

THE
CARTER CENTER



OBSERVATION MISSION TO
GHANA'S 2008 PRESIDENTIAL AND
PARLIAMENTARY ELECTIONS

DECEMBER 2008—JANUARY 2009

FINAL REPORT

Waging Peace. Fighting Disease. Building Hope.

THE CARTER CENTER STRIVES TO RELIEVE SUFFERING
BY ADVANCING PEACE AND HEALTH WORLDWIDE; IT SEEKS
TO PREVENT AND RESOLVE CONFLICTS, ENHANCE FREEDOM AND
DEMOCRACY, AND PROTECT AND PROMOTE HUMAN RIGHTS WORLDWIDE.

OBSERVATION MISSION TO GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

DECEMBER 2008—JANUARY 2009

FINAL REPORT

THE
CARTER CENTER



ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA, GA 30307
(404) 420-5188
FAX (404) 420-5196

WWW.CARTERCENTER.ORG





CONTENTS

Foreword	2	Conclusions and Recommendations	50
Executive Summary	4	Acknowledgments	53
Ghana's Political History	8	Carter Center Election Observation	
Election Observation Methodology	10	Delegation and Staff	55
Legal Framework	12	Appendices	
Election Management	14	A. <i>Terms and Abbreviations</i>	58
The Pre-election Period	16	B. <i>Presidential Election Results and Statistics</i>	59
Election Day: Dec. 7, 2008, Presidential and Parliamentary Elections	32	C. <i>Carter Center Public Statements</i>	60
Developments in the Interim Period: Dec. 8–27, 2008	40	D. <i>Carter Center Deployment Plans</i>	86
Election Day: Dec. 28, 2008, Presidential Runoff Election	43	E. <i>Election Day Checklists</i>	89
Special Voting in Tain: Jan. 2, 2009	48	F. <i>Letter of Invitation</i>	95
		The Carter Center at a Glance	96



FOREWORD

By John Stremlau
Vice President for Peace Programs, The Carter Center

The Jan. 7, 2008, inauguration of Ghana's new president, professor John Evans Atta Mills, marked the second peaceful transfer of power from an incumbent to an opposition political party in Ghana's electoral history. Mills defeated Nana Addo Dankwa Akufo-Addo by a mere 40,586 votes out of 9,001,478 votes cast. This extremely close election affirms Ghana's democratic development, with all parties acting in good faith in accordance with the constitutional provisions for the conduct of a competitive, democratic election.

The recent election also shows political focus in Ghana is changing. Emphasis is now on issues of the economy, access to education, health care, economic opportunity, and corruption, rather than on divisive rhetoric appealing to ethnic loyalties or the politics of personality. Basic democratic principles—which are enshrined in the Ghanaian Constitution, including protection for fundamental suffrage rights and the entrenchment of core provisions such as an executive term limit and guaranteed independence for an electoral commission subject only to judicial review—prevailed.

Broad and enthusiastic public participation in the election confirmed the Ghanaian people's commitment to representative governance. Turnout for this election, which comprised two rounds on Dec. 7 and Dec. 28, 2008, and voting in the Tain constituency on Jan. 2, 2009, was higher than 70 percent, and tens of thousands of Ghanaians participated in the management and monitoring of over 22,000 polling stations. The voting and counting process was efficient and transparent, and reflected a deepening national consensus and commitment to defend the country's constitution and the goal of democratic development.

Approximately 4,000 domestic observers were deployed throughout the country to conduct election-day observation and a parallel vote tabulation. Like their international counterparts, these observers were unanimous in concluding that the Ghana Electoral Commission had conducted the election in a credible manner that was peaceful, transparent, and generally free of intimidation or other threats. The work of these observers was supported by Ghana's robust media and civil society organizations, such as an interfaith national peace committee, professional associations, and human rights groups. The Carter Center was pleased to accept an invitation from the Ghanaian government to conduct observation and, having arrived prior to most other international observation missions, was able to engage deeply in the electoral process, providing a framework for cooperation among observer groups, which served to support and strengthen the work of Ghana's strong, capable election management body.

The Carter Center commends the Ghanaian people for their dedication and support throughout the electoral process. As with any democracy, Ghana faced many procedural and logistical challenges during the 2008 election. Flagging trust in the Electoral Commission, concerns over a flawed voters register, and increased incidences of divisive political rhetoric marked the pre-election period. Many in the international community feared 2008 might evidence a backsliding of Ghana's democratic development. However, the Ghanaian people and civil society organizations pressed all parties to adhere to the constitutionally prescribed process, discontinue violent and divisive rhetoric, and resolve any electoral conflicts by peaceful, lawful means, steps that helped to ensure continued democratic consolidation. This commitment continued in the immediate post-election period when, even with the race so tight and



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

widespread allegations of rigging by both main political parties, fears of violence or the rejection of results remained unfounded. Along with the steps taken by the Electoral Commission to ensure the acceptance of results by all parties, the continuing efforts and commitment of Ghanaian individuals and organizations hold the great lessons for other countries undergoing transitions to representative governance.

Ghana has succeeded in creating conditions in which political leaders are elected through constitutional means, and the integrity of the electoral process is respected above the desire for power. The Carter Center was proud to be a part of this successful election, which should serve to inspire emulation by other emergent democracies, especially Ghana's immediate neighbors, as they strive to recover from conflict and failed governance.



EXECUTIVE SUMMARY

The Carter Center found that Ghana's voters participated in transparent and relatively peaceful elections during the presidential and parliamentary elections on Dec. 7, 2008, and the presidential runoff on Dec. 28, 2008. The initial round of presidential elections was contested by six different parties, and as no candidate received the required 50-percent-plus-one, a runoff took place between John Evans Atta Mills of the opposition National Democratic Congress and former Foreign Minister Nana Addo Dankwa Akufo-Addo of the ruling New Patriotic Party. The elections were well-executed and illustrated the successful administration and organization of the Electoral Commission and the determination of the Ghanaian public to ensure continued democratic consolidation. The narrow margin of victory by the opposition and the peaceful transfer of power from outgoing President John Kufuor to newly elected President John Evans Atta Mills marked an important moment in Ghana's democratic development and served as an example to its West African neighbors. The Carter Center commends the enthusiasm and determination of Ghana's people to continue democratic consolidation through active participation in an inclusive and transparent electoral process.

THE CARTER CENTER IN GHANA

The Carter Center established a field office in Ghana in May 2008 and deployed long-term observers in June 2008 and again in September 2008. Long-term observers remained in the country from September until mid-January 2009 and were joined by short-term delegations of more than 55 observers from more than 15 countries for both rounds of polling. The

Center also deployed a 10-person observation team to observe the special polling day in the Tain constituency on Jan. 2, 2009. During both rounds of polling, election observers were deployed to all 10 of Ghana's regions and visited more than 350 polling stations to observe voting and counting. Throughout its time in Ghana, The Carter Center worked in close coordination with other international observer groups on the ground and shared its observations, findings, and recommendations with major stakeholders, including Electoral Commission staff, political party officials, civil society and domestic observer groups, and

media representatives. During the pre-election period and after each round of polling, The Carter Center released public statements detailing its findings and recommendations for continued improvement (see appendices).

PRE-ELECTION FINDINGS

The pre-election period was marked by sporadic violence, heightened tension, and heated rhetoric from the main political parties. This increased instability was caused in part by the Electoral Commission's logistical and administrative difficulties, as well as frequent alterations to the electoral calendar. Public confidence in the Electoral Commission declined in the wake of a highly criticized voter registration process. Throughout the pre-election period, Carter Center observers reported multiple delays in the procurement process for the voter registration period, widespread shortage of essential materials, gaps in voter education, and acts of intimidation by the two main political parties, sometimes leading to violence; however, efforts by the Electoral Commission to rectify these issues, as well as the commitment of the Ghanaian people, political parties, and civil society

Election observers were deployed to all 10 of Ghana's regions and visited more than 350 polling stations to observe voting and counting.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

organizations to defusing tensions and ensuring a peaceful process, resulted in a calmer, more stable environment as election day neared.

Voter Registration

The Electoral Commission announced on July 21, 2008, that a 10-day limited voter registration exercise would start on July 31. This registration drive was limited in nature, aiming to revise and update the voters register and to register Ghanaian citizens who had recently turned age 18. In general, the limited voter registration exercise was deemed successful, despite being procedurally hampered by several irregularities involving procurement, voter education, poll worker training, and allegations of ineligible registrants.

The most serious issue during voter registration was referred to as the “bloated register.” While the Electoral Commission had expected that 800,000 to 1 million new registrants would participate in the exercise, 1.8 million names had been added to the register by the time of its completion. This unexpected increase allegedly was caused by large numbers of underage and foreign registrants. To rectify this issue, the Electoral Commission instituted a “mopping up” period and requested help from the Ghanaian public to voluntarily remove their names from the list if they were ineligible. Efforts by the Electoral Commission and civil society groups encouraging ineligible registrants to remove their names from the registrar were successful and largely negated the problem during the general election.

Voter Education

Voter education in Ghana is the responsibility of the Electoral Commission, while the National Commission on Civic Education is responsible for civic education more generally. In the 2008 elections, the Electoral Commission focused its education efforts on procedural aspects of voting, while the National Commission on Civic Education worked to

encourage public participation and educate citizens about the importance of elections. Although the Electoral Commission made limited efforts to educate the public, including hanging posters, airing public service announcements, and using advertisements, the commission lacked the funding and materials to adequately disseminate information. During the registration exercise, the electorate's general lack of awareness and knowledge about the process resulted in some confusion.

As the election drew closer, voter education messages (sponsored by the Electoral Commission and the National Commission on Civic Education)

broadcast on radio and television increased. On election day, however, Carter Center observers noted a lack of procedural understanding on the part of some voters. Further, an unusually high number of invalid ballots during the Dec. 7 election brought up concerns about inadequate education regarding how to properly mark ballots. Civil society organizations additionally made

significant contributions to voter education efforts in the pre-election period.

The Campaign Period

Ghanaian political parties generally enjoyed adequate freedom of association, assembly, and movement to conduct their campaigns successfully and without interference, although some limits on campaign rallies based on Ghana's 1994 Public Order Act were observed. In the early period of campaigning, political parties at times employed inflammatory rhetoric, often focusing on their partisan grievances as opposed to substantive issues; however, the engagement of prominent civil society organizations, like the Institute for Economic Affairs and the Center for Democratic Development, played a positive role in their efforts to keep the focus on issues. To this end, the Institute for Economic Affairs held two substantive presidential candidate debates. Further, the

Ghanaian political parties generally enjoyed adequate freedom of association, assembly, and movement to conduct their campaigns successfully.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

parties all signed a code of conduct and pledged their support for violence-free elections.

Violence

In the months leading up to the elections, the incidents of electoral violence decreased, and the general political environment improved significantly. This can be attributed in part to the involvement of civil society organizations, especially religious institutions, and increased confidence in democratic and electoral processes. While concerns over isolated reports of violent incidents in the pre-election and election day periods were publicly noted by The Carter Center, the Ghanaian electoral cycle was generally peaceful and free from violence or serious intimidation.

ELECTION DAY FINDINGS

The Carter Center short-term delegation found that the Dec. 7 presidential and parliamentary elections were conducted in a peaceful and credible manner, and vote counting occurred in a transparent environment. Carter Center observers noted that electoral officials, political parties, security personnel, and voters worked together to ensure that the election was orderly. The Carter Center noted some cases of late poll openings, missing materials, absent presiding officers, and untrained poll workers but found that such incidents did not affect the overall integrity of the process. High turnout meant that some voters, particularly in urban areas of high population, had to wait more than five hours to vote. While such delays should be rectified in future elections, the Center found that Ghana upheld its commitment to protect the suffrage rights of its citizens, ensuring all eligible



Ghanaian voters line up on election day to cast their ballots. Voter turnout was high, and some voters waited in line for as long as six hours.

voters had the opportunity to cast ballots. In particular, in places where materials were not delivered by Dec. 7, such as the Afram Plains in the Eastern region, the Electoral Commission enacted emergency measures and held special elections on Dec. 8.

RUNOFF FINDINGS

In the period between Dec. 7 and Dec. 28, political parties engaged in widespread door-to-door voter education. In combination with the Electoral Commission's retraining of polling officials, these efforts appeared to result in a substantial decrease of invalid ballots. Active engagement of Ghana's civil society in the electoral process was also noted during this time period, with the National Peace Council of Ghana—which includes representatives of the New Patriotic Party, National Democratic Congress, and major Ghanaian religious, economic, and political interests—holding bipartisan discussions on runoff issues.

The Electoral Commission took significant steps to ensure proper allocation of all voting materials for the second round of elections, and Carter Center



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

observers noted a marked decrease in late poll openings. When delays did occur, they were minor and did not impact the quality of the process. Overall, the Center found the presidential runoff election to be transparent and relatively peaceful. Counting occurred quickly and was open to observation by the Ghanaian public, party agents, and observers. The Center did note minor issues with the completion of Statement of Poll forms, however, which in several cases resulted in single-digit discrepancies between the vote count and the totals reported.

The Coalition of Domestic Election Observation Organizations, Institute for Democratic Governance, and the Commission for Human Rights and Administrative Justice were active in both rounds of the elections, deploying domestic observers throughout the country. In addition, the coalition conducted successful parallel vote tabulations on both Dec. 7 and Dec. 28. The Center also noted the positive role of the police and security forces during the course of both elections. Their demeanor was, with very few exceptions, courteous, constructive, and restrained in ensuring the establishment of a calm environment

in which citizens could vote safely and efficiently without feeling intimidated.

JAN. 2, 2009, TAIN RE-VOTE

The Tain constituency was unable to vote on Dec. 28 due to missing ballots discovered during material reconciliation at the district level. After consolidation of 229 of Ghana's 230 constituencies, the margin of

error was well under the number of eligible voters in Tain, and the Electoral Commission called for a re-vote on Jan. 2. Despite a boycott of the Tain vote by the National People's Party agents, the process was deemed credible and transparent, and National Democratic Congress party agents were joined by international and domestic observers in all polling stations. Although voter turnout was low, the voting process was conducted peacefully and efficiently. On Jan. 3, with voting in Tain complete, the Electoral Commission

announced that the opposition National Democratic Congress candidate, professor John Evans Atta Mills, won the presidential election with 50.13 percent of the vote.

The Coalition of Domestic Election Observation Organizations, Institute for Democratic Governance, and the Commission for Human Rights and Administrative Justice were active in both rounds of the elections, deploying domestic observers throughout the country.



GHANA'S POLITICAL HISTORY

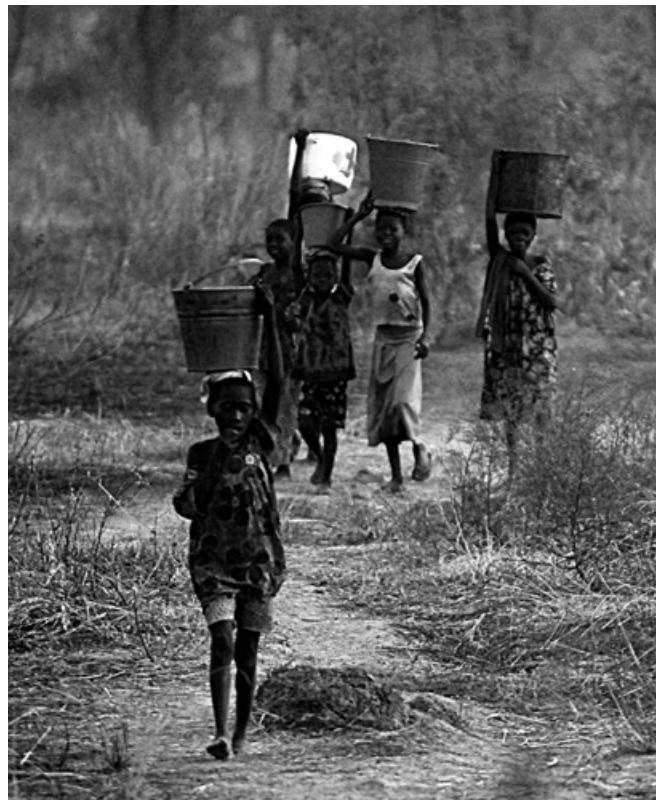
Formerly known as the Gold Coast under British colonial authority, Ghana became the first colony in sub-Saharan Africa to gain independence under majority rule in 1957. Kwame Nkrumah, who had served as prime minister of Ghana's first popularly elected indigenous ministerial government established in 1951, became president of the newly independent republic in 1960. After six years in office, however, Nkrumah was deposed by a military coup in 1966 after worsening economic problems and widespread political corruption caused popular dissatisfaction with the government's socialist policies. Several successive military coups followed, including the one that brought Flt. Lt. Jerry Rawlings to power in May 1979.

In September 1979, Rawlings handed over power to the popularly elected government of Hilla Limann of the People's National Party; however, Limann lacked enough broad-based support in the legislature to enact effective measures to combat Ghana's rapidly deteriorating economy. As public opinion turned against Limann's government, Rawlings seized power again in December 1981, naming himself chairman of the Provisional National Defense Council.

In response to international pressure to set up democratic institutions, the Provisional National Defense Council created a National Commission for Democracy, which proposed the election of an executive president for a fixed term and the establishment of a legislature and the post of prime minister. In May 1991, Rawlings' government approved the restoration of a multiparty political system and accepted the National Commission for Democracy's recommendations. In March 1992, Rawlings created the Consultative Assembly to aid the transition to a constitutional republic. The assembly accepted the majority of the National Commission for Democracy's constitutional recommendations, notably that executive power would be vested solely in the president, and stipulated that members of the government would

be exempt from prosecution for preconstitutional acts. The Constitution of the Fourth Republic was approved by national referendum in April 1992 by 92 percent of votes cast. Voter turnout was 43.7 percent.

In June 1992, the ban on political associations was lifted, allowing for the development of new political parties. A coalition of pro-government organizations known as the National Democratic Congress formed to contest the upcoming 1992 elections, with Rawlings as their flag bearer. Four other parties nominated candidates, including the People's National Convention and the New Patriotic Party. Rawlings won the election easily amidst opposition accusations of widespread election irregularities. In January 1993,



Women carry water in rural Ghana. Ghana is a nation of approximately 23 million people, occupying 92 million square miles between Liberia and Togo in West Africa.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Rawlings was sworn in as president of the Fourth Republic, the Provisional National Defense Council was dissolved, and the new parliament was inaugurated. The Carter Center partnered with the National Democratic Institute to observe the 1992 presidential election. The mission included 18 international observers and 250 Ghanaian observers, who observed election proceedings in 10 regions of Ghana. While the observers noted irregularities in voting procedures, the mission concluded these were not significant and did not affect the outcome of the election.

In the run-up to the 1996 presidential election, the People's Heritage Party, the National Independence Party, and a faction of the People's National Convention merged to form the People's Convention Party. The People's Convention Party and the New Patriotic Party formed an electoral coalition known as the Great Alliance, with John Kufuor as the presidential candidate and the incumbent vice president, Kow Nkensen Arkaah, as his running mate. Despite this political alliance, Rawlings was re-elected president with a comfortable 57.2 percent of votes cast (with a 76.8 percent turnout), though the New Patriotic Party gained 60 seats in Parliament.

In 2000, President Rawlings announced that he would not seek a third term, per the constitutional term limit, and that Vice President John Evans Atta Mills would be the presidential nominee of the National Democratic Congress. The New Patriotic Party nominated John Kufuor to run again. Since neither Mills nor Kufuor was able to obtain a clear majority of the votes during the general election on Dec. 7, 2000, a runoff was held on Dec. 28. Kufuor defeated Mills in the runoff, garnering 56.8 percent of the vote. The New Patriotic Party also gained a majority in Parliament.

The transfer of power was peaceful, but the Kufuor administration undertook investigations

into corruption and human rights abuses during the Rawlings years, which Rawlings claimed were a form of political retribution. The newly elected government also advocated the creation of a truth and reconciliation process to deal with the political and ethnic divide that had grown in Ghana since independence. The National Reconciliation Commission investigated more than 400 complaints of human rights abuses over the course of its yearlong tenure, though no high-profile prosecutions ever took place.

The next presidential and legislative elections were held in 2004, with President Kufuor running for the New Patriotic Party and Mills once again representing

the National Democratic Congress.

The elections were conducted without violence and were reported by observers to be credible, though the Center for Democratic Development in Ghana reported incumbent abuse in some areas. Kufuor was re-elected president with 52.45 percent of the vote (with voter turnout at 85.1 percent), and the New Patriotic Party maintained its majority in Parliament.

Expectations for the 2008 elections were extremely high, both inside and outside Ghana. In 2008, Kufuor was constitutionally barred from running for a third term. With no presidential incumbent and no clear front-runner, the political environment intensified quickly in the months preceding the election. Public confidence in elected officials was on the decline, and sporadic violence had been reported in parts of the country. The elections represented a watershed moment for democracy in Ghana and the African continent as a whole, given Ghana's status in the region as a democratic success story. Members of the domestic and international community feared that if the elections were not executed properly, Ghana's electoral institutions and practices could be undermined, and other countries undergoing democratic transitions could backslide.

With no presidential incumbent and no clear front-runner, the political environment intensified quickly in the months preceding the election.



ELECTION OBSERVATION METHODOLOGY

Reflecting an emerging consensus among organizations that promote and support democracy around the world, The Carter Center believes that democratic elections are a critical means by which citizens hold their governments accountable and through which governments establish their legitimate authority. International election observation aims to play a supportive role by focusing both international and domestic attention on the electoral process, reinforcing the role of human rights in elections, fostering inclusive voter participation, and providing a critical, impartial assessment of electoral legitimacy.

The Carter Center observes elections at the invitation of the government, head of state, or election authority, and only if all major parties welcome its participation. In the case of Ghana, the Electoral Commission issued an invitation to The Carter Center requesting an observation mission. The Center seeks to provide a unique contribution to electoral processes in new and nascent democracies undergoing democratic transitions or intensified efforts to improve the quality of democracy. The 2008 presidential and parliamentary elections in Ghana addressed both of these issues with a transfer of power guaranteed in an election without an incumbent in a strong and growing democracy.

CRITERIA FOR ASSESSMENT

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observers, which was endorsed at the United Nations on Oct. 27, 2005. The Carter Center strives to employ an assessment

methodology based on a state's human rights commitments, relevant to the electoral process. Observation and recommendations are offered on the basis of an observed state's fulfillment of its own domestic election law and international obligations for democratic elections. Using objective standards for observation, such as those based in human rights law, allows the Center to ensure objectivity and credibility in its observations both within and among states. Carter Center observers underwent a multiday training, focused in part on understanding elections in the

human rights context and the use of methodological tools.

