama                   | PNC                   |
| Jacob Yeboah                    | Independent candidate |

To qualify as a Parliamentary candidate, a person must be a citizen of Ghana of 21 years or older. The person must also be a registered voter who resides in the constituency for which he or she stands as a candidate, or he or she must have resided there for a total period of not less than 5 years out of the 10 years immediately preceding the election; or he or she may hail from that constituency. The law requires that he or she must have paid all taxes or made arrangements satisfactory to the appropriate authority for the payment of taxes. The nomination form for each candidate in a parliamentary election is expected to be witnessed by the signature or mark of two registered voters as proposer and seconder and supported by eighteen other registered voters in the constituency.

However, a person shall not be qualified to be a Member of Parliament if he or she owes allegiance to a country other than Ghana; or is not qualified to be registered as a voter; has been adjudged or otherwise declared bankrupt or of unsound mind; has been convicted for high crime or for any other offence punishable by death or by a sentence of not less than ten years, or for an offence relating to, or connected with election; is under sentence of death or other sentence of imprisonment imposed by any court.

Article 94 of the Constitution specifies that a person shall not be eligible to be a Member of Parliament if he or she is prohibited from standing for election by a law in force in Ghana by reason of his or her holding or acting in an office the functions of which involve a responsibility for or are connected with the conduct of an election, or responsibility for the compilation or revision of an electoral register; is a member of the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Civil Service, the Audit Service, the Parliamentary Service, the Statistical Service, the Fire Service, the Customs, Excise and Preventive Service, the Immigration Service, or the International Revenue Service; or is a chief.

The PAM also assessed the legal requirements for qualification as Member of Parliament as non-restrictive and adequately promoting the right to stand.

For the 2016 elections, filing fees for presidential candidates were increased from GHC10 000 (approximately 2 358USD)<sup>18</sup> to GHC50 000 (approximately 11 792USD), while the fees for parliamentary candidates is GHC10 000. For parliamentary candidates, the fees were increased from GHC 1000 (approximately 235USD) to GHC 10 000. Stakeholders consulted by the PAM raised concerns about the sharp increase of the filing fees. Notably, political parties were not satisfied with the fact that there was no consultation undertaken through the IPAC to build a consensus around the issue, and that political parties were informed of the increase of the fees only at short notice. The Progressive People's Party (PPP) filed a case at the High Court to seek interpretation of article 296 of the Constitution to determine on what basis the EC set the new fees. The lawsuit was however dismissed by the High Court on 7 October 2016.

The PAM also noted the provision for parties and candidates who secure more than 12.5% of the votes cast in the elections to get a refund of the filing fees. This means that only the bigger parties can hope to receive a reimbursement. The PAM is of the view that in the long run, such system may be detrimental to the development and sustenance of smaller parties, which may face more challenges to mobilise the necessary funds. The increase in fees could also considerably hinder women and youth political participation.

**Table 4: 2016 Parliamentary candidates' nomination statistics**

| Region               | Number of candidates | Number of men | Number of women |
|----------------------|----------------------|---------------|-----------------|
| Ashanti              | 206                  | 178           | 28              |
| Brong-Ahafo          | 122                  | 110           | 12              |
| Central Region       | 92                   | 76            | 16              |
| Eastern Region       | 109                  | 94            | 15              |
| Greater Accra Region | 145                  | 114           | 31              |
| Northern Region      | 101                  | 92            | 9               |
| Upper East Region    | 64                   | 58            | 6               |
| Upper West Region    | 52                   | 49            | 3               |
| Volta Region         | 116                  | 107           | 9               |
| Western Region       | 108                  | 100           | 8               |
| <b>Total</b>         | <b>1115</b>          | <b>978</b>    | <b>137</b>      |

Source of data: Electoral Commission of Ghana, 'Profiles of 2016 Parliamentary candidates', <http://www.ec.gov.gh/resources/downloads/profiles-of-2016-parliamentary-candidates.html>

#### 4.3. Civic and Voter Education

The Electoral Commission and the National Commission for Civic Education (NCCE) are the key institutions responsible for civic and voter education in Ghana. The establishment, membership and functions of the NCCE are regulated by the Constitution and the National Commission for Civic Education Act of 1993.