Using objective standards for observation, such as those based in human rights law, allows the Center to ensure objectivity and credibility in its observations both within and among states.

SCOPE AND DURATION OF OBSERVATION

Increasingly, it is understood that the electoral process consists of much more than election day. Observation of the pre- and postelection periods is critical to a robust understanding of an electoral process. The Carter Center strives to conduct assess-

ments of elections that focus not only on the voting process but on pre-election undertakings such as the development of a legal framework, the process for appointment of the election commission, voter education drives, the openness and freedom of the campaign period, and voter registration. Additionally, the Center understands that assessment of election disputes in the postelection period can be a critical element of observation. As such, the Center believes that the quality of election observation can be enhanced by having observers in the field for a substantial period of time both before and after the election. In addition, a long-term observation presence enables the development of relationships with political parties, government officials, and other



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

stakeholders in the election process, allowing the Center to assess not only procedural aspects of the election but also the conduct of major contributors, including the election commission and the nation's media. A long-term presence may lead to an increased understanding of the political and social environment and can help to complement or provide support for domestic observer groups.

THE CARTER CENTER IN GHANA

The Carter Center established a field office in Accra in May 2008. The Center's long-term presence in Ghana allowed observation of the entire election process, including voter registration, polling, and tabulation of results. Prior to the election, the Center monitored political and electoral developments and the Electoral Commission's activities and preparations for implementation of the voter registration process. The first teams of long-term observers were deployed around the country in June 2008 to observe voter registration and the overall pre-election environment.

A second wave of long-term observers deployed in mid-September and observed the exhibition of the voters register, the political party nominations, the campaign period, and the voter transfer exercise, while monitoring the media and security situation. Additionally, a pre-election assessment mission in October led by John Stremlau, vice president for peace programs at The Carter Center, provided an opportunity for the Center to explore issues of

voter-registration irregularities in greater detail and to share information with key actors.

For the Dec. 7 elections, long-term observers were joined by a 57-person international delegation of short-term observers drawn from across Africa, Europe, North America, and the Middle East to observe polling, counting, and tabulation for both presidential and parliamentary races. Ketumile Masire, former president of Botswana; Joseph

Warioba, former prime minister of Tanzania; and Stremlau led the delegation. On election day, Carter Center observers visited more than 300 polling stations in 30 districts across all 10 regions to observe voting and counting.

For the Dec. 28 presidential runoff, The Carter Center organized a second short-term international observer

delegation composed of 58 individuals from 17 countries and led by former Speaker of the Nigeria House of Representatives Aminu Bello Masari and Stremlau. Observers visited 354 polling stations in 33 districts in all 10 regions of the country to observe voting, counting, and the immediate postelection period. On Dec. 31, The Carter Center also deployed a team of 10 observers to the Brong-Ahafo region to observe voting and counting in the Tain constituency, visiting more than 60 of the 144 polling stations. The Carter Center observers found that in both rounds of elections and the special voting process in the Tain constituency, Ghana's voters participated in transparent, administratively well-executed, and largely peaceful elections.



Ketumile Masire (left), former president of Botswana, and Joseph Warioba (right), former prime minister of Tanzania, led the Carter Center election observation mission in Ghana. They were joined by Ken Nnamani, former president of the Nigerian Senate (center).



LEGAL FRAMEWORK

The Ghana Constitution enshrines key international obligations, including political rights such as the rights to associate freely with a political party, to vote by secret ballot, to participate in public affairs, and to hold elected office.¹ The constitution establishes additional human rights, which must necessarily be respected if an electoral process is to be a clear reflection of the will of the people. These include freedom of opinion and expression, freedom of assembly, and freedom of movement.² These constitutionally protected political rights are reflected in the 1996 Ghanaian Public Elections Regulations, the 1995 Registration Regulations, and the 2000 Political Parties Law, among others. These election regulations are generally in line with international obligations and provide a strong foundation for democratic elections.

Ghana has ratified several international treaties, including the UN International Covenant on Civil and Political Rights, the UN International Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Political Rights of Women, and the UN Convention Against Corruption. In addition, Ghana has ratified a number of important regional treaties, including the African Charter on Human and People's Rights and the African Union Convention on Preventing and Combating Corruption. Ghana is also a signatory to the Universal Declaration of Human Rights; the African Charter on Democracy, Elections, and Governance; and the Declaration of Principles on Freedom of Expression in Africa and has adopted the Economic Community of West African States Protocol on Democracy and Good Governance as well as the Protocol on the Fight Against Corruption. See Figure 1 for a complete summary of Ghana's international treaty commitments. The Carter Center made every effort to

conduct an impartial assessment of Ghana's elections against these commitments as well as in light of the Ghanaian electoral code and constitution.

While Ghana generally enjoys a strong legal framework for elections, the Center noted that the implementation of this legislation has not been consistent. Key areas where the election-day processes were at times inconsistent with the electoral legislation include the number of party agents per polling station, the placement of party seals on ballot boxes during opening and closing,³ and the determination of voter intent during the count. While these issues did not appear to affect the integrity of the process and in some instances might have strengthened its transparency, the Center urges the Electoral Commission to ensure that practices and election legislation are aligned.

GHANA'S ELECTORAL SYSTEM

Ghana's electoral system is defined in the Ghana Constitution as a presidential republic with a single-house legislature consisting of 230 members.⁴ Election to the office of president is based on a first-past-the-post electoral system, requiring a winning candidate to receive more than 50 percent of the electorate's vote.⁵ In cases where no candidate receives a majority, the constitution, in Articles 63(4) and 63(5) requires a runoff election between the two candidates receiving the most votes in the first round of elections. Ghana uses a ticket-based system for the office of vice president, with vice presidential candidates

1 1992 Constitution of Ghana, Articles 49(1), 55

2 1992 Constitution of Ghana, Article 40(d)

3 Electoral Law, Articles 29(2), 36(4)(a)

4 Article 93 of the Ghana Constitution requires that the legislature be composed of no fewer than 140 members. After the 2000 elections, the number of members in this body was raised from 200 to 230.

5 1992 Constitution of Ghana, Article 63(3)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

elected if their presidential running mate receives the necessary votes.⁶ In contrast, parliamentary elections are conducted on the basis of a plurality system, with a candidate declared the winner if he or she earns more votes than any other candidate. For both presidential and parliamentary candidates, the

term of office is four years, with presidential candidates limited to two terms in office per the Ghana Constitution, Article 66(2). For referenda, at least 35 percent of the electorate must participate, and of the valid votes cast, at least 70 percent must vote in favor of the issue.

Figure 1. Status of Ratifications in Ghana

Treaty/Declaration	Status	Year
UN International Covenant on Civil and Political Rights (ICCPR)	Ratified	Sept. 7, 2000
UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Ratified	Jan. 2, 1986
UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Ratified	Sept. 8, 1966
UN Convention on the Political Rights of Women	Acceded*	Dec. 28, 1965
UN Convention on the Rights of the Child	Ratified	Feb. 5, 1990
UN Convention Against Corruption	Ratified	June 27, 2007
UN Convention on the Rights of Persons with Disabilities	Signed	March 30, 2007
UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Ratified	Sept. 7, 2000
Universal Declaration of Human Rights (UDHR)	Adopted**	—***
African Charter on Human and People's Rights (ACHPR)	Ratified	Jan. 24, 1989
Protocol to the ACHPR on the Rights of Women in Africa	Ratified	June 13, 2007
African Union Convention on Preventing and Combating Corruption	Ratified	June 13, 2007
African Charter on Democracy, Elections, and Governance**** (ACDEG)	Signed	Jan. 15, 2008
Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance****	Ratified	—***
ECOWAS Protocol on the Fight Against Corruption****	Adopted	Dec. 21, 2001

*Accession and ratification of a treaty are procedurally different, although the substantive results of both processes are identical. Ratification implies that a country has first signed the treaty, whereas accession connotes that a country has not previously signed, or was not in a position to sign, a treaty, whatever the reasons.

**As a declaration, the Universal Declaration of Human Rights has not undergone a process of ratification; however, it is widely considered binding as an example of customary international law. The declaration was originally adopted by 48 countries in 1948.

***Where unavailable, Ghana's exact dates of adoption, signature, or ratification have been omitted.

****The African Charter on Democracy, Elections, and Governance; the ECOWAS Protocol on Democracy and Good Governance; and the ECOWAS Protocol on the Fight Against Corruption have not yet entered into force.

6 1992 Constitution of Ghana, Article 59(4)



ELECTION MANAGEMENT

An independent and impartial electoral commission that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election and that other international obligations related to the electoral process are met.⁷

The formation and structure of Ghana's Electoral Commission is defined by Chapter 7 of the Ghana Constitution. The commission consists of seven members, including a chairman and two deputy chairmen, appointed by the president.⁸

The chairman and deputy chairmen must meet the criteria for service on the Court of Appeal or the High Court of Ghana, respectively, and may not hold any other public office during their terms with the commission.⁹ The commission is responsible for the conduct and supervision of all public elections and referenda and, under Article 45 of the

constitution, has the express mandate to demarcate electoral boundaries, provide voter education, and conduct voter registration.

The Electoral Commission has been in continuous operation for 14 years and is widely perceived to be independent and impartial. In addition to organizing general and district-level elections alternately at two-year intervals, the commission also conducts by-elections at both national and district levels. While the Electoral Commission is a permanent body, it also appoints temporary staff as needed, in particular when conducting voter registration, demarcating electoral boundaries, or during elections, including referenda. The highest temporary electoral appointment is the electoral district officer, who, assisted by two deputies, is in charge of a district. At the polling station level, staff generally includes a presiding officer and two

polling assistants per station. For a national election, the commission employs as many as 60,320 temporary officials to staff the 120 districts and 20,000 polling stations.

GHANA'S ELECTORAL COMMISSION IN 2008

In the pre-election period, issues with the quality of the voter registration exercise called into question the competence of Ghana's Electoral Commission; however, faced with flagging public confidence, the

commission took effective steps to rectify issues and illustrate its commitment to the successful implementation of Ghana's election. Such measures included the extension of the voter registration period, in an effort to identify and strike names of underage and deceased people from the list, and the implementation of an interparty advisory committee.

This body, which was designed

Faced with flagging public confidence, the commission took effective steps to rectify issues and illustrate its commitment to the successful implementation of Ghana's election.

to be a clearinghouse for issues arising among political parties and between parties and the commission, functioned effectively as a voluntary, nonbinding forum for the development of broad-based resolutions and enjoyed the support and confidence of political parties. In the pre-election period, the commission was primarily responsible for all election preparations, including material allocation, the early distribution of sample ballot papers and nonsensitive election materials (e.g., indelible ink, voting screens, ballot boxes) to district electoral offices, and the conduct of training for party agents and polling staff.

7 UN Human Rights Committee, General Comment No. 25

8 1992 Constitution of Ghana, Article 43

9 1992 Constitution of Ghana, Article 44



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Notably, the commission took immediate steps to rectify issues identified during the Dec. 7 election prior to the Dec. 28 runoff. In particular, after unusually high numbers of ballots cast on Dec. 7 were deemed invalid due to smudged ink, the commission undertook additional poll worker trainings on the determination of voter intent and increased voter education efforts regarding the proper application of indelible ink. After the initial round of elections, the Electoral Commission held additional trainings for poll workers to review procedures for finger

inking, removal of excess ink, voter education at the polling place, and determination of voter intent. The commission, which is responsible for the consolidation of votes and the declaration of results, also played a critical role in the post-runoff period, helping to alleviate tensions when both major parties were forwarding allegations of fraud. The commission held meetings with both major parties to ensure all parties would accept the results and engage in a peaceful transition of power.



John Stremlau (left), vice president for peace programs at The Carter Center, and David Pottie, associate director of the Center's Democracy Program, meet with members of the Electoral Commission of Ghana.



THE PRE-ELECTION PERIOD

The Carter Center established a field presence in Ghana in May 2008 to observe key pre-election activities, including voter registration. In the initial stages of its mission, the Center monitored political and electoral developments and the Electoral Commission's activities and preparation for implementation of voter registration. Throughout this period, Carter Center staff met with local civil society organizations, political party representatives, regional Electoral Commission officials, and traditional leaders to gain deeper insight into Ghana's political environment. In addition, the Center facilitated workshops and town hall meetings in partnership with local civil society organizations to help build confidence in the electoral process and mitigate potential election-related conflicts.

An initial deployment of long-term observers in June 2008 focused on assessing the voter registration process, while a second deployment in September allowed for observation of the exhibition of the voters register, the political party nominations, the campaign period, and the voter transfer exercise. Throughout the observation period, all long-term observers visited key stakeholders at the district and local levels to discuss voter education and civic awareness, the role of political parties, the Electoral Commission's electoral preparations, the media environment, and the possibility of election-related violence surrounding the election.

VOTER REGISTRATION

Sound voter registration processes, which ensure an accurate and complete voter list, are a principal means of ensuring that universal suffrage and the

right of every citizen to vote are fulfilled.¹⁰ Ghana's 1992 constitution stipulates that "every citizen of Ghana of 18 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," although this excludes citizens who have been sentenced to more than 12 months imprisonment in the last five years.¹¹ Individuals are required to reside permanently in the area where they will be registered,

and temporary residents cannot register in their new area unless they apply for a transfer, in which case there is a requirement that they must have lived in the new area for a minimum of two months prior to the transfer.¹²

Within six months following the voter registration period, the Electoral Commission is required by law to prepare and exhibit a provisional voters

register.¹³ Through the exhibition process, citizens are given the opportunity to check the accuracy of their personal information, and claims of error or omissions can be made to the appropriate election officials. Once all claims and objections are resolved, the Electoral Commission bears responsibility for producing the final register.

DELAYS IN REGISTRATION

Voter registration was initially scheduled to begin in March; however, the Electoral Commission

Delay was due to a procurement problem — a vendor that was to provide the Electoral Commission with all-in-one digital workstations for registering voters and producing voter ID cards did not deliver these materials on time.

10 UN Human Rights Committee, General Comment No. 25, Paragraph 6, states, "An accurate and complete voters registration list promotes public confidence in the electoral process and protects fundamental human right to a genuine democratic election."

11 1992 Constitution of Ghana, Article 42

12 1996 Public Election Regulations C.I.15, 20(1)

13 1995 Registration Regulations C.I.12, Part III, 17(1), 18(1)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



Having grossly underestimated the turnout for voter registration, the Electoral Commission agreed to extend the registration period. By the end of registration, the commission announced that 1.8 million new voters were added. Here, officials register voters prior to the elections.

repeatedly delayed setting a date for the exercise, finally announcing on July 21 that 10 days of registration would begin July 31, 2008. This delay, and the resulting compressed electoral calendar, contributed to doubts in parliament and among the political parties regarding the capacity and resources of the Electoral Commission to effectively administer the elections. In addition, the National Democratic Congress claimed that the delay was an attempt by the government and the Electoral Commission to rig the elections in favor of the New Patriotic Party. The environment surrounding the delays contributed to erosion of public confidence in the electoral process.

Despite these public concerns and allegations on the part of political parties, the reasons for the delay in carrying out the voter registration exercise appeared to be legitimate. Carter Center observers, who consulted with Electoral Commission officials multiple times, reported that the delay was due to a procurement problem—a vendor that was to provide the Electoral Commission with all-in-one digital workstations for registering voters and producing voter ID cards did not deliver these materials on time. Distribution of necessary materials was further delayed due to a fuel crisis.

Prior to announcing the final date for registration, the Electoral Commission specified that the voter registration exercise would be limited in size and scope. The commission aimed to revise and update the voters roll and to register Ghanaian citizens who had recently turned 18. Hence, the Electoral Commission targeted the 18–24-year-old demographic and estimated that the exercise would involve between 800,000 to 1,000,000 new registrants, the equivalent of 10 percent of the existing voters roll.

OBSERVATION OF REGISTRATION

The Carter Center observed the limited voter registration process that took place July 31–Aug. 12, 2008. During the voter registration exercise, the Center deployed eight international long-term observers to the Greater Accra, Ashanti, Central, Eastern, Northern, Volta, and Western regions and visited 150 registration centers in 87 districts throughout 63 constituencies. The delegation based its assessment of the voter registration process on factors such as openness and accessibility, adequate voter education efforts, the level of preparation of the officials carrying out the process, and the presence of effective safeguards for an accurate and comprehensive final voters roll. The Center's deployment plan for the registration observation placed a special emphasis on those constituencies in the Ashanti Region where opposition parties alleged fraudulent registration practices and a bloated voters register. An independent investigation by the Electoral Commission later attributed these discrepancies to internal administrative errors and corrected the voters register in the disputed areas.

Although the Electoral Commission and others made efforts to educate voters about the registration process, these efforts were too limited to adequately educate the public. In addition, while party agents from the New Patriotic Party, National Democratic Congress, and others peacefully engaged in the process, in some registration centers they became too actively involved, acting as substitutes for election officials. Observers also noted some isolated incidents of violence. Despite these irregularities, The Carter



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Center found that the limited voter registration was generally successful and achieved its primary purpose of opening the door to newly eligible voters. The process ultimately overcame potentially serious irregularities, including the pressures created by the difficult procurement process, lack of adequate voter education and civic awareness regarding the purpose and target group of the exercise, and the atypical role assumed by political party agents in the conduct of the exercise. Significant observations from the voter registration period are offered below.

PREPAREDNESS OF THE ELECTORAL COMMISSION

Delays in registration coupled with the late identification of electoral districts adversely affected the Electoral Commission's ability to provide training to its officials. The commission trained senior-level election officials on July 25 and 26 and completed two days of training for the district election officials and three days of training for camera operators. Laminators, shaders, and registration officers, however, received only one day of training. The shorter training period was typically explained by noting that individuals recruited for these positions had held them previously and therefore did not require extensive training. While this one-day training was generally sufficient for polling officials who had prior experience, there were cases where temporary staff clearly could have benefited from more extensive training. For example, observers reported that in several areas, procedures for shading or applying indelible ink were not always followed because officials did not know the proper process. More importantly, confusion over who was eligible to register during the limited registration exercise caused some officers to turn away eligible applicants who fell outside of the 18–24 age range.

The transition to updated technology for registration posed additional challenges. The vendor hired by the Electoral Commission promised to ship sufficient computer equipment to completely replace the old registration systems. In practice, the vendor was only able to provide half the ordered goods, meaning

the newly acquired workstations¹⁴ numbered only 2,500 in total as opposed to the 5,000 the Electoral Commission had intended. This shortage resulted in a necessary alteration to the Electoral Commission's deployment plan for district-level registration officials, leading to the assignment of two electoral areas to one registration team. Each team therefore split its time between two zones, which caused confusion among potential registrants about where the consolidated registration centers were located.

MATERIAL SHORTAGES

Carter Center observers reported the lack of essential registration materials in most of the registration centers visited. Registration forms 1A, reconciliation sheets, and poll sheets were late in arriving, inadequate, or not supplied at all. In some areas, the lack of materials brought the process to a halt for several days.¹⁵ Another challenge, reported by Carter Center observers in every region, was the lack of battery replacements for the cameras. As the volume of registrants far exceeded the commission's estimates, batteries did not last very long, and in some cases registration was stopped until replacements were purchased, either by camera operators who used their own money or by party agents. The power packs used for the printers also ran out, and recharging them was problematic, especially in rural areas where electricity was not available. Additionally, observers noted technical problems with some printers and instances where one printer was shared between two or three centers. Insufficient printer paper, lamination materials, and shortages in ink cartridges for generating the ID cards were also observed.

Overwhelmed by the large turnout and unable to keep up with the demand for replenishment of

¹⁴ Each workstation comprised a digital camera, printer, power pack, and USB link cable.

¹⁵ For example, a significant delay occurred in the Ejura-Sekye Dumase district of the Ashanti Region. Delays in the process of voter registration, which is a necessary step to enfranchisement, have the potential to undermine universal suffrage (ICCP, Article 25) by limiting the time period during which potential registrants have access to registration centers. Such delays should be avoided or rectified in all cases.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

registration forms, the Electoral Commission introduced nonserialized, nonscannable forms; however, the forms lacked space for photographs, an oversight that subsequently had to be amended. The shortage of essential equipment and materials had important implications, tarnishing the image of the Electoral Commission and fueling suspicions regarding the transparency and credibility of the process. Not only did it result in lengthy processing times for applications, but it also increased tension, especially on the part of the opposition National Democratic Congress, which claimed the shortages were artificially created in its strongholds to disenfranchise its supporters. As a result of material shortages and related matters, public confidence in the commission's ability to conduct the December polls in an impartial and transparent manner further declined.

ROLE OF POLITICAL PARTIES

Party agents from the New Patriotic Party and the National Democratic Congress were present at every registration center visited by Carter Center observers. Party agents cooperated, helping to mobilize and direct people to registration centers, offering assistance, and providing food to otherwise overwhelmed election officials. In many cases, however, the line between political party agents and formal election officials quickly became blurred. In certain cases, the agents substituted for the election officials in determining who was eligible to register, and in several registration centers, observers witnessed party agents actively applying indelible ink to registrants' thumbs, cutting photographs, and even handling forms.

Besides actively assisting the limited registration process, the two main political parties essentially conducted a parallel registration; their agents recorded each registrant's details at most centers. The party agents' involvement undermined confidence in

the Electoral Commission and further politicized an already tense environment, because many party agents engaged in intimidating behavior in their respective strongholds. Incidents of busing citizens into swing-vote areas were also noted by Carter Center observers. While such individuals may have been legitimately eligible registrants, the process of busing created tension and increased suspicions about attempts to rig the voters roll, further undermining confidence in the process.

THE ISSUE OF UNDERAGE AND FOREIGN REGISTRANTS

The number of new registered voters vastly exceeded the Electoral Commission's estimate and led to suspicions that both the New Patriotic Party and

the National Democratic Congress were responsible for the alleged registration of large numbers of ineligible minors. The desire to obtain a form of official identification given the absence of a national ID card also motivated some ineligible citizens to attempt to register and obtain a voter ID card. In the Northern Region, Carter Center observers reported several instances of underage

applicants registering in both rural and urban areas. There were also allegations of foreigners registering in the Volta and Western regions, although these cases were not directly observed by the Center. Generally, observers noted that election officials and party agents stated that they allowed minors or other ineligible individuals to register "for the sake of peace." It was feared that challenging the eligibility of minors when registering could lead to harassment or fighting, given the highly charged environment.

Having grossly underestimated the turnout for voter registration, the Electoral Commission bowed to public pressure and extended the registration period by another two days, ending it on Aug. 12.

Shortage of essential equipment and materials had important implications, tarnishing the image of the Electoral Commission and fueling suspicions regarding the transparency and credibility of the process.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



A young girl peers from her house on election day. Young people make up a large portion of Ghana's population.

By the end of the registration exercise, the commission announced that 1.8 million new entries were recorded, which was clearly outside its projected range of 1 million additions.¹⁶ As such, the Electoral Commission publicly acknowledged that the revised register was bloated and asked all stakeholders to provide assistance in cleaning it before the December polls.

CONCLUSIONS

The bloated voters roll dominated the political agenda in the weeks following the end of voter registration, and political parties urged the Electoral Commission to undertake measures to clean the register. In response, the commission began to rectify these issues, including calling on ineligible registrants,

especially minors, to voluntarily remove their names from the register and announcing publicly that ineligible registrants who came forward would not be prosecuted. These steps were taken quickly and aimed at ensuring an efficient resolution to the registration issues. Therefore, although the administration and implementation of the voter registration exercise was flawed and revealed potentially serious problems, the Center concluded that the electoral process retained its overall credibility.

EXHIBITION OF VOTERS REGISTER

The provisional voters list was exhibited Oct. 5–11, 2008, from 7 a.m. to 6 p.m., to allow new registrants to verify that their names and personal information were accurate. This was also an opportunity for individuals to inform election officials about deceased and ineligible registrants so the Electoral Commission could correct the register. Over the course of the weeklong exhibition, Carter Center observers traveled to a majority of the districts, visiting approximately 340 exhibition centers.

Overall, observers reported that the process was conducted smoothly in a peaceful environment without major incident; however, a decline in participation on the part of the public and the absence of political party agents were widely noted. In general, observers noted lack of interest and low turnout on the part of the electorate across the regions. Party agents were also relatively absent compared with their large presence during the registration drive. The Northern Region seemed to diverge from this

¹⁶ The Research and Monitoring Department of the Electoral Commission reported that the limited voter registration exercise resulted in an increase of 290.4 percent over the 2006 limited registration figures, reaching a record of 12,822,474, a 16.7 percent increase over the 2006 electoral list of 10,987,057.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

pattern, however, as The Carter Center noted that a significant portion of the population knew about the exhibition process. This was attributed to widespread efforts of imams, priests, and other church leaders to provide information to the public during religious ceremonies. Further, in at least three locations in the Northern Region, observers noted that the exhibition officers went door-to-door to verify voters' information in their area of responsibility. With the exception of one or two cases, all exhibition officers were well-trained, organized, and in control of their centers. Pertinent materials were delivered on time, with only one long-term observer team in the Ashanti Region observing an exhibition center that struggled with outdated materials.

Due to controversy on the status of the voters register, the Electoral Commission also independently attempted to correct inaccuracies on the register, resulting in the removal of 349,000 names. The commission did not, however, provide the political parties with detailed information regarding the constituencies and districts involved and the criteria used to determine removal. The final voters register, as reported by the Electoral Commission, included 12,472,758 voters. While the lack of clearly publicized criteria to determine removal was an issue of concern for both The Carter Center and Ghanaian political parties, all parties agreed to contest the election on the basis of the commission's finalized register, and very few party agents filed election day complaints on the basis of problems with the register.

VOTER TRANSFER

Carter Center observers also monitored voter transfer, which took place between Oct. 27 and Nov. 17. Per the election law, a voter has the right to transfer registration if he or she has been residing in a constituency other than where he or she is registered for

a minimum of two months.¹⁷ To transfer registration, the voter must apply to the electoral office of the constituency where he or she is currently residing. The commission then adds the name of the voter to the absent voters list of his or her original place of registration as a guard against duplicate voting.

During this period, voter transfers were conducted peacefully except for a few minor incidents of violence. Allegations by political parties that supporters were being bused to transfer centers, however, were common. Voter transfers by students attending the University of Cape Coast and Cape Coast Polytechnic in the Central Region were suspended

when National Democratic Congress activists, who alleged that the New Patriotic Party was busing the students, clashed with students in an attempt to halt their transfers. Increases in the number of voters requesting transfers were also reported in the Brong-Ahafo, Central, and Volta regions.

The Electoral Commission's tight time line coupled with the increased number of voter transfers affected its ability to confirm

the veracity of the names of registered voters. The Electoral Commission noted that some of the lists were handwritten, raising concerns about their legitimacy. Furthermore, some of the lists were not distributed to the political parties, a common complaint from the National Democratic Congress. While noting difficulties through the process of registration, exhibition, and voter transfer, The Carter Center found that these did not appear to have significantly affected the integrity of the voting process. However, the Center recommended that Ghana make an effort to better ensure that future registration is carefully structured to enfranchise eligible voters while using robust safeguards, extensive training programs, and voter education to stop duplicate or improper registration.

Over the course of the weeklong exhibition, Carter Center observers traveled to a majority of the districts, visiting approximately 340 exhibition centers.

¹⁷ 1996 Public Election Regulations C.I.15, 20(1)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

VOTER EDUCATION

Voter education is recognized in international law as the principal way to ensure that an informed electorate is able to effectively exercise the right to vote. States must take specific measures to address difficulties that prevent individuals from exercising their rights effectively.¹⁸

Voter education in Ghana is the responsibility of the Electoral Commission, while, more broadly, civic education is the responsibility of the National Commission on Civic Education (NCCE). Given this dual responsibility, through the 2008 election process, the Electoral Commission focused its efforts on informing the public about procedural aspects of voting, while the NCCE focused on educating citizens about the importance of elections and political participation.



Ghanaians participate in a pre-election political rally.

VOTER EDUCATION FOR REGISTRATION

The compressed electoral time line, caused by multiple delays in voter registration, limited the ability of the Electoral Commission and the NCCE to conduct proper and extensive voter education. Carter Center observers noted that limited efforts to educate the public about the registration process, consisting of media announcements and posters, did occur. In all the regions, however, the Center's observers were consistently told that the NCCE was unable to implement its outreach programs due to insufficient funding and resources.¹⁹

A general lack of awareness and knowledge about the registration process on the part of the electorate resulted in confusion over who was entitled to register and the appropriate location at which to

register. Some voters thought they could register to replace lost voter cards, reregister if they relocated, or assumed that the exercise was a complete revision of the voters roll, which potentially led to multiple registrants and may have contributed to overwhelming turnout.

VOTER EDUCATION IN THE PRE-ELECTION PERIOD

Specific voter education efforts of Ghana's Electoral Commission prior to the Dec. 7 election included public service announcements, posters, and some specialized training aimed at increasing access for people with physical disabilities.²⁰ In addition, as the election drew close, broadcast of voter education messages sponsored by the Electoral

Commission and the NCCE on radio and television increased, encouraging citizens to participate in the elections peacefully and warning ineligible individuals, such as minors and double registrants, of the legal consequences of attempting to vote. Carter Center observers reported that these efforts were limited in scope and did not provide adequate education on electoral processes to the Ghanaian public. In its Dec. 9 public statement, The Carter Center noted

18 Specific difficulties can include language, poverty, and impediments to freedom of movement. States must take steps to ensure voter education reaches the broadest possible pool of voters. (UN Human Rights Committee, General Comment No. 25, Paragraph 11)

19 For example, the regional NCCE office in Volta had only three vehicles, clearly inadequate given that the region covers 18 districts and 20,570 square kilometers. Moreover, funds were not disbursed in a timely manner, which further constrained the ability of the Volta office to launch an effective campaign.

20 Article 29(a) of the UN Convention on the Rights of Persons with Disabilities, to which Ghana is signatory, requires states to take measures to ensure that "persons with disabilities can effectively and fully participate in political and public life on an equal basis with others."



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

positively that the Electoral Commission made a significant effort to inform the public of changes to election day voting procedures, such as the process for determining voter intent, through press releases but

noted that this form of voter education potentially does not effectively reach the broadest pool of voters, particularly in rural areas.

“CHECK THE LIST” CAMPAIGN

One of the essential elements of a credible electoral process is ensuring that every eligible citizen is afforded the opportunity to exercise his or her right to vote. This depends in part on an accurate and complete voters register. An informed citizenry that fulfills its civic duties by notifying the Electoral Commission of errors, omissions, and corrections to the register can greatly contribute to the success of an election. In Ghana, the Electoral Commission and its governmental counterpart, the NCCE, bear primary responsibility for voter education, which includes providing information about voter registration and exhibition of the register. Civil society organizations, however, often play an integral role in providing additional or supplementary education to the public.

In the pre-election period, all stakeholders in Ghana recognized that the voters register was “bloated,” likely containing the names of deceased people and ineligible registrants. By its own admission, Ghana’s Electoral Commission needed the public’s assistance during the exhibition period to remove errors to the register prior to the December election. In an attempt to ensure that citizens understood the purpose and importance of the voters register exhibition period, two civil society organizations—the Committee for a Clean Campaign and the National Network for Advocacy and Development—implemented the “Check the List” voter education campaign.²¹ This undertaking sought to help build public confidence in the integrity of the voters register and to urge citizens to assist the Electoral Commission in purging the list of names of deceased people or ineligible registrants. The primary components of the Check the

List campaign were community outreach and mass media.

Through five civil society partnerships, which were developed across three broad geographical zones (northern, middle, and southern belts), the Check the List campaign reached the public through community forums to:

- educate and inform potential voters—especially new registrants—about their duties and responsibilities as citizens in the electoral process;
- raise awareness about the importance of the exhibition period; and
- encourage citizens to check the list during the exhibition to verify its accuracy.

Community forums were held in Agona Swedru, Bole, Ho, Sekyere West, and Techiman Oct. 1–3, 2008. During these forums, representatives from the NCCE and the Electoral Commission spoke about the role of citizens in the election and the procedures for list exhibition. These presentations were followed by question-and-answer sessions. The forums were made more interesting and entertaining through role playing and short sketches.

The campaign also used the mass media to raise awareness and focus the public’s attention on the exhibition period. A jingle was aired on two nationwide radio stations, one in English and one in a mainstream local language, before and during the exhibition period. In addition, bumper stickers were distributed to bus depots and other local public transportation gathering points, allowing taxi and bus drivers to promote voter education by placing stickers on their vehicles.

21 The Carter Center contributed financial support to the Check the List campaign.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

POLITICAL PARTIES AND CANDIDATES IN THE CAMPAIGN PERIOD

Ghana's constitution and its international and regional commitments create obligations for the protection of certain fundamental rights related to the nomination of candidates, parties, and campaign periods. Among others, these include the right to be elected, to freely express opinions, and to participate in public affairs.²² Further, the right of individuals to participate in public affairs, including through the establishment of and association with political parties and participation in campaign activities, is protected by Ghanaian electoral law and international principles relevant to the election process.²³

NOMINATIONS

Initially scheduled to take place on Sept. 29, nominations for the 2008 presidential and parliamentary races were filed with the Electoral Commission on Oct. 16 and 17. In total, the Electoral Commission accepted eight nominees for the presidential race and 1,062 for the 230 parliamentary seats. In its Dec. 9 public statement, The Carter Center noted that the requirement of a 5,000 cedi presidential nomination fee, when considered against Ghana's average per-capita income,²⁴ could be considered an unreasonable limitation on all citizens' right to be elected.²⁵ During the pre-election period, the major political parties appealed to the Electoral Commission to reassess this fee in order to ensure that all eligible citizens have an equal chance to stand for office;²⁶ however, this appeal was denied. While the nomination fee served the legitimate purpose of ensuring that there was not a proliferation of spurious candidacies, in light of the appeal by political parties and Ghana's obligations with regard to the right to be elected, the Center urged the Electoral Commission to consider

other methods of limiting candidates, such as through required expressions of minimum citizen support.

PARTY CAMPAIGNING

Throughout the campaign period, tensions between the two largest political parties—the ruling New Patriotic Party and the National Democratic Congress—were high, but rarely resulted in open violence. The National Democratic Congress claimed to run on a platform of change, stating that the incum-

bent New Patriotic Party had failed to deliver on its promises. Campaigning focused on the National Democratic Congress' ability to address critical issues such as housing, access to food, education, and health. The New Patriotic Party, in contrast, presented its belief that the National Democratic Congress was running a backward-looking campaign, using its historical record, particularly

from the time of President Rawlings, to attract voters.

While the New Patriotic Party and the National Democratic Congress were the two leading parties to compete in the 2008 elections, the other two smaller parties with seats in Parliament, the Convention People's Party and the People's National Convention, announced a strategic alliance in which the

Throughout the campaign period, tensions between the two largest political parties — the ruling New Patriotic Party and the National Democratic Congress — were high, but rarely resulted in open violence.

22 The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions. All citizens are guaranteed the right of equal access to the public services and property of their country, and any derogation from this right that gives advantage to a particular party or candidate may be considered discriminatory. (ICERD, Article 5[b]; ICCPR, Article 19[2]; ACHPR, Article 13[2])

23 ICCPR, Article 9; ACHPR, Article 6

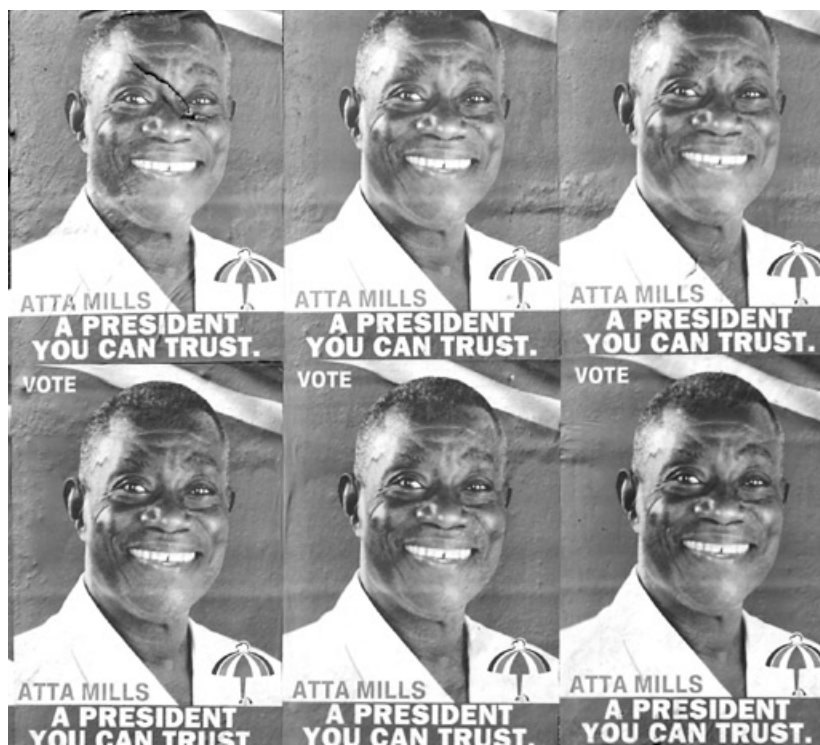
24 2008 estimates put Ghana's per capita income at USD 1,500.

25 For example, the right to be elected is enshrined in the ICCPR, Article 25(b).

26 Presidential nominations were GHS 5,000, and parliamentary nominations were GHS 300.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



Campaign posters were displayed for John Atta Mills.

Convention People's Party presidential candidate, Dr. Paa Kwesi Nduom, would run for the presidency while the People's National Convention leader, Dr. Edward Mahama, would serve as his vice presidential running mate. Although this alliance did not last long, collapsing on May 22, Nduom was a popular politician, and some analysts predicted he could garner between 6 to 10 percent of the popular vote, thus pushing the presidential election to a runoff and possibly making Nduom's endorsement in the runoff election a deciding factor.

In the final weeks before the Dec. 7, 2008, polls, observers reported a significant increase in political rallies and noted that political parties in most areas embarked on vigorous campaigns. While the New Patriotic Party held large, celebratory rallies and distributed T-shirts, party paraphernalia, and food, smaller parties opted for door-to-door canvassing. All of the top four presidential candidates, representing the New Patriotic Party, National Democratic

Congress, Convention People's Party, and People's National Convention, also continued to tour different regions across the country vying for votes.

While rhetoric from all major parties at times verged on inflammatory, party campaigning was relatively calm throughout the electoral period. Carter Center observers reported that throughout the campaign period, the candidates' right of freedom of expression was respected in a manner consistent with Ghana's legal framework and international obligations. Through a set of presidential debates, political party leaders were challenged to debate the substantive issues confronting the nation. Parties generally enjoyed freedoms of assembly and association and conducted numerous campaign events, including rallies and parades, and canvassing to gain supporters; however, the 1994 Public Order Act,²⁷ which requires parties to notify the police of their intent to hold rallies,

was used at times to prevent parties, candidates, and citizens from exercising their freedoms of association, movement, and expression.

POLITICAL PARTY CODE OF CONDUCT

Complementing the efforts of civil society activists, the six main political parties that had declared their intent to contest the December polls agreed on 20 key points for violence-free elections. This collaborative effort, which was aimed at ensuring a peaceful process, gained further momentum when 10 of Ghana's major political parties signed a document titled Political Party Code of Conduct on July 24 at Ghana's Institute of Economic Affairs. The code was developed by the political parties themselves in collaboration with the Institute of Economic Affairs, the National Commission on Civic Education, and

²⁷ The Public Order Act (Act 491), promulgated in 1994



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

the Electoral Commission and thus served as an important symbol of their voluntary commitment to ensuring peace. Although it built upon the 2004 code of conduct for political parties, the 2008 code established a national enforcement body with sanctioning authority, which, while proposed in 2004, was never implemented. As the political atmosphere became increasingly tense among the leading candidates and their supporters, the code provided an important basis for applying public pressure on the parties to conduct their campaigns fairly and without violence.

ELECTION-RELATED VIOLENCE

Violence during the electoral period can preclude a true reflection of the will of the people, rendering an election not credible due to widespread intimidation or the inability of the electorate to safely express their political opinions. International treaties' political commitments include a clear obligation to provide for security of individuals,²⁸ which in the case of elections includes the ability of individuals to participate in the political process free from the threat of violence or intimidation.

VIOLENCE DURING VOTER REGISTRATION

The voter registration exercise took place in a tense, politically intolerant environment as a result of intense campaigning efforts by the New Patriotic Party and the National Democratic Congress and their respective supporters. Tensions were further fueled by allegations on the part of opposition parties that the difficulties faced by the Electoral Commission during voter registration were in fact an effort to rig the elections for the incumbent New Patriotic Party. Based on the Carter Center's observation, such allegations appear wholly unfounded, but they did serve to increase unrest

in an already tense period.

In addition, local conflict concerning the political role of traditional leaders in the Northern Region and southern part of Volta added to an already politically charged atmosphere. Carter Center observers also reported cases of isolated violence, including physical

assaults, aggression against election officials, harassment, gunshots, and intimidation, in a few locations in the Ashanti and Northern regions. In early August, the security situation in Tamale Central deteriorated to such an extent that electoral officials suspended all registration activity due to the threat of violence, stating that they would not resume work unless security was provided. While

the police and military stepped in and the stations later reopened, such insecurity has the potential to dissuade eligible registrants from participation in the process and should be rectified in future election processes.

VIOLENCE DURING PARTY PRIMARIES

During the political party primaries, violence was connected to internal party differences over parliamentary candidates. New Patriotic Party youth in Bekwai in the Ashanti Region staged a violent demonstration protesting the outcome of their party's parliamentary primary, in which Kofi Poku Adusei was re-elected as the parliamentary candidate for the New Patriotic Party, beating his opponent by just one vote. According to news reports, police used tear gas and called in reinforcements to stop the violence. Less than two weeks after the Bekwai incident, New Patriotic Party supporters in Shama constituency in the Western Region protested what they claimed was the imposition of the incumbent Member of Parliament Madam Angelina Baiden-Amissah as their

²⁸ ICCPR, Article 9; ACHPR, Article 6

Complementing the efforts of civil society activists, the six main political parties that had declared their intent to contest the December polls agreed on 20 key points for violence-free elections.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

constituency candidate. In some cases, differences and divisions in the New Patriotic Party became so acute that candidates broke away from the party and contested the election independently.²⁹

By summer's end and into early fall, incidents of pre-election violence were on the rise in what was quickly becoming a tense political environment. These incidents of pre-election violence coupled with existing concerns among the citizenry about the efficacy of the security forces called into question the role of the police early in the pre-election period.

The electorate expressed a lack of trust in a police force that many perceived as corrupt. A shooting incident at a campaign rally in Tamale Metropolitan between New Patriotic Party and National Democratic Congress supporters fueled further violence, leading to killings and a wave of arson attacks in Gushegu on Sept. 1, causing the death of six people and the burning of a National Democratic Congress office and supporters' homes and vehicles. After these incidents, a 12-hour curfew was imposed, with police and military patrolling the area.

Concerns about these examples of increasing violence, viewed against the backdrop of recent electoral disasters on the continent, led to significant efforts by political leaders, the clergy, and civic activists to emphasize the need to promote a peaceful and open pre-election campaign period. Activities aimed at the promotion of peace included public speeches, public prayers, peace walks, concerts, workshops, and sermons in churches and mosques. Civil society organizations, activists, and religious groups all increased their efforts to promote a clean, peaceful campaign.³⁰ Such events proliferated in the time leading up to the elections, contributing to an improved and more stable climate as the final weeks of the campaign

approached.

The efforts taken by civil society organizations and political parties to ensure a peaceful election were further supported by Ghana's security forces, which were deployed throughout the campaign period to ensure the safety of all Ghanaians and were observed by the Center to play a constructive role in the process. While such isolated reports of violence as described above, in both the pre-election and election day periods, were of notable concern, The Carter

Center found that the Ghanaian electoral process was generally peaceful and free from endemic violence or serious intimidation.

CIVIL SOCIETY

Ghana's legal commitments require states to ensure that all citizens have the right to participate in the public affairs of their country, including the ability to participate in

civil society and domestic observation organizations and to freely assemble and associate.³¹ Further, the state is obligated to utilize the efforts of civil society organizations, as appropriate, in order to help achieve a successful election.³²

In the pre-election period, Ghana's civil society organizations, including churches and other religious bodies, conducted a variety of voter education programs and pro-peace initiatives, which played

The efforts taken by civil society organizations and political parties to ensure a peaceful election were further supported by Ghana's security forces, which were deployed throughout the campaign period to ensure the safety of all Ghanaians and were observed by the Center to play a constructive role in the process.