<sup>18</sup> <https://www.oanda.com/currency/converter/>

The Electoral Commission is mandated by the Constitution to educate the people on the electoral process and its purpose, while the NCCE has a broader mandate in civic education beyond elections. However, the latter does focus its activities on elections during election periods.

Both Commissions have undertaken voter education activities and collaborated ahead of the 2016 elections. For instance, the EC has used the platform of the NCCE's programmes to promote voter education on specific electoral procedures, and special attention was given to addressing the issue of spoilt and invalid ballots, as this issue has raised concerns in the previous elections.

The EC in its strategy has focused on addressing the use of technology in the elections through voter education, such as the use of biometric devices, while the NCCE has dealt with general aspects of voter education. Specific activities targeted at the youth, women and people with disability were also conducted by the NCCE.

The EISA PAM through its consultations gathered that the impact of the NCCE's efforts has been limited, partly due to a lack of adequate resources.

#### *4.4. The Media*

Freedom of speech and expression, freedom and independence of the media, as well as the right to information, are guaranteed by the Ghanaian Constitution.

A National Media Commission was set up under article 166 of the Constitution. The functions of the Commission are:

- to promote and ensure the freedom and independence of the media for mass communication or information;
- to take all appropriate measures to ensure the establishment and maintenance of high journalistic standards;
- to insulate the state-owned media from governmental control; and
- to make regulations by constitutional instrument for the registration of newspapers and other publications.

The National Media Commission comprises representatives from different associations and professional bodies, such as the Ghana Bar Association, the Christian Group, the Publishers and Owners of the Private Press, which contributes to enhancing its inclusiveness and cementing the relationship with the different organisations. The NMC has conducted some training on elections for media houses and has developed a set of guidelines on political journalism. The guidelines are however not enforceable.

Article 11 of the Constitution provides that the State shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media, and article 12 provides that all presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people. However, some political parties consulted by the EISA PAM reported that the media coverage has been biased towards the two major parties, the NDC and the NPP, thus with less space and time for smaller parties. In its consultation with the Media Monitoring Center, the EISA PAM was informed of the results of its the media monitoring initiatives, which showed that in August 2016, 45% of the media coverage was for the ruling party NDC and 39% for the NPP, while the EC benefited from only 3% of media coverage. The PAM noted that limited coverage to the EC's activities could impact negatively on voter awareness and interest in the elections beyond the political issues presented by the candidates and parties.

Some stakeholders also raised concerns about the proliferation of privately owned media that are strongly biased in their coverage of the elections because of the political affiliation of their owners. In 2016, 95% of the Ghanaian media are privately owned media, while the remaining 5% are state-owned media.

The EISA PAM commended the National Media Commission's efforts to monitor the media coverage of the election process, the coverage of key electoral stakeholders, as well as the coverage of gender issues throughout the electoral process. Through these initiatives, the NMC contributes to providing a constant and accurate insight into the media coverage of the elections, based on clear indicators. The PAM also noted that the NMC has developed a set of guidelines on fair and equitable coverage of political parties and on political advertising, which contributes to promoting fair and responsible political journalism in the country.

In the area of civic and voter education, the NMC has collaborated with the Electoral Commission and the National Commission for Civic Education. Civil society organisations have also been granted media access to undertake civic and voter education with discounted rates or free airtime.

There are currently no guidelines on the use of social media in Ghana. However, contrary to the trend that was observed in some other countries in the past years, the President has assured citizens that social media will not be shut down on Election Day.

#### 4.5. Gender and minority rights

Despite the general consensus that Ghana counts among the most vibrant and mature African democracies, the representation of women and minority groups in public offices of the country remains low. As regards to women's political participation, the highest level of women's representation in Parliament has been 11% since 1996. Only 30 out of 275 MPs in the current Parliament are women.