29 A case in point is the resignation of Mr. Alexander Osei Tutu, a New Patriotic Party member from the Asante Akim North constituency who resigned alleging lack of transparency in the way the primary was conducted in his constituency.

30 For example, as part of an initiative to promote peaceful elections, the churches of Ghana declared Sept. 29 to Oct. 5 as a national week of prayer and fasting for the peace and progress of Ghana. This weeklong prayer culminated in a national interdenominational thanksgiving service attended by President Kufuor and all of the presidential candidates.

31 UN Rights Committee, General Comment No. 25, Paragraph 8

32 ECOWAS Protocol on Democracy and Good Governance, Article 8



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

an important role in maintaining a stable electoral environment. Notably, a number of women's organizations were active in the conduct of voter outreach drives, potentially helping to ensure that women participated in the election on an equal basis with men.

In many cases, Carter Center observers noted that organizations made conscious efforts to ensure that their programs were accessible to all Ghanaians, using drama and role-playing as a way to reach all sectors of the electorate.

As reported on Dec. 9, the Center's observers concluded that Ghana had successfully promoted an environment in which citizens could participate freely in the public affairs of their country, including through civil

society organizations. On election day, a number of domestic groups observed the voting process, including the Coalition of Domestic Election Observation Organizations (CODEO), the Institute for

Democratic Governance, the Commission for Human Rights and Administrative Justice, the Institute of Economic Affairs, and the Graduate Institute for Management and Public Administration, and moved freely about the country.³³

Although CODEO observers faced initial delays in being granted access to some polling stations, access did eventually appear to be granted in all cases, and Carter Center observers

concluded that domestic observers appeared to have adequate freedom of movement to effectively fulfill their mandate.

In the pre-election period, Ghana's civil society organizations, including churches and other religious bodies, conducted a variety of voter education programs and pro-peace initiatives, which played an important role in maintaining a stable electoral environment.

SELECTED SUMMARY OF KEY GHANAIAN CIVIL SOCIETY ACTIVITIES

The Institute of Economic Affairs

During the 2008 elections, the Institute of Economic Affairs was instrumental in bringing the candidates closer to the electorate by providing a platform from which the presidential candidates could engage with the public to share their vision and opinion on topics of concern. The institute organized and facilitated public events such as the Evening Encounters with Presidential Aspirants and the two presidential debates, held in Accra and Tamale in October and November, respectively. The presidential debates played an important role in focusing the campaign on issues and policies rather than individuals, which contributed to a more meaningful campaign and reinforced the message of peaceful elections. The institute also facilitated the first vice presidential debate, which took

place in the Cape Coast on Nov. 28, 2008.

As part of its continuing efforts to strengthen multiparty democracy in Ghana, the institute, working jointly with the Ghana Political Parties Programme, launched the Democracy Consolidation Strategy Paper, which identified macro- and microchallenges facing Ghanaian democracy, emanating from its constitution as well as other sources. The institute also helped promote a draft of the Presidential Transition Bill that was unveiled in December 2008 with the goal of enabling a smoother transition process in Ghana. This bill helped focus attention on issues of a transition time line and multiparty coordination to smooth the transition from one government to the next.

continues

³³ UDHR, Article 18; ICCPR, Article 12



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

continued

The Ghana Center for Democratic Development (CDD) and the Coalition of Domestic Election Observers (CODEO)

Comprising 34 independent, nonpartisan civil society organizations, CODEO was formed in May 2000 by the CDD with the purpose of recruiting, training, and deploying domestic observers. For the first time in Ghana's electoral history, a parallel vote tabulation (PVT) exercise was conducted by the CDD and CODEO, with technical assistance from the National Democratic Institute for International Affairs, for the 2008 presidential and parliamentary elections. In early August, The Carter Center facilitated two workshops for CDD and CODEO staff, one on the strengths and weaknesses of parallel vote tabulations and the second on how to conduct

a voter registration audit. Based on these workshops and further consultations, CODEO decided to move forward with the PVT exercise.

In addition to monitoring and releasing periodic statements on the pre-election environment starting in early March, CODEO deployed approximately 4,000 observers to monitor the polls and undertake the PVT exercise, which was instrumental in helping to verify the accuracy of the tabulation process and official results. This PVT used 1,070 rapid-response observers covering all 10 regions and 230 constituencies to complete statistically significant analyses of polling results. The successful PVT results, which coincided within the margin of error with the official tally for the Dec. 7 elections, contributed significantly to public confidence and the overall transparency of the election process.

A FORUM FOR DISCUSSION: CARTER CENTER SUPPORT FOR TOWN HALL MEETINGS IN THE PRE-ELECTION PERIOD

Ghana has a robust and vibrant civil society community, consisting of a wide community of religious and secular organizations. Given their cultural importance, such organizations had a unique ability to engage Ghana's citizenry in an open dialogue focused on resolving issues of concern in the pre-election period. In particular, civil society organizations played a significant role in defusing pre-election tensions and affirming the need for all stakeholders to remain peaceful. In an effort to harness the expertise and capacity of civil society, The Carter Center engaged with key organizations on a regular basis and supported the facilitation of a series of town hall meetings in collaboration with the Coalition of Domestic Election Observation Organizations (CODEO).³⁴

These town hall meetings were focused on the need for a peaceful, open campaign and efforts to prevent violence. Town hall discussions also concerned issues of the public acceptance of electoral results and the engagement of youth in the election process. Meetings were held in Nima and Ashaiman on July 8 and 12, respectively, and participants included representatives from the Electoral Commission, the National Commission for Civic Education, the Muslim Council, community leaders, and the chief imam for the Nima community. Both meetings attracted a large number of Muslim leaders and youth from the respective areas and successfully provided an important opportunity for free communication on critical electoral issues.

³⁴ The Carter Center contributed financial support to this program and cohosted programmatic events with CODEO.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

THE MEDIA

Given the scope and resources of the Carter Center's observation mission, the Center did not conduct a comprehensive analysis of media coverage during the pre-election period; however, based on an analysis of Ghana's legal framework concerning the media and the findings of long-term observers deployed across Ghana in advance of election day, the Center provides the following assessments of Ghana's media environment.³⁵

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.³⁶ Ghana generally enjoys a diverse and pluralistic media environment that allows voters to receive a variety of viewpoints and political perspectives, in accordance with key commitments outlined at the international and regional level.³⁷ The media environment allows candidates, voters, civil society, and others to seek, receive, and impart information through a variety of outlets, including regularly programmed debates and radio call-in shows.³⁸

With regard to elections, it is widely understood that the right to be elected requires equal opportunity to access and utilize the media in campaigning. In addition, the media play a critical role in ensuring an informed electorate. The Constitution of Ghana domesticates this internally recognized obligation, stipulating that candidates are entitled to the same amount of time and space on the state-owned media.³⁹ The Carter Center notes, however, that the majority of Ghanaian media outlets are privately owned. Therefore, while all candidates are able to

purchase airtime, there is significant potential for partisanship on the part of media outlets, with factors other than financial restitution potentially determining the amount of coverage for each candidate.

Carter Center observers also noted some instances in which media outlets aired programming that included strong language and personal attacks against candidates. These concerns were strengthened by the influence of political interests in media outlets.

Observers reported that the media was at times politically biased, used inflammatory language, and utilized sensational reporting techniques that contributed to increased political tension. In addition, some political parties expressed concerns regarding an incumbency bias in state-owned media.

An impartial, responsible media is critical for assisting political parties to communicate their views and to inform the public about their party platform and messages. To this end, on Dec. 9, the Center

recommended that the National Media Commission provide more extensive training for media personnel and journalists. More importantly, the Center noted that action, including sanctions, should be taken against those who violate the principles of responsible reporting and fail to adhere to the code of conduct

The Center recommended that the National Media Commission provide more extensive training for media personnel and journalists. More importantly, the Center noted that action, including sanctions, should be taken against those who violate the principles of responsible reporting and fail to adhere to the code of conduct launched by the Media Commission.

35 The European Union Election Observation Mission to Ghana conducted an extensive media monitoring effort. The Carter Center urges readers to refer to the Final Report of the European Union Election Observation Mission to Ghana 2008.

36 ICCPR, Article 19

37 Declaration of Principles on Freedom of Expression in Africa, Article 3

38 ICCPR Article 19; UDHR, Article 19

39 Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections; 1992 Constitution of Ghana, Article 55(11)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

launched by the Media Commission. To bring more accountability, consistency, and regulation to the process, The Carter Center recommended that an independent, nonpartisan committee be established under the auspices of the Media Commission with the authority to enforce the applicable rules and laws.

ELECTORAL DISPUTE RESOLUTION

Efficient electoral dispute mechanisms are a critical means of ensuring that effective remedies are available for violations of fundamental rights. As appropriate, this right to remedy must include access for all individuals to a fair and public hearing by an independent and impartial tribunal.⁴⁰

The electoral process is, by its very nature, time bound. Therefore, efficient systems of electoral dispute resolution require narrowly tailored filing deadlines, logistics, and administrative planning to ensure an effective remedy.

Deadlines related to electoral disputes must strike a careful balance between ensuring that all individuals have access to channels of remedy and requiring timely resolution of disputes. Historically, Ghanaian elections have been plagued by inefficient, and therefore ineffective, electoral-dispute-resolution systems, with several high-profile cases from recent election cycles remaining undecided for the full term of the presidential and legislative seats in dispute. Further, such inefficiencies lowered public confidence in the judiciary.

Prior to the 2008 elections, the chief justice of Ghana took specific measures to begin to address these historical issues. The Supreme Court took steps

that would speed the adjudication of the electoral disputes, including the modification of existing dockets to give priority to election cases, establishment of special benches to hear cases, and approval of weekend working hours for tribunals involved in deciding election-related cases. In addition, the Supreme Court recently published a manual that explains how to access the courts and has endorsed alternative dispute resolution practices in the hopes of further speeding the settlement of disputes. The

Carter Center noted that this manual could help facilitate expedited review of cases and should be made widely available to all stakeholders. While The Carter Center's election observation mission did not directly observe the new procedures in practice, it did note that the Supreme Court's efforts were positively received by Ghanaians.

The provision of a timely response by both administrative bodies at the polling station and

judicial tribunals at higher levels ultimately determine issues of franchise and public confidence in the democratic process. In its Dec. 9 statement, The Carter Center suggested that Ghana establish clear time limits for the filing and resolution of petitions to prevent cases from languishing in courts. Ideally, such time limits should form part of a comprehensive legal code on the resolution of electoral disputes, including information on standing for disputes, the process for appeals, and the role of administrative bodies such as the Electoral Commission in dispute resolution.

Efficient systems of electoral dispute resolution require narrowly tailored filing deadlines, logistics, and administrative planning to ensure an effective remedy.

⁴⁰ ICCPR, Articles 2(3), 14(1)



ELECTION DAY: DEC. 7, 2008, PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

For the Dec. 7 election, The Carter Center deployed a 57-person international delegation of short-term observers drawn from across Africa, Europe, North America, and the Middle East to observe polling day and the counting and tabulation process. The delegation, which arrived on Dec. 2 and stayed in Ghana until Dec. 10, was led by Ketumile Masire, former president of Botswana; Justice Joseph Warioba, former prime minister of Tanzania; and Dr. John Stremlau, vice president of peace programs at The Carter Center. This delegation leadership team remained in Accra throughout the election period and met with all of the major presidential candidates, other key political stakeholders, and members of the diplomatic corps in the capital. The leadership also met with former President J.J. Rawlings and paid a courtesy visit to President Kufuor. The Carter Center also hosted a round-table discussion with representatives from all other international observation missions and key domestic groups.⁴¹

Upon arrival in Ghana, the Carter Center's short-term observers received two days of extensive briefings covering Ghanaian politics and electoral developments, their roles and responsibilities as observers, and Carter Center observation methodology. On election day, Carter Center observers visited more than 300 polling stations in 30 districts across

all 10 regions to observe voting and counting. On Dec. 9, the Center held a press conference to report the delegation's preliminary findings. Based on the delegation's observations and findings, the Center concluded that the presidential and parliamentary elections were conducted in a peaceful and transparent manner and congratulated Ghanaians for their democratic participation.⁴² A summary of the Carter

Center's election day observations can be found below.

OBSERVATION OF POLL OPENING AND THE VOTING PROCESS

Successful voting processes, free from systematic operational or logistical issues, are a necessary component of any genuine democratic elections. In addition, certain participatory rights must be fulfilled in

order for the voting process to accurately reflect the will of the people. Foremost among these rights are the right to vote, to participate in public affairs, and to enjoy security of person.⁴³ The state must take all



A Carter Center observer completes her polling station checklist. On election day, Carter Center observers visited more than 300 polling stations in 30 districts across all 10 regions in Ghana.

41 In addition to The Carter Center, there were six other international observer groups that fielded missions of varying sizes. They included the African Union, the Commonwealth, the Economic Community of West African States, the Electoral Institute of Southern Africa, the European Union, and the Pan-African Parliament. The Coalition of Domestic Election Observers participated in the Carter Center's roundtable as well.

42 The Carter Center's Dec. 9 preliminary statement can be found in an appendix to this report.

43 International Covenant on Civil and Political Rights, Articles 2, 25(a), and 9



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



Ballot paper books are distributed in preparation for the elections.

necessary steps to ensure that such rights are fully protected and awarded to all citizens in an equal and nondiscriminatory manner.⁴⁴

MATERIAL ALLOCATION AND POLL OPENING

In most cases, Carter Center observers noted that the Electoral Commission took effective measures to deliver all necessary election materials in a timely manner in advance of election day. Carter Center observers noted, however, that poll openings were delayed beyond 7 a.m. in approximately one-third of stations observed.⁴⁵ The majority of such delays were minor and did not impact the integrity of the voting process nor impede citizens' right to vote. In a small number of cases, however, particularly in rural and hard-to-reach areas, stations were significantly delayed due to missing election materials, untrained poll workers, or the absence of presiding officers. While noting these procedural errors with concern, The Carter Center recognized that the Electoral Commission took immediate steps to rectify such issues, including the conduct of an emergency re-vote on Dec. 8, 2008, for the districts most severely impacted by the shortages. Ultimately, Carter Center observers found that material shortages and delays in poll openings did not affect the integrity of the

electoral process, and Ghana upheld its commitment to protect the right of citizens to vote.⁴⁶

VOTER TURNOUT

Throughout the country, Carter Center observers noted that election officials were prepared to handle a large influx of voters, that most poll workers had received adequate training to complete their roles, and that the Electoral Commission was proactive in making sure all polling stations were functioning. Despite these efforts, in some constituencies high voter turnout resulted in very long lines, with some voters waiting as long as five hours to cast their ballots. This was due in large part to the wide variation

in the numbers of voters assigned to each polling place. Delays at some of these stations could have been avoided by allocating additional voting booths on the basis of the number of registered voters per polling place. Positively, despite observing long wait times, the Center noted that voters appeared excited about the process and that the polling environment remained calm.

DETERMINING VOTER ELIGIBILITY

Pre-election day concerns about large-scale underage voting did not emerge as a significant problem.⁴⁷ Due largely to instructions from the Electoral Commission aimed at ensuring that no eligible voters be denied the franchise, presiding officers generally allowed all voters who had a legitimate ID and were on the voters register to vote, even in cases where the voter

⁴⁴ The state must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and nondiscriminatory manner. ICCPR, Article 26; African Charter on Human and People's Rights, Article 1; International Convention on the Elimination of All Forms of Racial Discrimination, Article 1

⁴⁵ As a 57-person delegation, including leadership and international staff, The Carter Center observed the opening of 24 stations.

⁴⁶ ICCPR, Article 25(b); ACDEG, Article 4(2)

⁴⁷ Restrictions on the right to vote based on a minimum age are considered reasonable. (UN Human Rights Committee, General Comment No. 25)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



Young boys play soccer outside their homes. The widespread concerns over the potential voting of minors that had dominated the pre-election period did not emerge as a significant problem on election day.

appeared underage.⁴⁸ More generally, Carter Center observers noted that often voters without voter ID cards were still allowed to cast ballots if they could substantiate their eligibility on the basis of the ID checklist or the voters register.

The Carter Center noted that the use of several distinct voting lists (e.g., proxy voters list, absent voters list, transferred voters list, ID checklist) caused some confusion in polling stations throughout the country. In a large number of polling places, Carter Center observers reported that one or more of the lists were missing or did not include complete and accurate data regarding voters. Where voters' details did not appear on the transferred voters list, inconsistent procedures were applied by polling officials. In some instances, transferred voters were allowed to vote by providing the transferred voting receipt; in others, voters were turned away from the polls. The consolidation of such voters lists in an effort to streamline the determination of voter eligibility may positively impact the voting process and should be considered for future elections.

PARTICIPATION BY PARTY AGENTS AND DOMESTIC OBSERVERS

Polling-day activities were marked by a high level of transparency. Carter Center observers noted that electoral officials, political parties, security personnel, and voters worked together to ensure that the election was conducted in an orderly manner. Party agents were well-represented in polling places across the country and appeared to be well-informed about the legal measures to protect the integrity of the elections, including their ability to affix seals to ballot boxes. Agents from across party affiliations worked well together, cooperating with one another in the vast majority of polling places observed and helping to ensure that polling was conducted in a calm and peaceful environment. While in some polling places party agents played too active a role in the process, performing the responsibilities of polling officials

⁴⁸ Universal suffrage is protected in, among others, the ICCPR, Article 25(b) and the ACDEG, Article 4(2).



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

and assistants (e.g., stamping ballot papers and checking IDs), in all of these cases polling officials had requested or allowed such involvement, and party agents were treated equally. In addition to political party agents, The Carter Center observed the presence of domestic observation organizations in many polling places across the country.

SECRECY OF THE BALLOT

Although procedures for voting were largely followed, several elements had the ability to undermine the secrecy of the ballot.⁴⁹ In some places, the privacy screen for voting did not adequately shield the voter from view. In addition, some observers reported that polling officials both signed and stamped the back of ballot papers before handing them to voters, potentially allowing for ballots to be matched with particular voters in the postelection period.⁵⁰ In addition, Ghana's electoral law calls for the use of thumbprints to mark ballot papers. While such a practice is common in Ghana and was not seen to negatively impact the 2008 election process, it does have the potential to impede secrecy of the ballot, allowing ballots to be matched to voters using fingerprint records. As a measure of good faith and to ensure thumbprints are not misused in future electoral processes, The Carter Center recommends that Ghana consider altering their method of marking ballot papers.

APPLICATION OF INDELIBLE INK

Ghana's electoral law requires the application of indelible ink to the forefinger of all voters who have cast a ballot. This process is an important measure to ensure the integrity of balloting, protecting the process from duplicate voting. Carter Center observers noted, however, that while voters' fingers were regularly inked by polling officials, voters were not consistently checked for ink before being given ballots.



A woman has her finger inked before voting.

While the inking process itself is generally sufficient to deter this sort of electoral fraud, training for electoral officials should provide specific instructions to check the fingers of voters receiving ballots.

In addition, polling procedures in 2008 required the fingers of voters to be inked immediately before the voter received the ballot. In consequence, wet ink was sometimes accidentally transferred to the ballot papers by both the voters and poll workers. In some cases, these ink smudges effectively spoiled the ballot, making it impossible for polling station officials to determine voter intent during counting. The Carter Center recommended on Dec. 9 that the Electoral Commission consider changing the voting process so that voters' fingers were inked after casting their ballot. Although the Electoral Commission ultimately rejected this proposal, which was also forwarded by political parties during the postelection period, it should be reconsidered for future election processes.

⁴⁹ UDHR, Article 21(3); ICCPR, Article 25(b)

⁵⁰ It should be noted that while this concern was expressed by Carter Center observers in the polling period, the Center did not directly observe any efforts to link a ballot to a voter during the counting process.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

SECURITY

The Electoral Commission ensured that adequate personnel would be available to ensure security across the country by recruiting staff from five different services, including the fire department staff and customs officials. Carter Center observers consistently noted the presence of these forces at and around polling stations and uniformly indicated that they played a constructive role in the election process. Observers reported no incidents of intimidation or harassment nor any impediment to the free movement of voters. The peaceful and secure conduct of the election reflects Ghana's fulfillment of its obligation to ensure all citizens' security of person during the election day processes.⁵¹

VOTE COUNTING AND TABULATION

A transparent, accurate, and nondiscriminatory vote-counting process is an essential means of ensuring that the fundamental right to be elected is fulfilled.⁵² The Carter Center observed the close of polls and the counting process in polling stations across the country on Dec. 7. Observers noted that counting was conducted in a generally peaceful manner, free from major irregularities that could threaten its integrity. In spite of some minor irregularities, counting was largely conducted in accordance with the procedures of Ghana's electoral law and international commitments. Specific observations offered by The Carter Center on the counting process are found below.

TRANSPARENCY IN THE COUNTING PROCESS

The Carter Center was impressed by the high level of openness and transparency that characterized the counting process, which was accessible to party agents, domestic and international observers, and the media. In addition, the general public also enjoyed a high degree of access to the vote count, and where discrepancies occurred, party agents were able to issue challenges as necessary. In addition, in almost all



A Carter Center observer watches an Electoral Commission employee at work.

stations observed, Carter Center observers reported that copies of the official declaration of results were given to all party agents, and results were announced at the polling station level.

However, the Electoral Commission did not require results to be posted at each polling station for public display and scrutiny, which is a well-established international best practice. To add an extra layer of transparency to its results-dissemination process, the Electoral Commission should ensure that voters have access to the full results at their polling station.

PROCEDURAL DIFFICULTIES IN COUNTING AND RECONCILIATION

In some polling stations observed by the Center, officials were unable to accurately reconcile the ballots cast in their polling place. This appeared to be caused by confusion about poll-closing procedures, lack of adequate training, and counting that

⁵¹ ICCPR, Article 9; ACHPR, Article 6

⁵² UN Convention Against Corruption, Article 13(a); ICCPR, Article 25, 2(1); ECOWAS Protocol on Democracy and Good Governance, Article 6



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

continued late into the night without sufficient light. In the cases observed by the Center, the discrepancies in the vote-counting process did not appear to significantly undermine the integrity of the process; however, the Center noted that future processes may be improved by the provision of lamps to all polling stations. Additionally, Carter Center observers noted some instances in which party agents became overly involved in the closing and counting processes. While this involvement was accepted by election officials and the party agents present, it conflicts with procedures outlined in Ghanaian electoral law, which requires that only presiding officers and polling officials conduct the counting.