For the 2016 elections, there is only one female candidate contesting the office of the president, while only 137 of the 1 115 candidates contesting as members of parliament are women. With women accounting for a dismal 12.2% of the candidates for members of parliament, it is not likely that there will be an increase in the percentage of women represented in the next Ghanaian parliament.

**Table 5: Percentage of women's representation in Parliament (1992-2012)**

|              | Year  |      |      |      |      |      |
|--------------|-------|------|------|------|------|------|
|              | 1992  | 1996 | 2000 | 2004 | 2008 | 2012 |
| <b>Men</b>   | 97.5% | NA   | 91%  | 89%  | 92%  | 89%  |
| <b>Women</b> | 2.5%  | NA   | 9%   | 11%  | 8%   | 11%  |

Source of data: Inter-Parliamentary Union (IPU), Ghana country page, [http://www.ipu.org/parline-e/reports/2123\\_E.htm](http://www.ipu.org/parline-e/reports/2123_E.htm)

The EISA PAM noted that article 35 of the Constitution provides that the State shall take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices. The Ghanaian State has ratified the Maputo Protocol of 2003, which provides that parties shall take specific positive action to promote the equal participation of women in the political life through affirmative action. Few programmes have been put in place to ensure affirmative action for women and give life to these obligations. The current government has drafted an affirmative action bill that was approved by the Cabinet in June 2016, but there is no likelihood that it will be passed by the end of the term of the current Parliament.

Some stakeholders have attributed the limited participation of women in Ghana to three factors:

- A lack of political will to initiate policies to ensure women's participation at the local and national level;
- A high level of illiteracy, which affects women's political participation to some extent;
- Lack of financial resources to match up to male candidates contesting elections.

Therefore, the EISA PAM noted with concern that the increase of the filing fees for the 2016 elections may further hinder the political participation of women and minority groups.

The PAM commended arrangements made to provide priority queues for pregnant women, elderly people and people with disabilities will be put in place at every polling station on Election Day. The EC also informed the PAM that it will design tactile ballots, which will be used for blind voters, and the training of visually impaired voters was ongoing at the district level at the time of the PAM.

The PAM noted that the presidential candidate of the CPP, Mr Ivor Kobina Greenstreet, is a person with disability, which is a positive step towards the representation of people with disabilities.

The PAM also noted from the nomination statistics that the average age of the 1 115 candidates for the parliamentary elections is 44, which indicates limited participation of people below the age of 35.<sup>19</sup> The PAM noted the need for political parties to put more measures in place to mobilise young people between the ages of 21 and 35 to contest future elections.

#### 4.6. Civil Society

Ghana's Constitution guarantees freedom of association and the right for citizens to participate in public affairs through article 21 of the constitution.

The EISA PAM noted that CSOs have been actively involved at different levels of the electoral process, especially in observation and monitoring, as well as in civic and voter education. The Coalition of Domestic Election Observers (CODEO), which is an independent and non-partisan network of civil society groups, faith-based organisations and professional bodies which observes Ghanaian elections,<sup>20</sup> is planning to implement a Parallel Vote Tabulation (PVT) system for the 2016 elections and to deploy observers to all the 275 Constituency Collation Centres on polling day. The organisation also deployed observers to observe the limited voter registration and the voter register exhibition exercise, as well as long-term pre-election observers in 138 constituencies, from 15 July to 06 December 2016. Between 4 000 and 8 000 stationary observers will be deployed at sampled polling stations on Election Day, and the organisation will conduct an observation of the post-election environment in specific constituencies during three months following polling day. CODEO LTOs will also monitor women candidate performance at the polls at the constituency level.

In addition to conducting observation activities, CODEO and CDD-Ghana have collaborated to track the coverage of issues affecting marginalised communities, difficult-to-reach areas, women and youth during the elections, which is an initiative that can be described as commendable, for it contributes to inclusiveness of the process.

The EISA PAM noted that CODEO was part of the reform committee, and CDD has also tracked and monitored the implementation of the electoral reforms undertaken by the EC, keeping the institution accountable for its performance.