INVALID BALLOTS

Carter Center observers noted a high percentage of ballots on which voters had placed their thumb mark outside of the voting box but inside the boundary lines of the candidates.⁵³ While poll workers generally appeared to follow Electoral Commission instructions for determining the intent of the voter when counting the ballots, high levels of ballot spoilage may indicate the need for continued voter education efforts to ensure consistency in counting processes. In addition, Carter Center observers did notice multiple marks and smudges on some ballots, presumably caused by the requirement that indelible ink be applied to voters' fingers prior to their receiving a ballot. As later noted by the Electoral Commission and domestic stakeholders, such smudging led to an unusually high number of invalid ballots and required rectification prior to the Dec. 28 runoff.

ELECTION RESULTS

On Dec. 10, Electoral Commission Chairman Dr. Afari-Gyan officially announced the results of the Dec. 7 presidential and parliamentary elections. On the basis of 229 of Ghana's 230 constituencies, the margin between presidential candidates Nana Akufo-Addo of the New Patriotic Party and professor John Evans Atta Mills of the National Democratic Congress was quite narrow, with the former receiving 49.13 percent of the vote and the latter 47.92 percent. As neither of the top two candidates succeeded in garnering the constitutionally required 50 percent plus one of the valid votes cast, the Electoral

Commission announced that a runoff election would be held on Dec. 28, 2008.

With regard to the parliamentary election, the New Patriotic Party and the National Democratic Congress retained strong majorities in Parliament, with the National Democratic Congress increasing its parliamentary constituency by 20 seats, representing 49 percent of parliamentary seats. Although the New Patriotic Party lost approximately 20 seats, it retained nearly

As neither of the top two candidates succeeded in garnering the constitutionally required 50 percent plus one of the valid votes cast, the Electoral Commission announced that a runoff election would be held on Dec. 28, 2008.

47 percent representation in Parliament as well. Independent candidates and representatives from the Convention People's Party and the People's National Convention also won seats. See Figure 2 for a detailed summary of parliamentary results.⁵⁴

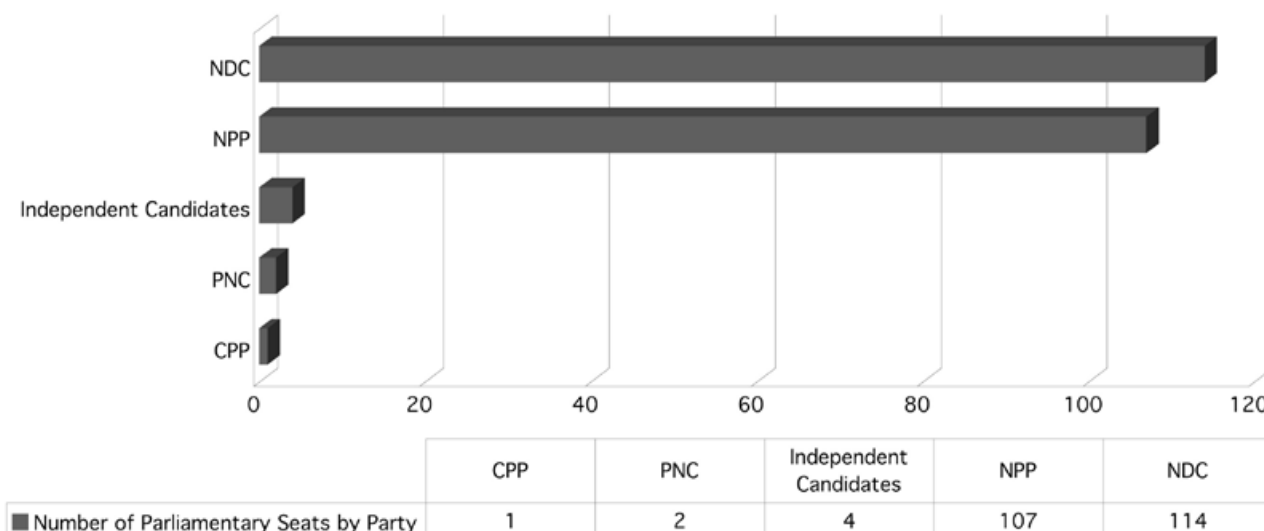
⁵³ In one constituency in the Bolgatanga district in the Upper East Region, Carter Center observers also noted high numbers of blank ballots and invalid ballots, the latter caused by multiple markings on the ballot.

⁵⁴ Figure 2 is based on totals provided by the Electoral Commission of Ghana, available on its website <http://ec.gov.gh>.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Figure 2. Number of Parliamentary Seats by Party



OBSERVATION OF SPECIAL VOTING DAYS: DEC. 2 AND DEC. 23, 2008

Based on Article 21 of the Public Elections Regulations, voters may vote early (not more than seven days before polling day) if they are unable to vote on the scheduled polling day because of their duties related to the electoral process.⁵⁵ Upon submission of an application to the returning officer of the constituency in which the individual is registered, the person's name and voter ID number will be recorded in the special voters list for that constituency. Special voting is an important measure taken by the Ghanaian Electoral Commission to ensure broad enfranchisement and the effective protection of universal suffrage⁵⁶ and is designed to ensure that polling officials, security officers, and others are able to enjoy their suffrage rights

in practice. Special voting took place on Dec. 2 and Dec. 23 for the first and second rounds, respectively.

Carter Center long-term observers in Greater Accra, Central, Western and Volta regions observed special voting on Dec. 2. Although these observers noted that the process was largely successful, they did encounter a number of voters who were under the impression that they could still cast ballots for parliamentary races on Dec. 7. Carter Center observers also noted confusion over where special votes should be counted, either at the polling place or the constituency collation center.⁵⁷ Most critically, observers noted that on Dec. 7, the software program used by the Electoral

⁵⁵ 1996 Public Election Regulations C.I.15, 21 (1)

⁵⁶ ICCPR, Article 25(b)

⁵⁷ According to the electoral law, such ballot boxes are opened and counted at the constituency collation centers, along with ballot boxes from other polling stations in that constituency, at the end of polling day.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Commission to aggregate votes failed to accommodate the special votes in the final tally, resulting in incidences of special votes having to be manually added to the final tally sheets, particularly in the Central Region. The Electoral Commission admitted this mistake and assured the electorate that it would recalibrate its software program to avoid such a situation in the runoff.

The Carter Center conducted only a limited observation of special voting for the runoff election, held on Dec. 23, with five observer teams deployed to five regions of the country. During this observation, Center observers encountered a generally peaceful environment, which was nonetheless marked by isolated incidents of election violence. Additionally, throughout the special voting day, the Center received reports of polling officials indiscriminately accepting voters not registered for special voting, and final special voting day tallies show a significant increase from the numbers observed in the Dec. 7 election. While this increase in numbers might be attributed to the inclusion of special voters from a broader pool of the electorate, including media personnel and party agents, observers noted that eligibility decisions of who might cast

a special voting day ballot were made in an inconsistent manner in several regions of the country. While many constituencies adhered to the electoral law that allows any voters with a legitimate election day duty that would take them away from the polling station in which they were registered to vote as a special voter, others restricted this right to only security personnel.⁵⁸

Furthermore, Carter Center observers found that many special voting lists were not aggregated by the Electoral Commission in a timely manner, and concerns were expressed to our observers that voters who cast special voting day ballots were not consequently added to the absent voters list of their appropriate polling place, potentially allowing these same voters to cast ballots on Dec. 28.⁵⁹ While issues with special voting did not appear so significant as to impact the integrity of the voting process, difficulties in aggregation of lists and unequal determination of eligibility did raise questions about the effectiveness of the Electoral Commission to manage special voting in such a way that precludes opportunities for fraud, requiring careful consideration and possible amendment of the system or of poll worker training in the future.

58 1996 Public Elections Regulations C.I.15, 21(1), 21(4)

59 1996 Public Elections Regulations C.I.15, 21(4a, b)



DEVELOPMENTS IN THE INTERIM PERIOD: DEC. 8–27, 2008

The Carter Center remained on the ground in the interim period, redeploying its long-term observers on Dec. 14. Based on the Center's assessments of the local political situation in all regions, it became evident that the Western, Central, Ashanti, Greater Accra, and Brong-Ahafo regions would be the most hotly contested regions during the runoff election, and Carter Center long-term observers were deployed to each of these regions to observe the period leading up to the Dec. 28 runoff. During this interim period, Carter Center observers concentrated their efforts on monitoring renewed voter education initiatives and the overall security situation in their areas of responsibility. The Center paid particular attention to increased campaigning activities, given the rising political tensions coming out of the first round.

ELECTION MANAGEMENT

Following the Dec. 7 first-round election, the Electoral Commission of Ghana completed an assessment of problems identified during voting and actively worked toward their correction. The Electoral Commission also held a final Inter-Party Advisory Council (IPAC) meeting with party representatives, providing them the opportunity to air common concerns, discuss problems, and reach mutually acceptable solutions before the Dec. 28 polls. This proactive assessment of issues and efforts to find their resolutions contributed significantly to the success of the Dec. 28 runoff. A summary of main actions undertaken by the Electoral Commission is provided below.

POLL WORKER TRAINING AND VOTER EDUCATION EFFORTS

After a review of voting procedures, the Electoral Commission rejected requests made by members of the IPAC to change the order in which the voters' fingers are inked and the ballots given. While the

commission understood that the proposed change might limit the number of ballots rejected due to the appearance of extra ink, it remained adamant that the procedure had been developed to decrease opportunities for duplicate voting and that any change would be a breach of the electoral code.

Due to the high number of rejected ballots, however, the commission retrained polling officials on the proper procedures for inking fingers, removal of excess ink, and assessment of voter intent. Polling officials were additionally trained to provide voter education at the polling-station level throughout election day as necessary to ensure that the electorate was informed of how to correctly cast their ballots. Although Carter Center observers reported isolated cases in which such procedures were not followed, the retraining of polling officials appears to have resulted in a decrease in rejected ballots and a better understanding of electoral procedures. To help further reduce the number of rejected ballots in the runoff and to better educate the electorate, the National Commission on Civic Education also launched a massive media campaign at the national, regional, district, and community levels to educate and inform voters on the correct way to handle the ballots.

Following the Dec. 7 first-round election, the Electoral Commission of Ghana completed an assessment of problems identified during voting and actively worked toward their correction.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

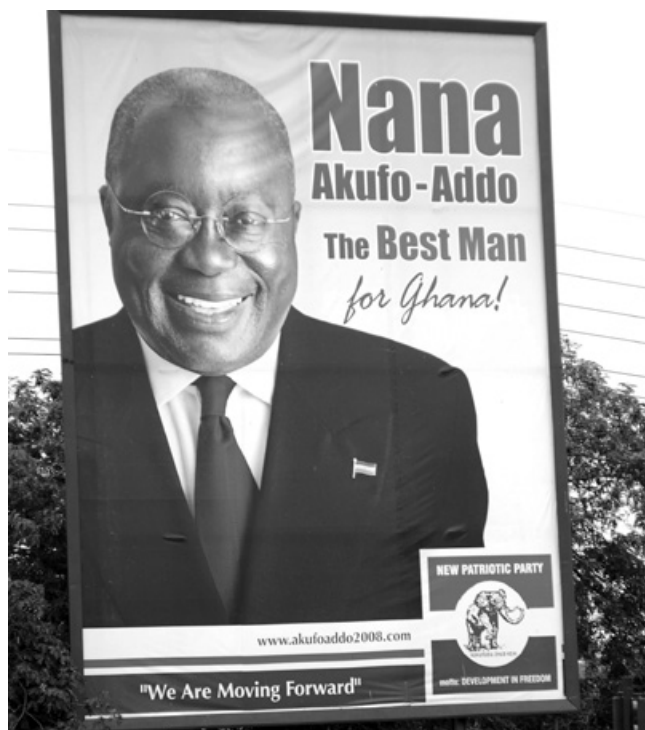
PREPARATION OF POLLING STATIONS AND MATERIAL ALLOCATION

The Electoral Commission recognized that many larger polling stations became overwhelmed with long lines during the first round of voting; however, the commission decided not to take steps to divide these stations or provide extra sets of voting supplies, as the political parties feared that adding additional polling stations for the runoff would increase the ability for multiple voting. The Electoral Commission did successfully complete a reallocation of election materials between Dec. 7 and Dec. 28, however, ensuring that the vast majority of polling places were adequately equipped for election day.⁶⁰ On election day, Carter Center observers noted that polling places were generally supplied with adequate materials, which arrived in a timely and secure fashion.

CAMPAIGN AND CIVIL SOCIETY ACTIVITIES IN THE INTERIM PERIOD

The New Patriotic Party and National Democratic Congress both conducted extensive campaigning, primarily at the grassroots level, following the Dec. 10 runoff announcement. The parties also engaged in widespread door-to-door voter education efforts, aimed at reducing the number of invalid votes observed during the election's first round.

Civil society continued its active engagement in the electoral process. The National Peace Council of Ghana—which includes representatives of the New Patriotic Party, National Democratic Congress, and major Ghanaian religious, economic,



A roadside billboard endorses Nana Akufo-Addo of the ruling New Patriotic Party. Akufo-Addo was defeated by Atta Mills in the Dec. 28 runoff election.

and political interests—held bipartisan discussions on runoff issues. In its Dec. 28 statement, The Carter

Center commended Ghanaians for the creation of this effective peacemaking body. The Center also noted the continued commitment of Ghana's domestic observers, who remained active during the interim period and prepared to redeploy for the Dec. 28 runoff.

To help further reduce the number of rejected ballots in the runoff and to better educate the electorate, the National Commission on Civic Education also launched a massive media campaign at the national, regional, district, and community levels to educate and inform voters on the correct way to handle the ballots.

⁶⁰ The Carter Center noted that certain election materials, namely voting screens, did not hold up well during reuse, and consideration may be given to replacing such materials in the future.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

PARTICIPATION OF WOMEN

The state's obligations to promote de facto equality for women, as articulated in the UN Convention on the Elimination of All Forms of Discrimination Against Women, also derive in part from broader political obligations, regarding the absence of discrimination⁶¹ and the right of all citizens to participate in the public affairs of their country regardless of gender.⁶² Through its ratification of international and regional treaties, Ghana has pledged to promote the political participation of women on an equal basis with men.

Election day observation consistently showed that women were active participants in the process, representing an equal percentage of the electorate in most areas. Despite this achievement, Carter Center observers noted widespread inequality in the percentage of women running for elected office and holding positions in the government. On average, women represent less than 15 percent of electoral contestants and are often prevented from running for office by monetary requirements,⁶³ gender bias, lack of political will, and male-dominated political parties. Women are also noticeably underrepresented in election administrative structures, and throughout the entire Northern Region, Carter Center observers noted that only a few women hold senior government positions.

Although all parties verbally agree on the importance of equal representation of women in the political process, no specific measures are taken to ensure women's participation. The Center encourages Ghana to take positive measures to address these inequalities and fulfill its

commitments as defined in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁶⁴ and the African Charter on Democracy, Elections, and Governance (ACDEG).⁶⁵



A woman casts her ballot on election day. Although there is still a gender disparity in political participation in Ghana, Joyce Adeline Bamford-Addo was elected as speaker of the Parliament in the December 2008 elections, the first woman to hold this position.

61 ICCPR, Article 26

62 ICCPR, Article 25(a); CEDAW, Article 7(b); Protocol to the ACHPR on the Rights of Women in Africa, Article 9

63 There is increased global recognition of the difficulties faced by female candidates in receiving financial backing for their campaigns. The disproportionate impact of deposit requirements on female candidates bears

careful consideration by the Ghanaian Electoral Commission and may warrant a revision of Ghana's 5,000 cedi filing fee for presidential candidates.

64 CEDAW, Articles 4(2), 7

65 ACDEG, Article 29(2)



ELECTION DAY: DEC. 28, 2008, PRESIDENTIAL RUNOFF ELECTION

For the Dec. 28 presidential runoff, The Carter Center organized a second international observer delegation comprising 58 individuals from 17 countries. This mission was led by the Honorable Aminu Bello Masari, the former speaker of the Nigerian House of Representatives, and Dr. John Stremlau, vice president for peace programs at The Carter Center.

OBSERVATION OF POLL OPENING AND THE VOTING PROCESS

Observers visited 354 polling stations in 33 districts throughout all 10 regions of the country to observe voting and counting. Again, the Center found that Ghana's voters participated in a transparent, administratively well-executed, and relatively peaceful presidential runoff election. Most polling places that were observed were adequately equipped with election materials, were opened on time, and were incident-free. Security forces again played a positive role in the election, and The Carter Center noted no major instances of intimidation. Specific observations made by The Carter Center during the runoff period are included below.

OPENING AND MATERIAL ALLOCATION

Successful election preparations and efficient deployment of election supplies by the Ghanaian Electoral Commission meant polling stations throughout the country were able to open on time.⁶⁶ Polling officials appeared to be well-prepared, and what delays The Carter Center did observe were minor and generally the result of polling officials' double-checking of

materials or rearranging of the polling area setup.

Despite successful preparations in most areas of the country, election materials in the Tain constituency in the Brong-Ahafo Region were discovered to be short 1,800 ballots during a reconciliation of materials prior to election day. As a result of this discrepancy, the voting process in Tain was suspended indefinitely. Difficulties with



The Honorable Aminu Bello Masari (center), former speaker of the Nigerian House of Representatives, and Dr. John Stremlau (left), vice president for peace programs at The Carter Center, discuss their election day observations.

materials allocation in Tain were exacerbated by an arsonist's fire during the pre-election period, which burnt down the Tain Electoral Commission's office and resulted in the loss of Dec. 7 electoral records. As a result of these issues, the approximately 54,000 voters in the Tain constituency were not provided an opportunity to cast their ballots on Dec. 28.

⁶⁶ Ninety percent of polling stations observed by The Carter Center opened on time.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

PARTICIPATION OF PARTY AGENTS AND DOMESTIC OBSERVERS

Party agents of both presidential candidates were present in all of the polling stations observed by The Carter Center, demonstrating significant transparency in the voting process. Party agents appeared well informed of their rights⁶⁷ and worked very well with one another and with polling officials to ensure the poll was conducted in a calm and peaceful manner. Domestic observers also played a significant role in the observation process, including a second round parallel vote tabulation conducted by the Coalition of Domestic Election Observers' (CODEO). As reported on Dec. 30, Carter Center observers noted the presence of CODEO observers in a percentage of polling stations consistent with their proposed data collection methodology.

While party agent and observer access was generally granted, Carter Center observers reported incidents of restricted access for agents at some polling stations in the Volta, Ashanti, and Central regions. In no case did Carter Center observers encounter intimidation or impeded access on the scale alleged by both parties, with both the New Patriotic Party and the National Democratic Congress alleging that their party agents were intimidated, beaten, or chased away from polling stations in the Volta and Ashanti regions, respectively.

USE OF INDELIBLE INK

The Center observed that some polling officials failed to correctly check voters' fingers for ink before allowing them to vote. While polling officials in more than 80 percent of polling places observed by the Center acted in accordance with the electoral law by examining all voters' fingers prior to their receiving a ballot paper, some deviation from this practice was observed in a minority of polling places. Although this

discrepancy did not impact the quality of the voting process, it reaffirms the need for poll worker training to clearly explain the importance of indelible ink as a security measure aimed at ensuring equal suffrage.⁶⁸

SECURITY

During the Dec. 28 presidential runoff, security forces again played a generally positive role in the election, and no major instances of intimidation were noted. Observers reported the presence of security agents in polling stations throughout most regions of the country; however, observers in both the Upper West and Western regions noted a scarcity of security forces,

with Carter Center observers in the Western Region reporting security forces in only 20 percent of polling stations. While this misappropriation of police and military forces in particular regions is notable, voting in both regions was conducted peacefully, and, therefore, the lack of specific security personnel does not represent a derogation from the state's obligation to ensure security of person.⁶⁹ The Carter Center did note with concern a grave incident of violence involving the deaths of

several National Democratic Congress supporters in the Ashanti Region but concluded the singular nature of the incident did not illustrate a larger pattern of violent activity.

VOTE COUNTING AND TABULATION

The counting process was generally peaceful and largely free from irregularities that would threaten the integrity of the process. Counting was generally

Polling officials appeared to be well-prepared, and what delays The Carter Center did observe were minor and generally the result of polling officials' double-checking of materials or rearranging of the polling area setup.

67 This includes the right to place party seals on the ballot box; Electoral Law Articles 29.2 and 36.4a

68 ICCPR, Article 25(b)

69 ACHPR, Article 6



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS



Polling station workers sort the ballots at the end of the day.

completed swiftly and accurately. The counting process was conducted with marked transparency, with access granted to observers, party agents, and the public. A detailed summary of the Carter Center's main findings is offered below.

TRANSPARENCY IN THE COUNTING PROCESS

The vote counting process was marked by significant transparency. Party agents were allowed a high degree of access, and public observation was a hallmark of the process. In every polling station at which closing was observed, Carter Center observers reported adequate party agent access and adherence to proper procedures—such as opening the ballot box in the presence of party agents and observers—by polling officials. Such transparency is a critical step in ensuring public confidence in electoral results.

DETERMINATION OF VOTER INTENT AND BALLOT VALIDITY

In almost all stations observed, The Carter Center recognized that voter intent was determined in an objective manner, in line with the Ghanaian electoral law and the Electoral Commission's specifications; however, The Carter Center observed one counting in the Akwatia district of the Eastern Region where more than 200 ballots were ruled invalid despite their clearly illustrating the correct intent of the voter. Furthermore, the invalidated ballots in this case were overwhelmingly for one candidate. Such invalidation of ballots is in conflict with the Ghanaian electoral law⁷⁰ and the principle of equal suffrage.

⁷⁰ 1996 Public Election Regulations C.I.15, 38(2)



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Additionally, Carter Center observers noted multiple instances in which polling officials did not consider the stamp on the back of the ballot before determining ballot validity. According to electoral legislation, ballots missing this stamp or a signature of a polling official are to be considered invalid.⁷¹ Carter Center observers saw several examples of unstamped or possibly illegitimate ballots being counted without any assessment of whether they bore an official Electoral Commission seal.