<sup>19</sup> <http://www.ec.gov.gh/resources/downloads/parliamentary-profiles.html>

<sup>20</sup> <http://www.codeoghana.org/about-history.php>

The PAM noted that the legal framework and the environment are conducive to citizens' active participation in the electoral process through civil society organisations, in a manner that keeps institutions accountable, which contributes to enhancing public confidence in the process, and is consistent with the democratic values to which the country has aspired.

#### *4.7. Security*

The general environment of Ghana's elections in 2008 and 2012 was described as generally peaceful and calm by observers.<sup>21</sup> Despite an increase in electoral tensions as Election Day approached, no major incidents were reported.

Towards the 2016 elections, the stakeholders met by the EISA PAM did not report any specific concerns related to electoral security, apart from the identification of hotspots in Ashanti, Greater Accra, Upper East and Brong-Ahafo regions, with an increased trend of physical violence in comparison to the 2012 elections in these regions. It is worth noting that young people have been more affected by these acts of violence. The police force strategy for electoral security was yet to be published at the time the EISA PAM was deployed.

The West Africa Network for Peacebuilding (WANEP), a regional peacebuilding organisation established in West African countries, has implemented a national early warning monitoring and response group for the 2016 elections, in collaboration with key stakeholders such as the Ministry of Interior, the Ministry of youth, the National Council of Chiefs, CODEO and CDD.

It was also reported to the EISA PAM that some women's groups such as the Queen Mothers have undertaken a preventive and mediatory role to promote peace in some regions of the country. The PAM commended this initiative, which contributes to the inclusion of women in the electoral process.

#### *4.8. Election Campaign*

The Ghanaian Constitution guarantees the freedom of speech and expression, freedom of assembly including freedom to take part in processions and demonstrations, and freedom of movement, which allows candidates to campaign with no geographic restrictions.

Campaigns had recently started at the time of the deployment of the EISA PAM. Some stakeholders described the campaign environment as vibrant, although more subdued than the campaign environment of the last elections. Candidates have conducted more constituency tours and fewer big rallies in comparison with previous elections.

Candidates and parties are required to stop conducting electioneering activities 24 hours before the elections.

#### *4.9. Preparedness of the EMB*

Ahead of the elections, the EC has developed a four-year strategic plan for 2016-2020, with the objective of creating a world-class, trusted and independent electoral body in Ghana.<sup>22</sup>

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<sup>21</sup> CODEO final report on Ghana's 2012 Presidential and Parliamentary elections, EUOM final report on Ghana's 2008 Presidential and Parliamentary elections.

The PAM noted that the EC has been implementing a series of 27 reforms in an effort to improve the transparency and credibility of the 2016 elections. Some of the reforms concern the voter registration process, the recruitment of election officials, voters with disabilities and vulnerable people, duties of returning officers, and duties of the EC. The EC undertook the reforms after an election petition presented by some party representatives in 2012. A Special Reform Committee, which consisted of representatives of political parties, civil society organisations and governance institutions, was set up by the EC. The mandate of the Committee was to synthesise the reforms before proposing them to the EC members who would validate them. Twenty-seven of the twenty-nine reforms proposed by the Committee were accepted by the EC. The PAM assesses the creation of the Committee as conducive to the inclusiveness of the reforms.

Moreover, the PAM noted that there is a general consensus among political parties that the Inter-Party Advisory Committee (IPAC) has been effective as a platform for interparty engagement, consensus building and interaction with the EC. Some parties have acknowledged that the IPAC has contributed to the improvement of the electoral process over the years. For instance, the transition from opaque to transparent ballot boxes and the use of IDs with photos were discussed through the platform. The IPAC was established by the Electoral Commission in 1994 to address distrust expressed by political parties to the Commission and to involve parties in the election management process. CSOs are now also allowed to attend IPAC monthly meetings, but only as observers. Through the IPAC, party representatives and members of the EC forgather on a monthly basis to discuss electoral issues. The IPAC has also offered a mechanism to channel issues for reforms from the stakeholders to the Parliament for legislation. This was the case for the process of deciding the dates of the 2016 elections.

However, the PAM noted some concerns raised by some stakeholders regarding the lack of information dissemination and communication from the EC on the electoral process, despite the Commission's efforts to improve transparency.

Ghana is divided in 275 constituencies. For the 2016 general elections, no new constituencies were created, although the ECG created new polling stations. The ECG has established a total of 29 000 voting stations for the 2016 elections, with a limited number of 950 voters per station.

The PAM noted that the Commission is on course with the key activities and timelines set out in the election calendar. At the time of the team's visit, the recruitment and training of personnel was ongoing. Recruitment interviews for Returning Officers were held on 24 September 2016. The screening of candidates was done on the basis of age and qualification.

On 15 November 2016, representatives of the presidential candidates monitored the printing of the presidential ballots. The ECG hired a company based in Ghana, 'Aero Vote', to print the ballot papers. The printing of the parliamentary ballots commenced in October. For the selection of candidate positions on the ballot, party representatives cast lots.

The arrangement of presidential candidates on ballot papers will be as follows:

1. Convention People's Party
2. National Democratic Party
3. National Democratic Congress
4. Progressive People's Party
5. New Patriotic Party
6. People's National Convention
7. Independent Candidate

The arrangement of parties on parliamentary ballots will be as follows:

1. Great Consolidated Popular Party (GCPP)
2. Progressive People's Party (PPP)
3. National Democratic Congress (NDC)
4. United Progressive Party (UPP)
5. New Patriotic Party (NPP)
6. National Democratic Party (NDP)
7. Independent People's Party (IPP)
8. United Front Party (UFP)
9. All People's Congress (APC)
10. Reformed Patriotic Democrats (RPD)
11. United Development System Party (UDSP)
12. Ghana Freedom Party (GFP)
13. Convention People's Party (CPP)
14. People's National Convention (PNC)
15. Democratic People's Party (DPP)

With regard to the use of technology in the electoral process, each polling station will be equipped with a backup biometric verification device to address machine breakdown. Additional backup devices will also be made available at the district centres.

Furthermore, the EC has been developing new election results transmission software for the transmission of results from constituency collation centres to Accra. The system was tested in the last by-elections. Data will also be projected on screens at the collation centres, so that party and candidate agents, observers and media can observe the evolution of results at the constituency level in real time. This system has been implemented to ensure transparency of the process. Final results will be written manually and faxed to the national collation centre.

**Table 7: Election calendar**

| Event                                                                                | Dates                         |
|--------------------------------------------------------------------------------------|-------------------------------|
| Limited registration for first-time voters                                           | 28 April-8 May 2016           |
| Exhibition of the voters register                                                    | 18 July-7 August 2016         |
| Re-registration of NHIS registrants                                                  | 15 August ; 27-28 August 2016 |
| First-time voters registration (2 <sup>nd</sup> opportunity)                         | 19-26 August 2016             |
| Receipt of nomination                                                                | 30 September 2016             |
| Notification of date of submission of filing fees                                    | 07 October 2016               |
| Training of elections educators                                                      | 06-07 October 2016            |
| Submission of filing fees                                                            | 10 October 2016               |
| Printing of final voters register                                                    | 15 October 2016               |
| Workshop on election security for security coordinators                              | 19-24 October 2016            |
| Training of security personnel at national and regional levels                       | 22-24 October 2016            |
| Printing of registers for early voting day                                           | 24 October-16 November 2016   |
| Printing and distribution of ballot papers                                           | 26 October-26 November 2016   |
| Final polling station list for early voting day                                      | 30 October-10 November 2016   |
| Issuance of accreditation letters to observers                                       | 01-05 November 2016           |
| Preparation of Special Voter Lists                                                   | 01-08 November 2016           |
| Submission of final register, early voting list and other lists to political parties | 03 November 2016              |
| Dialogue with Presidential and Vice-Presidential candidates                          | 04-05 November 2016           |