PROCEDURAL DIFFICULTIES IN COUNTING AND RECONCILIATION

The Carter Center noted that many polling stations did not correctly reconcile their vote count on the Statement of Poll forms,⁷² resulting in minor discrepancies in the reconciliation of ballot papers. In addition, the Center noted that the Statement of Poll form could be improved by requiring a tally of the total number of used ballots, thus making a final reconciliation unnecessary. Further, the procedure did not appear to require that unused ballots be counted, meaning that any discrepancies were unlikely to be discovered.

On several occasions, when there were minor discrepancies on the enumeration form between the number of voters said to have cast ballots and the number of ballots counted, polling officials were observed to have rectified this discrepancy by simply adding the number of unaccounted ballots to the rejected ballot number. Observers also noted that, in cases where presiding officers had incorrectly completed the math on the forms, officials at collation centers simply changed insignificant mistakes rather than conducting a recount of that polling place. In all observed cases, these discrepancies in numbers were single-digit amounts and were not so large as to indicate a serious effect on the integrity of

the process; however, in its Dec. 28 statement, the Center urged the Electoral Commission to consider amending the Statement of Poll forms and to ensure polling officials are properly trained on reconciliation practices for future elections.

VOTER TURNOUT

The Carter Center noted with concern the unusually high increase in voter turnout between the first and second round of voting. In some cases, such as in the

Bantama, Manhyia, Nhyiaeso, and Suame constituencies of the Ashanti Region, Center observers noted results with as many as 94 percent of registered voters at a station voting for the ruling party. Issues related to this observed increase in voter turnout, as well as several isolated discrepancies between vote totals on faxed and original versions of the Statement of Poll form, became a significant point of controversy in the immediate postelection period, with

National Democratic Congress supporters staging protests outside the Electoral Commission offices.

RUNOFF RESULTS

Issues of higher-than-expected voter turnout and results discrepancies resulted in an escalation of tensions in the postelection period. With both parties alleging fraud on the part of their opponents, political party representatives at the central tabulation center in Accra vacated their positions, effectively halting the aggregation of results for several hours on election night. The Electoral Commission quickly took steps

*On several occasions,
there were minor
discrepancies on the
enumeration form between
the number of voters said
to have cast ballots and the
number of ballots counted.*

⁷¹ 1996 Public Election Regulations C.I.15, 38(1a)

⁷² Form E.L. 21B



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

to correct the situation, seeking to alleviate tensions between the New Patriotic Party and the National Democratic Congress through a daylong meeting that preceded the announcement of results on Dec. 30. Efforts on the part of the Electoral Commission to ensure that the post-election period remained calm and that all parties were in agreement with the final results were admirable. It is recognized good practice, however, that the meetings and functions of the Electoral Commission be open to the public. The immediate post-election period would have benefited from increased transparency on the part of the Electoral Commission with regard to the agenda, purpose, and content of the meeting held with the New Patriotic Party and the National Democratic Congress.

The Electoral Commission announced on Dec. 30 that based on 229 constituencies, professor Mills of the National Democratic Congress was in the lead by a slim margin of 23,055 votes over New Patriotic Party candidate Nana Akufo-Addo; however, as the number of registered voters in the Tain constituency was 54,000, the Electoral Commission remained unable to declare a winner before holding a re-vote in the Tain constituency.



A Ghanaian casts his completed ballot on election day.



SPECIAL VOTING IN TAIN: JAN. 2, 2009

On Dec. 30, Electoral Commission Chairman Dr. Afari-Gyan announced that the runoff in Tain would take place on Jan. 2, 2009, and that the Electoral Commission would announce the final results the following day. In an effort to stop the Electoral Commission from moving forward, the New Patriotic Party filed an ex parte motion seeking an injunction to prevent the Electoral Commission from declaring the presidential election results and later filed another application seeking to stop it from carrying out the Tain elections altogether, on the grounds that the alleged electoral irregularities in the Volta Region should be fully investigated first.

Given the critical impact that the request to postpone the Tain election could have on the stability of the country in the tense post-election period, the judge slated to adjudicate the New Patriotic Party's filing refused to hear the motion ex parte and ruled that the hearing would take place on Jan. 5, after the National Democratic Congress and professor Mills, as interested parties, were served and given the opportunity to respond. The New Patriotic Party subsequently withdrew both motions on Jan. 2 but nevertheless instructed its party agents and supporters to boycott the polls.

CARTER CENTER OBSERVATION IN TAIN

On Dec. 31, The Carter Center deployed a team of 10 observers to the Brong-Ahafo Region to observe the voting and counting in Tain constituency. Given the high stakes and unusual nature of the situation, Tain's electorate went to the polls under the close watch of a large number of security officials and a sizable contingent of international and domestic

election observers, all contributing to the overall transparency of the poll. In the end, Center observers found that the Tain runoff was conducted in a transparent and peaceful manner.

Carter Center observers visited more than 60 of the 144 polling stations in Tain. Observers reported that while voter turnout was relatively low, the voting and counting procedures were implemented properly and efficiently. They noted that where polls opened

late, delays were mainly due to late delivery of materials or presiding officers who waited for the New Patriotic Party representatives to arrive despite the party's boycott of the election. While most observers noted the absence of voter identification checklists, the absence of these lists was attributed to the arson attack on the Electoral Commission district office in Tain in December and therefore appeared unavoidable.

The New Patriotic Party boycott of the Tain re-vote resulted in

only National Democratic Congress party agents being present in polling stations, and Carter Center observers noted that in many cases more National Democratic Congress party agents were present in polling stations than the one allowed by the election law of Ghana.⁷³ While the lack of New Patriotic Party representatives was not ideal, all observed National Democratic Congress party observers conducted themselves appropriately throughout the election day process, and the process did not appear to lack impartiality. Further, Center observers reported a widespread presence of domestic observers, including

Carter Center observers visited more than 60 of the 144 polling stations in Tain. Observers reported that while voter turnout was relatively low, the voting and counting procedures were implemented properly and efficiently.

⁷³ 1996 Public Election Regulations C.I.15, 19(1).



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Coalition of Domestic Election Observers, the Center for Conflict Resolution, and others, at every station visited. The collation of polling station results from the Tain re-vote was conducted in full view of party agents and observers and was broadcast live on television.

ELECTION RESULTS AND POSTELECTION OBSERVATION

Based on official results from all 230 constituencies, on Jan. 3, 2009, Electoral Commission Chairman Dr. Afari-Gyan declared professor John Evans Atta

Mills the president-elect, with 50.23 percent of the popular vote over Nana Akufo-Addo's 49.77 percent. Professor Mills was sworn in as Ghana's third president on Jan. 7, 2009.⁷⁴ In compliance with constitutional provisions, the new Parliament was sworn in earlier the same day. Carter Center long-term observers remained in Ghana until Jan. 17 to monitor the transition period and other postelection developments. During this period, Carter Center long-term observers returned to key regions to assess the election disputes and the levels of election-related activity in the postelection period.

⁷⁴ Detailed results from both rounds of Ghana's presidential election can be found in the Appendices of this report.



CONCLUSIONS AND RECOMMENDATIONS

The Carter Center conducted observation of Ghana's electoral process from May 2008 to January 2009, with observers present for the process of voter registration and all rounds of voting. Based on this long-term observation, The Carter Center offers the following summary recommendations for continued improvement in a spirit of cooperation with the people, government, political leaders, and Electoral Commission of Ghana.

TO THE ELECTORAL COMMISSION:

- 1. Increased Focus on Secure and Efficient Voter Registration Procedures.** Given the difficulties surrounding the voters register, The Carter Center recommends that voter registration continue to be a critical area of focus for the Electoral Commission. The Carter Center notes that the Electoral Commission and the political parties have expressed interest in biometric technology as a tool that can minimize attempts by ineligible individuals to register. Whether Ghana chooses to adopt such technology is a decision best made by the Electoral Commission and domestic stakeholders; however, whatever system of registration is used in the future, the commission should work to ensure that the process includes robust protections against improper registration. Registration staff should be extensively trained at all levels, and the commission should ensure deadlines for procurement that allow additional or new materials to be allocated as necessary in case of shortages such as those seen in 2008. The recent voter registration exercise in June 2010 is a positive step toward holding more-frequent voter registration opportunities. Registering voters on an annual or more-frequent basis will allow more time to be set aside for claims and objections, ensure all registers remain up-to-date, and allow the final voters list to be made available to the political parties well ahead of polling day.
- 2. Develop an Electoral Calendar with Clear, Reasonable Deadlines for Procurement.** Ghana's Electoral Commission faced difficulties in adhering to the established electoral calendar through the 2008 elections. Repeated delays in the process of voter registration, as well as concerns over the late allocation of some voting materials, contributed to decreased public confidence in the pre-election period. The Center recommends that the Electoral Commission take necessary measures to allow ample time to prepare and organize for future elections. An electoral calendar that clearly stipulates the various steps and activities required for the election with specific dates for their completion should be made public in advance. This effort has the potential to contribute greatly to building public confidence in the electoral process as well as in the Electoral Commission.
- 3. Continue and Strengthen the Role of the Inter-Party Advisory Committee.** Throughout the election process, meetings of the Inter-Party Advisory Committee (IPAC) provided an excellent opportunity for political parties to actively engage with the Electoral Commission to voice concerns and find solutions to common problems. Given its success, this mechanism should be continued and strengthened in the future. Periodic meetings should continue to be held throughout the election cycle, with more frequent meetings as an electoral process nears. Participation in the IPAC should be inclusive of all registered political parties in Ghana.
- 4. Increase and Systematize Poll Worker Trainings.** The Electoral Commission provided training to poll officials; however, in some cases this training was insufficient or did not address proper procedures for conducting registration and polling. During both voter registration and all rounds of the election, Carter Center observers noted procedural



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

variations among polling stations, oftentimes the product of misunderstanding or misapplication of election procedures on the part of polling station staff. Electoral officials and polling staff, especially individuals from the temporary staff pool, should receive more extensive training on the technical procedures and processes of voting, counting, and tabulation of results. In particular, trainings should focus on the proper procedures for determining voter eligibility and the process of tabulation and reporting, including the completion of necessary paperwork like the Statement of Poll. These trainings should be incorporated into the Electoral Commission's regular schedule of activities and supplemented as much as possible throughout the year in all regions.

5. *Lower the Number of Registered Voters per Polling Station to Ensure Efficiency in Voting.*

The high volume of registered voters per polling station, particularly in densely populated areas, resulted in long queues, with some voters waiting five to six hours before casting their votes. To prevent such delays in future elections, the Electoral Commission should either lower the number of registered voters per polling station or divide such stations into two, facilitating a quicker and more efficient voting process.

6. *Ensure Protection of Ballot Secrecy and the Equality of Suffrage.* More stringent measures should be introduced to avoid the problems encountered with the numerous voters lists (e.g., special, transferred, absent, and proxy voters). Unless effectively governed by clear, stringent rules, the use of multiple separate lists can potentially weaken electoral integrity, increasing opportunities for duplicate voting. If multiple lists continue to be used as they are at present, the Electoral Commission should make efforts to minimize the potential for irregularities, allocating a sufficient amount of time and resources to verify the legitimacy of transfer requests and proper consolidation of special voting lists. Further, the

use of the thumbprint for marking ballots should be reconsidered. As thumbprints could potentially be used as a form of identification, this process for marking ballots could effectively compromise the secrecy of the ballot.

7. *Improve Voter Education in Coordination with the NCCE.* The Electoral Commission should work more closely with the NCCE in coordinating their respective voter and civic education activities. Due to the significant number of problems observed arising from inadequate voter education, the Center strongly recommends that voter and civic education initiatives be made a priority and conducted on a more regular basis and as widely as possible throughout the country, especially targeting the more rural and remote areas.

TO THE GOVERNMENT OF GHANA:

1. *Consider Recommendations to Increase the Time Period Between Election and Inauguration of a New Government.* A harmonious transition period between the outgoing and the newly elected incoming administration is critical to ensuring that the transfer of political power occurs in a peaceful and orderly manner. Ghana's constitutionally stipulated dates for the presidential and parliamentary elections compress the time available for transition, especially in the event of a runoff. To promote a more accommodating and cooperative transition period in Ghana, the Institute of Economic Affairs, working jointly with political parties, put forth a draft Presidential Transition Bill in 2008. The Center encourages the current government to revisit this issue prior to the 2012 presidential election. In addition, The Carter Center recommends that constructive, multiparty discussions be undertaken to build upon the recommendations already made by political stakeholders and others, including Dr. Afari-Gyan of the Electoral Commission, that the presidential and parliamentary elections be held on Nov. 7 to provide ample time for a more



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

meaningful and smooth transfer of power.

2. ***Enact Specific Measures to Promote Gender Equality.*** Carter Center observers noted widespread inequality in the percentage of women running for elected office and holding positions in the government. On average, women represent less than 15 percent of electoral contestants, and the Carter Center's long-term observers noted that when women were involved in political party activities, they were generally relegated to more menial, service-oriented tasks. This gender disparity⁷⁵ in political participation levels and in decision-making and leadership positions must be addressed. Special measures,⁷⁶ including, as appropriate, the introduction of quotas for parliamentary representation and investment in programs that offer training and support to women who wish to run for office, should be given serious consideration.
3. ***Ensure That Candidates Relinquish Positions That Pose a Potential Conflict of Interest.*** A possible conflict of interest exists in the fact that regional and district chief executives are allowed to remain in office while contesting parliamentary elections. Given the strong social and community leadership role held by these executives, as well as their access to state resources, the potential for abuse by the officeholder is high. To mitigate such potential problems and enable a more level playing field, appointed officials should be required to relinquish their posts and duties if they wish to run for office.
4. ***Ratify the African Charter on Democracy, Elections, and Governance.*** Ghana signed the African Charter on Democracy, Elections, and Governance (ACDEG) on Jan. 15, 2008, but has not yet ratified this instrument. The ACDEG represents a critical development in the treaty body of the African Union, explicitly committing ratifying states to ensuring effective democratic governance and conducting credible, representative elections. Given Ghana's strong commitment to

human rights and democratic governance established through elections, the ratification of the ACDEG would be an important step toward further entrenchment of these values in the country's laws and obligations. Ratification would also play a significant role in further solidifying Ghana's place as a regional leader, setting a critical example for other West African states undergoing democratic transitions.

CONCLUSION

The Carter Center found that the Ghana presidential and parliamentary elections were highly competitive and conducted in a professional and transparent manner. While noting procedural and logistical difficulties at all stages of the process, the Center determined that such issues did not impair election credibility or call into question the fact that the electoral results represented the will of the Ghanaian people.

Ghana's 2008 election is a significant illustration of the country's commitment to democratic governance. In an incredibly close presidential race, decided by fewer than 50,000 votes, the Ghanaian people remained committed to the constitutional order, ensuring a peaceful transition of power, and exhibiting a profound respect for the electoral process and rule of law. The Carter Center congratulates Ghana's President John Evans Atta Mills of the National Democratic Congress and commends New Patriotic Party candidate Nana Addo Dankwa Akufo-Addo as well the other presidential candidates for their commitment to national unity and peaceful acceptance of the electoral results.

⁷⁵ At present, only 20 out of the 230 parliamentary seats in Ghana are held by women. While 957 male candidates contested the parliamentary polls, only 103 female candidates participated in the race.

⁷⁶ CEDAW, Article 4(2)



ACKNOWLEDGMENTS

The Carter Center is grateful for the support provided by a number of individuals and organizations, without whom the international election observation mission in Ghana would not have been possible. The Center wishes to thank the government of Ghana, the National Electoral Commission of Ghana and Chairman Kwadwo Afari-Gyan, and former President John Agyekum Kufuor for inviting the Center to observe Ghana's national election process.

The Center is also thankful for the support of the government of the United Kingdom, which enabled the Center to continue its mission in Ghana for the duration of the electoral process. The Center would like to extend special thanks to Rosie Tapper and Michael Ohene-Effah of the British High Commission and David Pedley of the UK Department for International Development.

The Center is grateful for the collaborative efforts of the many international groups that actively supported the national election through observation and assistance, including the United Nations Development Program, the African Union, the Commonwealth, the Pan-African Parliament, the European Union, and the National Democratic Institute. The Center also recognizes the important work of Ghana's domestic observer organizations, in particular the Coalition of Domestic Election Observation Organizations, which together deployed thousands of observers in support of successful presidential and parliamentary elections. The Center also wishes to thank the Ghanaian officials, political party members, civic activists, journalists, and citizens who graciously welcomed the Center's efforts to observe the national election process.

Sincere thanks go to the dedicated staff of long-term observers, who worked under arduous conditions with few complaints in support of Ghana's peaceful

electoral process. Christian Mulume, Deddeh Buway, Mohammed Sherif, and Maud Tendai Nyamhunga served as long-term observers in the field for the Center for the entirety of the Ghana mission. Long-term observers Muhammed Sani-Abdullahi, Mareatile Polaki, Simon Fanto, Jennifer Martin-Kohlmorgen, Leandro Nagore de Sousa, Silvina Silva-Aras, Mark Naftalin, and Ophelia Speight are also recognized for their contributions to the Center's observation efforts. Additional thanks go to the Carter Center short-term observer delegates who volunteered their time, expertise, and insights to the Center's mission in Ghana. The Center also recognizes the contributions of former Canadian Assistant Chief Electoral Officer Ron Gould, as well as Glenn Cowan of Democracy International Inc., who served as special advisers to the Ghana project.

The Center extends special thanks to President Quett Ketumile Masire, former president of Botswana, and Justice Joseph Warioba, former prime minister of Tanzania, who served as co-leaders of the first round during the Dec. 7, 2008, election observation mission. The Center also extends its special thanks to the Honorable Aminu Bello Masari, former speaker of the Nigerian House of Representatives, who led the mission for the presidential runoff round on Dec. 28.

This project would not have been possible without the commitment of the Center's staff in Ghana. Field office director Keith Jennings was aided by several other expatriate staff, including long-term observer coordinator Bodunrin Adebo and election project coordinator Perin Arkun. Local staff members Cynthia Prah, Enoch Avotri, and Mabel Viviey helped to create a strong team, and the Center's efforts in Ghana were significantly enhanced due to the efforts of all these individuals.

Carter Center Democracy Program staff in Atlanta had overall responsibility for the mission. The Ghana



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

project was managed by Interim Assistant Director John Marsh with oversight by Democracy Program Director David Carroll and significant assistance from Assistant Program Coordinator Erin Crysler and Program Assistant Tynesha Green. Support to the Ghana team was provided by Associate Director David Pottie, Senior Program Associate Avery Davis-Roberts, and Assistant Program Coordinator Amber

Charles. The team also benefited from the support provided by Vice President for Peace Programs John Stremlau. Interns who assisted on the project include Maya Soma and Robyn Olejniczak. The primary drafters of this report were Perrin Arkun, Erin Crysler, and John Marsh. Amber Charles and Democracy Program intern Autumn West also made significant contributions and edited the report.



CARTER CENTER ELECTION OBSERVATION DELEGATION AND STAFF

DELEGATION LEADERSHIP

The Honorable Ketumile Quett Masire,
Former President of Botswana

The Honorable Joseph Warioba, Former
Prime Minister of Tanzania

The Honorable Aminu Bello Masari, Former
Speaker of the House of Representatives, Nigeria

Dr. John Stremlau, Vice President for Peace
Programs, The Carter Center, USA

FIRST-ROUND SHORT-TERM OBSERVERS

Alethea Bonello, Field Organizer, NAACP, USA

Ambassador Nora Schimming-Chase, MP National
Assembly, Namibia

Charles P. Henry, Professor, University of
California at Berkeley, USA

Christiana Thorpe, Chief, National
Electoral Commission, Sierra Leone

Cynthia Rice, Private Consultant, USA

Walid Fakhreddine, Former Secretary General,
Lebanese Association for Democratic Elections,
Lebanon

Drena Brown, Consultant, USA

Eniko Simon, Independent Consultant, USA

Finola McDowell, Irish Fund, Ireland

J. Benjamin Lambert, JD Candidate 2010,
The University of Tulsa, USA

Michael Wolfers, Author and Translator, UK

Nicholas Kerr, PhD Student, Department of Political
Science, Michigan State University, USA

Parvinder Singh, Elections Technical Expert
(Private), India

Scott D. Taylor, Associate Professor and Director,
African Studies Program, School of Foreign Service,
Georgetown University, USA

Senator Ken Nnamani, GCON, Chairman, KNC,
Nigeria

Simon Fanto, Program Officer, National Democratic
Institute, Nigeria

Sinan Bakari, Vice President, Independent Electoral
Commission, Cote d'Ivoire

Steven Nothern, CFO, Satuit Technologies
Incorporated, USA

Suad Elmubarak, Executive Director, Sudanese
Center for Development and Culture, Sudan

Tiawan Gongloe, Solicitor General, Liberia

Nyan Flomo, Program Officer, The Carter Center,
Liberia

Marie-Florence Myriam Kouassi, Program Officer,
The Carter Center, Cote d'Ivoire

Michael Boda, Consultant, Democratic Election
Standards Project, The Carter Center, Canada

Paul Nugent, Professor, University of Edinburgh,
Scotland

Gwendolyn Mikell, Professor, Georgetown
University, USA

James Fromayan, Chairman, National Electoral
Commission, Liberia

Oge Okoye, Assistant Program Officer, National
Endowment for Democracy, USA

Ammar Abboud, Policy Adviser, Lebanese
Association for Democratic Elections, Lebanon

Dr. Jibrin Ibrahim, Director, Centre for Democracy
and Development, Abuja, Nigeria



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Ajamu Baraka, Director, US Human Rights Network, USA

Dr. Edward Horgan, Conflict Resolution and Democracy Consultant, Ireland

Marla Morry, International Lawyer, Canada

Paul Brennan, Partner, Clarke & Flynn Solicitors, Ireland

Castle Redmond, Case Manager, Oakland Unified School District, USA

Alexandra Gillies, PhD Candidate, Cambridge University (UK), USA

Farouk G. Kam Kong, Private Consultant, Sudan

Sarah Johnson, Assistant Director, Democracy Program, The Carter Center, USA

SECOND-ROUND SHORT-TERM OBSERVERS

Christiana Thorpe, Chief, National Electoral Commission, Sierra Leone

Walid Fakhreddine, Former Secretary General, Lebanese Association for Democratic Elections, Lebanon

Drena Brown, Consultant, USA

Eniko Simon, Independent Consultant, USA

Finola McDowell, Irish Fund, Ireland

Michael Wolfers, Author and Translator, UK

Nicholas Kerr, PhD Student, Department of Political Science, Michigan State University, USA