|                                                                                  |                              |
|----------------------------------------------------------------------------------|------------------------------|
| and National Executives of political parties                                     |                              |
| Donor-funded activity : engagement with female parliamentary candidates          | 04-05 November 2016          |
| Training of candidate agents                                                     | 07-15 November 2016          |
| Donor-funded activity : tactile training                                         | 11-14 November 2016          |
| Training of constituency collation officers                                      | 15-17 November 2016          |
| Dialogue with Presidential candidates                                            | 17-19 November 2016          |
| Dialogue with Parliamentary candidates                                           | 20-22 November 2016          |
| Training of security personnel at national and regional levels                   | 22-24 November 2016          |
| Submission of lists of POs and PAs to political parties                          | 25 November 2016             |
| Training of Polling Assistants                                                   | 29 November-02 December 2016 |
| Training of Presiding Officers                                                   | 29 November-05 December 2016 |
| Early voting day                                                                 | 01 December 2016             |
| EC address to the nation on the elections                                        | 05 December 2016             |
| Election Day                                                                     | 07 December 2016             |
| Gazetting of Parliamentary election results                                      | 09 December 2016             |
| Printing of Presidential and Parliamentary runoff ballots                        | 12-25 December 2016          |
| Distribution of runoff ballot papers and other election materials to the regions | 18-26 December 2016          |
| IPAC meeting                                                                     | 15-16 December 2016          |
| Runoff polling day                                                               | 28 December 2016             |
| Declaration of final presidential results                                        | 30 December 2016             |

Source: Electoral Commission of Ghana. [www.ec.gov.gh/medias/events-calendar/](http://www.ec.gov.gh/medias/events-calendar/)



**APPENDIX****Appendix 1: Stakeholders consulted**

| Organisation                                                                             | Name of representative/s                                                                       | Designation                                                                                                     |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| National Commission for Civic Education (NCCE)                                           | Josephine Nkrumah<br>Joyce Afutu                                                               | Deputy Chair<br>Communication Director                                                                          |
| Center for Democratic Development - Coalition of Domestic Election Observers (CDD-CODEO) | Albert Arhin<br>Ambassador Francis Tsegah<br>E. Kojo Pumpuni Asante<br>Rhoda Osei-Afful        | CODEO Coordinator<br>Senior Research Fellow<br>Senior Research Fellow<br>Research Officer                       |
| National Democratic Congress (NDC)                                                       | Fred Agbenyo                                                                                   | Deputy Communication Director                                                                                   |
| National Media Commission (NMC)                                                          | Alexander Bannerman                                                                            | Deputy Executive Secretary                                                                                      |
| People's National Convention (PNC)                                                       | Atik Mohammed                                                                                  | General Secretary                                                                                               |
| Progressive People's Party (PPP)                                                         | Nii Allotey Brew-Hammond<br>Richard Nii Amarh<br>Bridget Boajo                                 | National Chairman<br>Executive Director<br>Women Affairs Officer                                                |
| Convention People's Party (CPP)                                                          | Yao Asani Tano<br>Hajia Hamdatu Ibrahim                                                        | General Secretary<br>1st National Vice-Chairperson                                                              |
| Electoral Commission Ghana (ECG)                                                         | Samuel Tettey<br>Hamid Kodie Fisa<br>Samuel D. Boadu<br>Joseph Kwaku Asamoah<br>Benjamin Nunoo | Director, Electoral Services<br>Principal Electoral Officer<br>Director, Human Resources<br>Director of Finance |

|                                               |                                                                   |                                                                     |
|-----------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------|
|                                               |                                                                   | Director, IT                                                        |
| United Nation Development Programme (UNDP)    | Nana Chinbuah                                                     | Programme Specialist                                                |
| West Africa Network for Peacebuilding (WANEP) | Ifeanyi Okechukwu<br>Ansoumane Samassy<br>Souare<br>Beatrice Brew | Regional Coordinator<br>Programme Assistant<br>Program Officer      |
| Friedrich-Ebert-Stiftung (FES)                | Fritz Kopsieker<br>Ebow Mensah<br>Michael Abbey                   | Resident Director<br>Programme Coordinator<br>Programme Coordinator |
| New Patriotic Party (NPP)                     | Peter Mac Manu                                                    | Campaign Manager                                                    |
| Youth Network for Human Rights and Democracy  | Prosper Hoetu                                                     | Executive Director                                                  |
| Women in Law and Development in Africa        | Frank Wilson Bodza                                                | Programme Manager                                                   |

**Appendix 2: Registered Political Parties**

|                                                   |
|---------------------------------------------------|
| <b>1. Convention People's party (CPP)</b>         |
| <b>2. Democratic People's Party (DPP)</b>         |
| <b>3. Democratic Freedom Party (DFP)</b>          |
| <b>4. Eagle Party (EP)</b>                        |
| <b>5. Ghana Democratic Republican Party</b>       |
| <b>6. Great Consolidated Popular Party (GCPP)</b> |
| <b>7. Ghana National Party (GNP)</b>              |
| <b>8. Ghana Freedom Party (GFP)</b>               |
| <b>9. Independent People's Party</b>              |
| <b>10. National Democratic Congress (NDC)</b>     |
| <b>11. New Patriotic Party (NPP)</b>              |
| <b>12. New Vision Party</b>                       |
| <b>13. People's National Convention (PNC)</b>     |
| <b>14. Progressive People's Party (PPP)</b>       |
| <b>15. Reformed Patriotic Democrats</b>           |
| <b>16. UPP</b>                                    |
| <b>17. United Love Party</b>                      |
| <b>18. United Front Party</b>                     |
| <b>19. United Development System Party</b>        |
| <b>20. United Renaissance Party</b>               |
| <b>21. United Ghana Movement</b>                  |
| <b>22. Yes People's Party</b>                     |
| <b>23. All People's Congress</b>                  |
| <b>24. National Democratic Party (NDP)</b>        |

## **ABOUT EISA**

### **INSTITUTIONAL BACKGROUND**

EISA has since its inception in July 1996 established itself as a leading institution and influential player dealing with elections and democracy-related issues in the African continent. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute's vision is executed by striving for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

Having supported and/or observed over 70 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution and law-making processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides assistance to inter-governmental institutions, like the African Union, and the Pan-African Parliament, to reinforce their capacity in the elections and democracy field. The Institute has just signed an MOU with the Economic Community of Central African States (ECCAS); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). Within the framework of these recently signed memoranda, the Institute will also provide similar assistance respectively to these intergovernmental institutions. Its MoU with the African Union was also renewed in 2014.

With its headquarters in Johannesburg (South Africa), EISA has had field offices across the African continent and currently has offices in Central African Republic, Democratic Republic of Congo, Madagascar, Mozambique, Somalia, Zambia and Zimbabwe, and a regional liaison office at the secretariat of the ECCAS in Libreville, Gabon.

### **Election observation activities**

EISA has deployed continental witness missions for the past ten years, including missions to Angola (2008), Botswana (1999, 2004, 2009), Central African Republic (2010, 2011), Democratic Republic of Congo (2005 referendum, 2006 elections), Egypt (2011, 2012, 2014, 2015), Ghana (2008, 2012), Guinea Conakry (2010), Lesotho (1998, 2002, 2007, 2012, 2015), Liberia (2011), Madagascar (2005, 2007, 2013), Malawi (1999, 2004, 2009), Mauritius (2000, 2005, 2010, 2014), Mozambique (1999, 2004, 2009, 2013, 2014), Namibia (1999, 2004, 2009), Senegal (2012), Seychelles (2011), South Africa (1999, 2004, 2009, 2014, 2016), Tanzania (2005, 2010), Uganda (2011, 2016), Zanzibar (2005, 2010), Zambia (2005, 2008, 2011, 2015, 2016), and Zimbabwe (2000, 2002, 2008). Reports on these missions can also be found on our website.