Parvinder Singh, Elections Technical Expert (Private), India

Simon Fanto, Program Officer, National Democratic Institute, Nigeria

Steven Nothorn, CFO, Satuit Technologies Incorporated, USA

Suad Elmubarak, Executive Director, Sudanese Center for Development and Culture, Sudan

Tiawan Gongloe, Solicitor General, Liberia

Nyan Flomo, Program Officer, The Carter Center, Liberia

Marie-Florence Myriam Kouassi, Program

Officer, The Carter Center, Cote d'Ivoire

Paul Nugent, Professor, University of Edinburgh, Scotland

Oge Okoye, Assistant Program Officer, Africa, National Endowment for Democracy, USA

Ajamu Baraka, Director, US Human Rights Network, USA

Marla Morry, International Lawyer, Canada

Paul Brennan, Partner, Clarke & Flynn Solicitors, Ireland

Castle Redmond, Case Manager, Oakland Unified School District, USA

Lucien Toulou, Head of Project/Country Representative in Chad, EISA, Cameroon

Tazoacha Asonganyi, Private Consultant, Cameroon

Babajide Atoyebi Ojo, Senior Program Officer, International Foundation for Electoral Systems, Nigeria

Taboh Gideon Chefor, Jurist, International Relations Institute of Cameroon, Cameroon

Eric Dickson, Assistant Professor of Politics, New York University, USA

Terry Ann Rogers, Private Consultant, USA

Michael McNamara, Lawyer, Clarke & Flynn Solicitors, Ireland

Jaye Sitton, Private Consultant, USA

Olumide Olaniyan, Principal Analyst, Democracy and Governance Monitor, Nigeria

Tunde Olakunle, Executive Director, Centre for Development and Freedom Advocacy, Nigeria

Rakeb Abate, Country Director, Women's Campaign International Ethiopia Office, USA/Ethiopia

Joshua Roberts, Private Consultant, USA

Gustave Alex Azebaze Djouaka, Board Member, Cameroon Union of Journalists, Cameroon

Vincent Mukwege, Private Consultant, Democratic Republic of the Congo

Martha Whitman, Membership Specialist, Girl Scouts of Greater Atlanta, USA



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Patrick Mapendere, Private Consultant, Zimbabwe

LONG-TERM OBSERVERS

Christian Bisimwa Mulume, Private Consultant, Democratic Republic of the Congo

Deddeh M. Buway, Senior Elections Magistrate, National Elections Commission, Liberia

Mohammed M. Sherif Sr., Assistant Secretary General, Inter-Religious Council of Liberia, Liberia

Mark Naftalin, Private Consultant, UK

Maud Tendai Nyamhunga, Principal External Relations Officer, Parliament of Zimbabwe, Zimbabwe

Jespa Ajereboh, Project Adviser, The Fomunyoh Foundation, Cameroon

Mulle Musau, Executive Director, Centre for Direct Democracy, Kenya

Muhammad Sani Abdullahi, Senior Economist, Aid Nigeria Resources, Nigeria

Jennifer Martin-Kohlmorgen, Adviser, The UK Electoral Commission, UK

Silvina Silva-Aras, Doctoral Candidate in Social Anthropology at École des Hautes Études en Sciences Sociales (Paris), Argentina

Leandro Nagore, Election Analyst and Consultant, Spain

Ophelia Speight, Private Consultant, USA

Thomas Molony, Research Fellow, Centre of African Studies, University of Edinburgh, UK

Mareatile Polaki, Democracy and Human Rights Officer, Lesotho Council of Non Governmental Organisations, Lesotho

THE CARTER CENTER ATLANTA STAFF

Dr. David Carroll, Director, Democracy Program, USA

Dr. David Pottie, Associate Director, Democracy Program, Canada

John Marsh, Interim Assistant Director, Democracy Program, USA

Avery Davis-Roberts, Senior Program Associate, Democracy Program, USA

Deborah Hakes, Media Relations Coordinator, Public Information, USA

Julie Benz-Pottie, Media Relations Coordinator, Public Information, USA

Tynesha Green, Program Assistant, Democracy Program, USA

Erin Crysler, Assistant Program Coordinator, Democracy Program, USA

Amber Charles, Assistant Program Coordinator, Democracy Program, USA

Maya Soma, Intern, Democracy Program, Japan

Robyn Olejniczak, Intern, Democracy Program, USA

THE CARTER CENTER ACCRA STAFF

Keith Jennings, Field Director, USA

Perin Arkun, Electoral Project Coordinator, Turkey

Bodunrin Adebo, Program Coordinator, Nigeria

Cynthia Prah, Office Coordinator, Liberia/Ghana

Mabel Viviey, Office Assistant, Ghana

Enoch Avotri, Financial Officer, Ghana



APPENDIX A

TERMS AND ABBREVIATIONS

AU	African Union	IEA	Institute for Economic Affairs
C-Poly	Cape Coast Polytechnic	IPAC	Inter-party Advisory Committee
CENCOR	Center for Conflict Resolution	LTOs	Long-term observers
CDD	Center for Democratic Development	NCCE	National Commission on Civic Education
CSO	Civil Society Organization	NCD	National Commission for Democracy
CODEO	Coalition of Domestic Election Observers	NDC	National Democratic Congress
CHRAJ	Commission for Human Rights and Administrative Justice	NDI	National Democratic Institute
CPP	Convention People's Party	NIP	National Independence Party
DCSP	Democracy Consolidation Strategy Paper	NPP	New Patriotic Party
EC	Electoral Commission of Ghana	PVT	Parallel vote tabulation
GHS	Ghanaian Cedi (currency)	PCP	People's Convention Party
GIMPA	Graduate Institute for Management and Public Administration	PHP	People's Heritage Party
GPPP	Ghana Political Parties Programme	PNC	People's National Convention
IDEG	Institute for Democratic Governance	PNP	People's National Party
		STOs	Short-term observers
		UCC	University of Cape Coast



APPENDIX B

PRESIDENTIAL ELECTION RESULTS AND STATISTICS

First-Round Results and Statistics

Candidate	Votes	Percentage
Nana Akufo-Addo	4,159,439	49.13%
John Atta Mills	4,056,634	47.92%
Paa Kwesi Nduom	113,494	1.34%
Edward Mahama	73,494	0.87%
Emmanuel Antwi	27,889	0.33%
Kwesi Amofa-Yeboah	19,342	0.23%
T.N. Ward-Brew	8,653	0.10%
Kwabena Adjei	6,889	0.08%

Election Statistics	
Total Valid Votes	8,465,834
Total Rejected Votes	205,438
Total Votes Cast	8,671,272
Total Registered Voters	12,472,758
Total Percentage Turnout	69.52%
Percentage Rejected Votes	2.37%

Runoff Results and Statistics (including Tain constituency)

Candidate	Votes	Percentage
Nana Akufo-Addo	4,478,411	49.87%
John Atta Mills	4,501,466	50.13%

Election Statistics	
Total Valid Votes	8,979,877
Total Rejected Votes	92,486
Total Votes Cast	9,072,363
Total Registered Voters	12,472,758
Total Percentage Turnout	72.74%
Percentage Rejected Votes	1.02%



APPENDIX C

CARTER CENTER PUBLIC STATEMENTS



FOR IMMEDIATE RELEASE

Contact: Deborah Hakes, 404-420-5124

dhakes@emory.edu

CARTER CENTER LAUNCHES ELECTION OBSERVATION MISSION TO GHANA

July 25, 2008

The Carter Center launched an international election observation mission in Ghana this week with the deployment of four teams of observers to four regions around the country. Observers will focus on the recently announced limited voter registration exercise and the pre-election political environment as part of the Center's ongoing international election observation program.

The Ghana observation mission is being coordinated by the Carter Center's country director, Dr. Keith Jennings, who has been in Ghana since May. The Center's international observers are drawn from eight countries: Argentina, the Democratic Republic of the Congo, Liberia, Nigeria, Spain, the United Kingdom, the United States, and Zimbabwe. Collectively, the Center's observers have previously participated in international observation missions to more than 25 other countries in Africa, Asia, Eastern Europe, Latin America, and the Caribbean.

In September, The Carter Center is planning to deploy a delegation of long-term observers during Ghana's campaign period. They will remain in the country for several months and be joined by a 50-person short-term delegation closer to the Dec. 7, 2008, elections.

"The Carter Center looks forward to showing international interest in and support for Ghana's electoral process and the holding of transparent and credible elections that meet international standards and can be accepted by all political contestants at this critical time for democratic elections in Africa," said Dr. Keith Jennings. "We believe that our presence and our reporting on the country's electoral process to the world will help to further consolidate the democratic process in Ghana."

Dr. Jennings welcomed the adoption of the Political Parties' Code of Conduct 2008 by all major political parties on July 24.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

"This is an important step in encouraging political parties to engage in a clean campaign," said Dr. Jennings.

The Carter Center conducts its activities in a non-partisan, professional manner in accordance with applicable national laws and international standards for election observation set forth in the Declaration of Principles for International Election Observation that was adopted at the United Nations in 2005.

The Center will remain in close communication with the Ghanaian Electoral Commission, Ghana's major political parties, key civil society organizations, and other international and domestic observer delegations. The Center will release periodic public statements, which will be available on its Web site: www.cartercenter.org.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Deborah Hakes, 404-420-5124

dhakes@emory.edu

CARTER CENTER RELEASES FINDINGS FROM ITS OBSERVATION OF GHANA'S VOTER REGISTRATION

August 26, 2008

Carter Center observers in Ghana found the voter registration process that took place July 31-August 12 to be generally successful but hampered by several irregularities.

Despite notable weaknesses in the implementation of the limited registration effort, the overall credibility of the Ghanaian electoral process has not been lost. Most polling officials and political party agents completed their duties with commendable professionalism. The Carter Center believes that the electoral commission has the capacity to conduct the December elections in a professional and transparent manner. However, significant confidence building and corrective measures must be undertaken to bolster the public trust that all political actors are committed to respect the rules as set out in the constitution and the electoral law, to conduct a clean campaign, and to produce credible election results.

The limited voter registration exercise aimed to provide an opportunity for those who have recently turned 18 or were absent from the voter register for other reasons to register in time to participate in the Dec. 7 presidential and parliamentary elections.

The concerns of Carter Center observers included multiple delays in the dates of the voter registration period, widespread shortage of essential materials, a lack of adequate voter education and civic awareness, and acts of intimidation committed by the two main political parties, sometimes leading to violence. These issues are further described in the following report.

The Carter Center delegation of international observers was in Ghana from July 17 to August 13 to observe the limited voter registration exercise and to assess preparations for the 2008 presidential and parliamentary elections. The observers visited seven of Ghana's ten regions (Greater Accra, Ashanti, Central, Eastern, Northern, Volta, and Western) and had permanent teams placed in the Greater Accra, Ashanti, Northern and Volta regions throughout the course of their one-month observation mission. The Center will continue to monitor election preparations as Ghana moves toward the Dec. 7 elections.

####



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

The following report summarizes the Center's assessment of Ghana's limited voter registration exercise, which took place July 31- August 12.

Voter Education and Civic Awareness

Efforts of Ghana's election commission (EC), National Commission for Civic Education (NCCE), and civil society organizations to educate voters on registration procedures included posters, radio and television advertisements. However, Carter Center observers reported that these efforts were too limited to properly educate the public on the procedures and objectives of the voter registration exercise.

Despite the lack of adequate outreach, the overall turnout was very high (more so in urban than rural areas) and exceeded the EC's estimate of 800,000 to one million potential registrants.

The Role of Political Parties

Party agents from the two largest political parties, the New Patriotic Party and the National Democratic Congress, were seen at every registration center visited by Center observers.

Party agents in a number of registration centers acted as substitutes for the election officials in determining the eligibility of citizens to register. In some cases, the eligibility of registrants was determined outside of the official procedure leading to concerns about foreign, underage, or multiple registration attempts. In other stations, the political parties provided food for the election officials. These actions could compromise the appearance of impartiality on the part of the EC.

Carter Center observers also noted frequent party-sanctioned busing in swing vote areas. The busing could have been legitimate in some cases. However, inadequate citizen education about the registration process coupled with the possibility that the busing was the product of political party attempts to rig the voter's roll fuelled public suspicions that could undermine the credibility of the registration.

Impact of Material Shortages

A lack of essential registration materials was reported in all of the regions visited by Center observers. Missing materials ranged from batteries for cameras to registration forms to a sufficient number of printers.

These equipment shortages led to long delays and increased tension among citizens and political party representatives. This tension in turn led to some election officials taking shortcuts to expedite the process.

Center observers noted the use of older Polaroid cameras instead of the newly procured digital cameras. In some areas, non-serialized registration forms were used in place of the standard forms. These forms lacked space for photographs and led to confusion among election officers, political party agents, observers, and citizens who were attempting to register.

The shortages also caused suspicion from the political parties and the media about why the shortages existed if the EC had received all necessary funding for electoral activities.

Political Violence, Intimidation, and Intolerance

Although not widespread, cases of violence and intimidation were recorded at registration centers in the Ashanti and Northern regions. Observers also witnessed confrontations between registrants and EC officials that potentially could have degenerated to violence and disruption of the registration process. In many instances, EC officials were afraid for their safety.

In several areas visited by Center observers, it was clear that the lack of political tolerance produced an intimidating environment. In some cases, those situations devolved into violent confrontations between supporters of the two dominant political parties.

Recommendations

The Carter Center believes that the Electoral Commission of Ghana has the capacity to conduct



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

the December elections in a professional and transparent manner. The Carter Center found that most registration officials and party agents showed professionalism during the limited voter registration exercise. However, the observed irregularities will require the careful attention of the EC and all Ghanaians.

The Carter Center observation team offers the following conclusions and recommendations:

- The Ghanaian government and the international donor community should continue to provide the electoral commission with all the resources it needs to conduct a transparent and credible election process, including disbursement of resources in a timely manner for all future phases of the Dec. 7, 2008, elections.
- The EC should create opportunities for all eligible registrants who, through no fault of their own, were not able to be register within the ten day limited voter registration exercise or during the two additional days provided—due to long queues or long periods of time in various polling centers where limited or no registration materials were available.
- The EC should ensure that political parties and citizens are informed of the mechanisms in place to resolve electoral disputes, particularly in the event of a closely contested election. Political parties and candidates should abide by the 2008 Political Parties' Code of Conduct and respect the interventions of the Code of Conduct enforcement body.
- The EC should ensure that all ad hoc staff members are adequately trained in the task of administering elections and are aware of their appropriate relationship to political party agents in future registration efforts but also during voting operations.
- The EC, in cooperation with the NCCE, should embark on more effective and timely voter education activities to ensure that citizens are familiar with and understand polling procedures.

The Carter Center conducts its activities in a nonpartisan, professional manner in accordance with applicable national laws and international standards for election observation set forth in the Declaration of Principles for International Election Observation that was adopted at the United Nations in 2005.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Deborah Hakes, 404-420-5124

CARTER CENTER DELEGATION TO ASSESS PRE-ELECTORAL CLIMATE IN GHANA

October, 27 2008

A Carter Center delegation will visit Ghana from Oct. 27 –31 to assess the ongoing difficulties and irregularities with voter registration processes and other concerns ahead of the Dec. 7 presidential and parliamentary elections. The group includes Carter Center Vice President for Peace Programs Dr. John Stremlau, former Canadian Assistant Chief Electoral Officer Ron Gould, elections operations expert Glenn Cowan, and Carter Center Assistant Director of the Democracy Program John Marsh.

The delegation will meet with the election commission, political actors, representatives of civil society, and the media.

“The Carter Center remains concerned about the deterioration of public confidence in the elections

process and the potential for violence, but we are hopeful that significant improvement can still be made before Dec. 7,” said Dr. Stremlau. “We look forward to hearing from the political leadership and other decision-makers who can give us first-hand information.”

The delegation’s visit is part of the Center’s ongoing support to Ghana’s efforts to conduct peaceful, credible, and transparent democratic elections. Nine Carter Center long-term observers have been deployed throughout Ghana to monitor campaigning and other political activities since early-September. They will be joined by a 50-person delegation closer to election day.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Deborah Hakes, 404-420-5124

CARTER CENTER: TIME REMAINS TO RESOLVE GHANA'S PRE-ELECTORAL PROBLEMS

October, 31 2008

A Carter Center delegation that assessed Ghana's pre-electoral environment this week concluded that problems arising from the limited registration period, including the registration of minors and multiple registrations, raise concerns that could undermine confidence in the electoral process.

"We remain confident that if all stakeholders work jointly and constructively, these concerns can be significantly alleviated," said Dr. John Stremlau, Carter Center vice-president for peace programs, who led the delegation. "There is still time for preventive and positive initiatives; it is within the power of the Ghanaian people and all stakeholders to show their fidelity to the democratic institutions so that the electoral system will yield results that accurately reflect the will of the people."

The issue of underage registrants is, at this point, a resolvable problem. The Center commends the parents and faith communities for emphasizing the importance of assisting children in removing their names from the list if they are not qualified to vote and for recognizing that it is a violation of the law for minors to attempt to vote. These efforts, in addition to proactive measures on the part of all political parties, combined with the legal and administrative

mechanisms in place, would serve to greatly diminish the potential problems of ineligibility.

The Center believes that misunderstandings and misapprehensions amongst the parties, as well as between the political parties and the Electoral Commission (IPAC), can be resolved with a more robust schedule of meetings with each other as well as other initiatives to build confidence, enhance cooperation, produce constructive recommendations, and ultimately minimize the potential for electoral related violence.

The Center commends the presidential candidates for their focus on issues and policies during their Oct. 29 debate and believes that the tone set by the party leaders is an example for all who desire a successful and peaceful conclusion to this year's election.

The delegation met with each of the parliament seat-holding political parties, the electoral commission, civil society organizations including domestic observers, representatives of the media, business and faith based communities, as well as development partners and representatives of the diplomatic corps and the judiciary.

The Carter Center undertook this special pre-election assessment mission to explore issues of concern to



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Ghanaians that were brought to attention by the Center's long-term observation. The delegation was led by Carter Center Vice-President for Peace Programs Dr. John Stremlau. He was joined by two elections experts - former Canadian Assistant Chief Electoral Officer Ron Gould and founder and principal of Democracy International Inc. Glenn Cowan - and Carter Center Assistant Director of the Democracy Program John Marsh.

The Carter Center's Democracy Program established a field office in Ghana in May, after accepting the government of Ghana's invitation to observe the Dec. 7, 2008, elections. In August, teams of observers monitored the limited voter registration. Since Sept. 18, long-term observers have been deployed in the Ashanti, Central, Greater Accra, Northern, Volta and Western regions. They will remain in Ghana

until January 2009. The Center will deploy 50 short-term observers in December, in close communication with many other international and domestic observation missions.

Since 1986, The Carter Center has assisted the Ghana National Guinea Worm Eradication Programme and also observed the 1992 elections.

The Carter Center conducts election observation activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election observation as set forth in the Declaration of Principles for International Election Observation. The Center coordinates closely with other international and domestic observer delegations and publishes its statements on its Web site: www.cartercenter.org.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Deborah Hakes,

dhakes@emory.edu

In Atlanta until Dec. 3: 1-404-420-5124,

In Accra beginning Dec. 4: +233 (0) 240 1960 53

CARTER CENTER DELEGATION ARRIVES IN GHANA DEC. 2 TO OBSERVE SUNDAY'S ELECTIONS

December, 1 2008

ACCRA... Carter Center election observation leaders and short-term observers will arrive in Ghana tomorrow to observe election preparations and voting on Dec. 7. They join the Center's long-term observers, who have been deployed throughout Ghana since late-September. Observers will be briefed for two days then deployed to all 10 regions in the country.

The 50-member delegation is being co-led by former Botswana President Quett Masire and former Prime Minister of Tanzania Justice Joseph Warioba of the East African Court of Justice.

The delegation will hold a media opportunity at a polling station in Accra on election day, Dec. 7, and a press conference on Dec. 9 to release their preliminary findings.

The Carter Center conducts election observation activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election observation as set forth in the Declaration of Principles for International Election Observation. The Center coordinates closely with other international and domestic observer delegations and publishes its statements on its Web site: www.cartercenter.org.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Deborah Hakes,

dhakes@emory.edu

In Accra: +233 (0) 240 1960 53

Ghana Presidential and Parliamentary Elections Dec. 7, 2008

Election Observation Mission Preliminary Statement

GHANA'S VOTERS RENEW COMMITMENT TO OPEN AND COMPETITIVE ELECTIONS

December, 9 2008

Executive Summary

The Carter Center congratulates the Ghanaian people for their democratic participation in the Dec. 7 presidential and parliamentary elections, which were conducted in a peaceful, transparent, and dignified manner.

Ghana is becoming a model democracy in the region and abroad. The Electoral Commission of Ghana continues to enjoy international recognition for its exemplary conduct.

In advance of the 2008 elections, concerns were raised about the possibility of political tensions and more recently about a 'bloated' voter registry. The electoral commission, aided by the involvement of civil society and religious leaders, took action to address these issues, neither of which has emerged as a problem on election day.

We commend the efforts of Ghana's political parties, civil society, religious leaders, and others who actively promoted the peaceful contestation of power

as a prerequisite for Ghana's continued democratic development.

During the course of the elections, the Center noted the role of the police and security forces. We found their demeanor to be, with very few exceptions, courteous, constructive, and restrained in ensuring the establishment of a calm environment in which citizens could vote safely and efficiently.

The Center is pleased with efforts by the Ghanaian Supreme Court to address deficiencies in the electoral dispute process by dedicating judges to expedite legal challenges. We encourage all stakeholders to use post-election dispute resolution measures to ensure that all electoral challenges are resolved peacefully and in accordance with the Ghanaian constitution.

Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Ghana to observe the post-election environment. This is a preliminary statement and a final report will be published in the coming months.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

The Carter Center fully expects that as the final vote is tabulated, any challenges to the results will be handled peacefully through existing and constitutionally sanctioned procedures in an open and transparent manner. The competitiveness of the process is already apparent in the large number of parliamentary seats that have changed hands. We commend both the honest election and gracious defeat of contesting candidates, as well as the rights of all Ghanaian citizens to participate freely in the political process.

The following report identifies a number of strengths and shortcomings identified by the Center's long- and short-term observers and makes recommendations for further improvement in the administration and conduct of elections in Ghana.

We remain confident that Ghanaians have once again demonstrated their commitment to a democratic future through continual improvements in their electoral administration and the conduct of a transparent, peaceful process. We hope these experiences will inform preparations for the 2012 elections.

The Carter Center has been observing the electoral process in Ghana since May 2008. Eight long-term observers from seven countries were deployed throughout the country in July to assess voter registration. Ten Long-term observers returned in September and October to assess the voter-register exhibition period. For the December 7 elections, The Center deployed a 57-person observer team led by Ketumile Masire, former President of Botswana, Justice Joseph Warioba, former prime minister of Tanzania, and John Stremlau, vice president of peace programs at The Carter Center. Carter Center observers visited more than 300 polling stations in 30 districts to observe voting and counting.

Carter Center observation missions are conducted in accordance with the Declaration of Principles for International Election Observation.

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Political Background

The 2008 elections, Ghana's fifth since multiparty democracy was restored in 1992, were widely seen as an opportunity to further advance democratic consolidation. Expectations for the elections have been extremely high, both inside and outside of Ghana. The country has served as an anchor in the West African region, which has often been marred by areas of instability and civil war. For this reason, a successful election is critically important to both Ghana and the region as a whole.

This election cycle was highly competitive, as there was no incumbent and no clear frontrunner. Professor John Evans Atta Mills of the National Democratic Congress, who had previously run against and lost to John Kufuor in 2000 and 2004, ran against former Foreign Minister Nana Addo Dankwa Akufo-Addo of the ruling New Patriotic Party. Six smaller party candidates also contested the presidency, including Papa Kwesi Nduom of the Convention People's Party and Edward Mahama of the People's National Convention. Election returns show Professor Mills and Nana Akufo-Addo in a very tight race with the possibility of a run-off election if neither candidate crosses the fifty percent threshold.

Legal Framework

Elections provide a key to understanding whether those in power respect citizens' rights to participate in public affairs. Elections are not just a technical exercise; they are a critical political process and are a prerequisite for achieving democratic governance.

The Ghanaian Constitution enshrines key international obligations including political rights such as the rights to free association with a political party, to vote by secret ballot, to participate in public affairs, and to hold elected office[1].



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

In addition the Constitution establishes additional human rights which must necessarily be respected if an electoral process is to be a clear reflection of the will of the people. These include the freedom of opinion and expression, freedom of assembly and freedom of movement[2]. These constitutionally protected political rights are reflected in the 1996 Ghanaian Public Elections Regulations, the 1995 Registration Regulations and the 2000 Political Parties Law, among others. These election regulations are generally in line with international obligations and provide a strong foundation for democratic elections.

Ghana has ratified several international treaties including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Discrimination against Women, the International Convention on the Elimination of Forms of Racial Discrimination, the Convention on the Political Rights of Women, the Convention on People with Disabilities and the United Nations Convention Against Corruption. In addition, Ghana has ratified a number of important regional treaties including the African Charter on Human and Peoples' Rights, the African Union Convention on Preventing and Combating Corruption, and the ECOWAS Protocol on Democracy and Good Governance. Ghana is also a signatory to the Universal Declaration of Human Rights, the African Charter on Democracy, Elections, and Governance and The Declaration of Principles on Freedom of Expression in Africa.

It is against these commitments, reflected in the Ghanaian Constitution, as well as the Ghanaian electoral code, that election day activities have been assessed by The Carter Center.

While Ghana generally enjoys a strong legal framework for elections, The Carter Center notes that the implementation of this legislation has not been consistent. Key areas in which the election day processes were at times inconsistent with the electoral

legislation include the number of party agents per polling stations, the placement of party seals on ballot boxes during opening and closing,[3] and the determination of voter intent during the count. While these issues did not appear to affect the integrity of the process and in some instances may have strengthened its transparency, The Carter Center urges the Electoral Commission to ensure that practices and election legislation are aligned.

Election Administration

An independent and impartial electoral commission which functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election, and that other international obligations related to the electoral process are met.[4]

The Electoral Commission of Ghana is perceived to be independent and enjoys broad public confidence. The commission, members of which are appointed by the President, is responsible for the conduct and supervision of all public elections and referenda.

Election Administration of the 2008 Election

During the 2008 elections the commission took measures to disperse election materials in a timely manner in advance of election day in most cases. However, Carter Center observers noted several instances in which polling place openings were delayed because election materials were not delivered on time, yielding several hour interruptions in the process. With delays being most severe in five polling stations in the Eastern region, the Electoral Commission has enacted emergency measures to protect the right of voters to cast ballots by holding an emergency voting day on Dec. 8.

On election day, Carter Center observers noted that the majority of poll workers conducted their work professionally and effectively. The Electoral Commission conducted extensive training programs



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

for election officials in advance of polling day, in accordance with Ghana's constitutional requirements and international commitments. While observers noted some incidents of confusion at the polling place, possibly resulting from poor training and unclear procedures, we found that Electoral Commission officials were largely responsive to the needs of the voters and sought to promote the integrity of the electoral process.

Carter Center observers reported several cases where polling station staff were faced with unclear procedures (e.g., use of transferred voters list, what do in the case of missing materials, or absent staff).

Procedures for the counting of special voting-day ballots were also unclear. Security personnel and other officials who would be working on election day away from their own polling station were allowed to vote one week early on Dec. 2. Special voting which took place in each district was observed by the Carter Center in the Greater Accra, Central, Western and Volta regions. Carter Center observers noted that some voters were misinformed regarding their eligibility to vote for the Parliamentary race on Dec. 7.

According to the Electoral Law, ballots cast during the special voting processes are to be counted at a polling place.[5] The Carter Center attempted to observe the counting of special ballots. However, there was some confusion at the constituency level about whether this process should occur at a particular polling station or at a constituency collation center.

The use of several distinct voting lists (e.g. proxy voters list, absent voters list, transferred voters list, ID checklist) caused some confusion on election day. In a large number of polling places observed by The Carter Center, one or more of the lists was missing or did not include complete and accurate data regarding voters. Where voters' details did not appear on

the transferred voters list, inconsistent procedures were applied by polling officials. In some instances, transferred voters were allowed to vote by providing the transferred voting receipt, in others, voters were turned away from the polls.

While the cooperative spirit that permeated the election process prevented these isolated incidents from distorting either the result or character of the polling, such unclear procedures could pose serious threats to the integrity of the process. We therefore recommend that the Electoral Commission provide guidance on these and other instances where procedures are unclear.

The Electoral Commission took effective measures to relieve political tension in the weeks leading up to the election through the implementation of inter-party advisory committees. These bodies appear to have functioned effectively and enjoyed the support and confidence of political parties.

Voting

The voting process is the cornerstone of the obligation to fulfill genuine, periodic elections which express the will of the people.[6]

Carter Center observers from across the country noted that the electoral process was peaceful and that electoral officials, parties, security personnel and voters worked together to ensure that the election was orderly. Voters appeared excited about the process and election day enjoyed high turnout. In some constituencies, the lines of voters were very long, with some waiting as long as five hours to cast their ballot. This was due in large part to the wide variation in the numbers of voters assigned to each polling place. Delays at some of these stations could be avoided by allocating additional voting booths on the basis of the number of registered voters per polling place. Despite observing long wait times, The Carter Center noted that the polling environment remained calm.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

While Carter Center observers reported some cases of late poll openings, missing materials, absent presiding officers, and untrained poll workers, they found that in almost all cases such incidents did not affect the integrity of the process, and that, in general, Ghana upheld its commitment to protect the right of citizens to vote.

Ghana's electoral commission has taken the necessary steps to ensure all voters had the right to vote through universal suffrage[7]. Throughout the country Carter Center observers noted that election officials were prepared to handle the influx of voters, that most poll workers had received adequate training to complete their roles, and the Electoral Commission was proactive in making sure all polling stations were functioning.

Security personnel played a constructive role in the process. The Electoral Commission ensured that adequate numbers of personnel would be available across the country on election day by recruiting staff from five different services.[8] While Carter Center observers noted their presence they reported no incidents of intimidation or harassment, nor any impediment to the free movement of voters. The peaceful and secure conduct of the election reflects Ghana's fulfillment of its obligation to ensure all citizens' security of the person during the election day processes.

Pre-election day concerns about large-scale under-age voting did not emerge as a significant problem.[9] Due largely to instructions from the Electoral Commission aimed at ensuring that no eligible voters be denied the franchise, presiding officers generally allowed voters who appeared underage to cast ballots if the voter had a legitimate voter I.D. and was on the voters' register.[10] More generally, Carter Center observers noted that voters without voter I.D. cards were still allowed to cast ballots if they could substantiate their eligibility on the basis of the I.D. checklist or the voters register.

Although procedures for voting were largely followed in the majority of polling places visited, several procedures had the ability to undermine the secrecy of the ballot.[11] In some places the privacy screen for voting did not adequately shield the voter from view. Other observers reported that some polling officials both signed and stamped the back of ballot papers before handing them to voters. Although it is common practice in Ghana as is included in the electoral law, the use of thumbprints to mark ballot papers has the potential to undermine the secrecy of the ballot.

In addition, while voters' fingers were regularly inked by polling officials, fingers were not always checked for ink. Because the polling process required the fingers to be inked immediately before the voter received the ballot, wet ink was at times accidentally transferred to the ballot papers by both the voters and poll workers, possibly spoiling the ballot for count. The Electoral Commission may want to consider changing the order of the process, so that the finger is inked after the voter has cast their ballot.

Party agents were well represented in polling places across the country. They appeared to be well informed about the electoral process and their role, and came to polling places prepared to affix seals to the ballot boxes and take other measures outlined in the law that promote the integrity of the process.[12] Although Carter Center observers noted inconsistent application of the seals on the ballot boxes, party agents were generally aware of their right to apply these seals.

Agents from across party affiliations worked well together, cooperating with one another in the vast majority of polling places observed, and helping to ensure that polling was conducted in a calm and peaceful environment. In some polling places, however, party agents played too active a role in the process by performing the responsibilities of polling officials and assistants (e.g. stamping ballot papers and



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

checking IDs). However, in all of these cases polling officials had requested or allowed such involvement and party agents were treated equally.

Polling-day activities respected Ghana's commitment to the principle of transparency in the electoral process.[13] In addition to political party agents, The Carter Center observed the presence of domestic observation organizations in many polling places across the country.

Counting

The tabulation of election results is still being conducted and a final vote count has not yet been announced. The Carter Center will continue to observe this process until its completion, but offers some initial observations.

A transparent and non-discriminatory vote counting process is an essential means of ensuring that the fundamental right to be elected is fulfilled.[14]

The Carter Center observed the close of polls and counting process in polling stations across the country. The counting process was generally peaceful, and free from major irregularities which could threaten its integrity. In spite of some minor irregularities it was largely conducted in accordance with the procedures of Ghana's electoral law and international commitments to transparency.

The Carter Center commends the high level of openness and transparency in the counting process, which was observable by party agents, domestic and international observers, and the media. In addition the general public enjoyed a high degree of access to the vote count, and party agents were able to issue challenges as necessary. In almost all stations observed, The Carter Center reported that copies of the official declaration of results were given to all party agents, and results were announced at the polling station level.

In one constituency in the Bolgatanga district in the Upper East region, Carter Center observers noted high numbers of blank ballots and invalid ballots caused by multiple markings on the ballot. In addition, they noted a high percentage of ballots where voters had placed their thumb mark outside of the voting box but inside the boundary lines of the candidates. Poll workers appeared to follow EC instructions for determining the intent of the voter when counting the ballots. However, high level of ballot spoilage may indicate the need for continued voter education efforts to ensure consistency in counting processes.

Carter Center observers also noted some instances in which party agents became involved in the counting process. While this involvement was accepted by election officials and the party agents present, it conflicts with procedures outlined in the Ghanaian Electoral Law, which requires that presiding officers and polling officials conduct the counting.

In some polling places, polling officials were unable to accurately reconcile the ballots cast in their polling place. This appeared to be caused by confusion about poll closing procedures, lack of adequate training, and counting procedures which continued into the night without sufficient light. In the cases observed by The Carter Center the discrepancies in vote count process did not appear to significantly undermine the integrity of the process. However, The Carter Center notes that future processes may be improved by the provision of lamps to all polling stations.

Electoral Dispute Resolution

Effective electoral dispute mechanisms are one means of ensuring that effective remedies are available for violation for fundamental rights, and that everyone is entitled to a fair and public hearing.[15]

Ghana's major obstacle regarding electoral dispute resolution has been the low confidence that people



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

have in the ability of the courts to provide responses to election-related complaints in a timely manner. Several high profile cases from recent election cycles have lasted the full term of the presidential and legislative seats in dispute or longer. Electoral disputes are bound by time in a manner that often necessitates narrowly tailored logistics and administrative planning on the part of the electoral management bureau. The provision of a timely response at the polling station level can make the ultimate difference in an individual voter's franchise, a pillar of a citizen's confidence in their democratic protections.

This issue was addressed in an exemplary fashion by the Chief Justice of the Ghanaian Supreme Court, who has embarked upon an ambitious program to put in place measures that would speed the adjudication of the electoral disputes. These measures include modifying existing dockets to give priority to election cases, establishing special benches to hear the cases, and approving weekend work hours for the courts. While The Carter Center's election observers have not directly observed the new procedures in practice, the court's efforts have been positively received by Ghanaians.

In addition, the Supreme Court recently published a manual that explains how to access the courts and has endorsed alternative dispute resolution practices in the hopes of further speeding the settlement of disputes. The Carter Center hopes this manual could help facilitate expedited review of cases and should be made widely available to all stakeholders.

Candidates, Parties and The Campaign Environment
Ghana's constitution and its international and regional commitments create obligations related to the nomination of candidates, parties and campaign periods. These include, among others, the right to be elected, to freely express opinions, and to participate in public affairs[16].

In the months leading up to the elections, the incidents of electoral violence decreased and the general political environment improved significantly. This can in part be attributed to the involvement of civil society organizations, especially the religious institutions, and the expression of their views regarding increased confidence in democratic and electoral processes.

While isolated reports of violent incidents in both the pre-election and election day periods concern the Carter Center, the Ghanaian electoral cycle was generally peaceful and free from violence or serious intimidation. However, a zero-sum political environment increased inter-party tensions during the campaign period, especially among the two largest political parties. In line with their commitments to ensure the security of the person[17] Ghana deployed security forces throughout the campaign period and utilized effective measures to ensure the safety of all Ghanaians before and during the elections.

Throughout the electoral period, party campaigning was relatively calm. While rhetoric from all major parties has at times verged on inflammatory, The Carter Center recognizes that all candidates' right of freedom of expression was respected in a manner consistent with Ghana's legal framework and international obligations. Through a set of encounters and presidential debates, political party leaders were challenged to debate the substantive issues confronting the nation rather than engaging in personal attacks. All parties generally enjoyed freedom of assembly and association; holding rallies and parades, and canvassing to gain supporters. However, the Public Order Act, which requires parties to notify the police of their intent to hold rallies, was used at times to prevent parties, candidates and citizens from exercising their freedoms of association, movement and expression.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

The Carter Center noted that the requirement of a 5,000 cedi presidential nomination fee, when considered against Ghana's average per capita income, could be considered an unreasonable limitation on all citizens' right to be elected. The parties have appealed to the electoral commission to reassess this fee and to ensure that all eligible citizens have an equal chance to stand for office.[18]

Voter Registration

Sound voter registration processes which ensure an accurate and complete voters' list are a principle means of ensuring that universal suffrage and the right of every citizen to vote are fulfilled.[19]

The Carter Center observed the limited voter registration process that took place July 31 – Aug. 12, 2008. While the teams found the process to be generally successful, they noted several irregularities. While the Electoral Commission and others made efforts to educate voters about the registration process, these efforts were too limited to adequately educate the public. Although party agents from the New Patriotic Party (NPP), Nation Democratic Congress (NDC), and others peacefully engaged in the process, in some registration centers they became too actively involved in the processes by acting as substitutes for election officials. Observers also noted some isolated incidents of violence (e.g. a dispute between party agents which ended in a shooting in Tamale-Central).

Carter Center long-term observers also assessed the Oct. 5 – 11, 2008, exhibition of the voters' register. This limited exhibition, which was one of the most controversial aspects of the electoral process, came about as a result of the limited voter registration exercise which produced what was referred to as a 'bloated' register. The Commission had expected no more than 1,000,000 new registrants. However, by the end of the 12-day exercise more than 1.8 million people had been added to the voters' register.

Due to controversy on the status of the voters' register, the electoral commission undertook a process to correct the register, removing 349,000 names from the voters' register. However, the commission did not provide the political parties with detailed information regarding the constituencies and districts involved and the criteria used for their removal. Despite these issues, all major parties agreed to contest the election, and very few party agents filed election day complaints on the basis of the problems with the voters' register.

These problems with the voters' register did not appear to have significantly affected the integrity of the voting process. However, Ghana should reassess registration processes for future elections to ensure the fulfillment of their international commitments.

Participation of Women

State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination[20] and the right of all citizens to participate in the public affairs of their country regardless of gender.[21]

Through their ratification of international and regional treaties, Ghana has pledged to promote the political participation of women on an equal basis with men. Election day observation consistently showed that women were active participants in the process, representing an equal percentage of the electorate in most areas.

Despite this significant achievement, Carter Center observers noted widespread inequality in the percentage of women running for elected office and holding positions in the government. On average, women represent less than 15 percent of electoral contestants and are often prevented from running for office by monetary requirements, gender bias, lack of political will, and male dominated political parties. Although all parties verbally agree on the importance



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

of equal representation of women in the political process, there are no specific measures taken to ensure women's participation. Women are also noticeably underrepresented in election administrative structures. Throughout the entire Northern region, few women hold senior government positions (e.g. only one female holds a senior position in the Regional Ministry of Women and Children). The Center encourages Ghana to take positive measures to address these inequalities and fulfill its commitments as defined in the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)[22] and the African Union Charter on Democracy, Elections and Governance. [23]

Civil Society and Domestic Observation

International commitments require States to ensure that every citizen has the right to participate in the public affairs of their country, including the ability to participate in civil society and domestic observation organizations, and to freely assemble and associate. [24]

Ghana enjoys a vibrant civil society, with local and national organizations active across the country. Civil society, including churches and other religious organizations, provided a variety of pre-election voter education programs, and pro-peace initiatives that had a genuine impact on the electoral process. The use of drama and role-play increased the audience of these messages, ensuring that Ghanaians from all backgrounds received these messages. In addition, observers noted that a number of women's organizations were actively involved in voter outreach drives.

In all, the state promoted an environment in which citizens could participate freely in the public affairs of their country. On election day a number of domestic observer groups, including the Coalition of Domestic Election Observation Organizations (CODEO), Institute for Democratic Governance (IDEG),

Commission for Human Rights and Administrative Justice (CHRAJ), Institute of Economic Affairs (IEA), Graduate Institute for Management and Public Administration (GIMPA) observed the process and moved freely about the country[25]. Although CODEO observers faced initial delays in being granted access to some polling stations, Carter Center observers noted their presence in many polling stations that we visited. In addition to assessing the quality of the voting process, CODEO observers conducted a Parallel Vote Tabulation (PVT) with 1,070 rapid-response observers covering all ten regions and 230 constituencies, contributing significantly to the overall transparency of the process.

Voter Education

Voter education is recognized in international law as the principle means to ensure that an informed electorate is able to effectively exercise their right to vote. States must take specific measures to address difficulties that prevent persons from exercising their rights effectively[26].

Voter education in Ghana is the responsibility of the Electoral Commission. Civic Education is the responsibility of the National Commission on Civic Education (NCCE). The Electoral Commission focuses its efforts on the voting procedures while the NCCE tends to focus its work on encouraging citizens to participate in the political process, including elections.

Specific voter education efforts of Ghana's Electoral Commission included public service announcements, civil education posters, and some specialized training aimed at increasing access for people with physical disabilities. However, Carter Center observers report that these efforts were limited in scope and did not provide adequate education on electoral processes to the Ghanaian public. The Carter Center would like to note the significant efforts made by the Electoral Commission to inform the public of changes to



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

election day voting procedures through press releases, but remains concerned that this form of voter education does not effectively reach the broadest pool of voters.

Media Environment

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media[27].

The Carter Center did not conduct a comprehensive analysis of media coverage during the pre-election period. However, based on the findings of long-term observers deployed across the regions in advance of election day, The Center notes the following about the environment.

Ghana enjoys a diverse and pluralistic media environment that allows voters to receive a variety of viewpoints and political perspectives, in accordance with key commitments outlined at the international and regional level.[28] Media generally allows candidates, voters, civil society and others to seek, receive and impart information through debates and radio call-in shows.[29]

Reflecting international commitments, the Constitution of Ghana stipulates that candidates are entitled to the same amount of time and space on the state owned media[30]. However, the majority of Ghanaian media outlets are privately owned. While candidates are able to purchase airtime there are concerns that the broadcast of political party material is dependent on factors other than finance. In addition, some political parties expressed concerns regarding bias, especially in State-owned media.

Carter Center observers noted some instances in which media outlets aired programming that included strong language and personal attacks against candidates that heightened tensions in the Central region. In addition, concerns of media bias were expressed

to our observers in Ashanti. These concerns are strengthened by the influence of political interests in media outlets.

Overall, The Carter Center finds that the December 7, 2008 Presidential and Parliamentary elections were competitive and characterized by high levels of transparency and openness, further reinforcing Ghana's democratic tradition.

This statement is preliminary. The Carter Center will continue to observe post-election processes through their conclusion. Final conclusions will be included in subsequent statements and a final report.

[1] 1992 Constitution of Ghana; Art. 49(1), 55

[2] 1992 Constitution of Ghana; Art. 40(d)

[3] Electoral Law Art. 29.2; 36.4a

[4] United Nations Human Rights Committee, General Comment No. 25

[5] The secrecy of the ballot requires that it be impossible to tie a cast vote to a specific voter.

[6] African Charter on Human and Peoples Rights, Art 13(1)

[7] UDHR, Art. 21(3); ICCPR, Art. 25(b); African Charter on Democracy, Elections & Governance, Art. 4(2)

[8] One of the five services was the Fire Service. However, the ministry responsible for emergency services might consider whether the fire-prevention role of the fire services is too important to permit their diversion to other duties, especially on election day.

[9] Restrictions on the right to vote based on a minimum age are considered reasonable. General Comment No. 25

[10] Ghanaian Constitution, ICCPR, AfCHPR

[11] UDHR, Art. 21(3); ICCPR, Art. 25(b)

[12] Presidential/Parliamentary Elections Laws, 29(2); 37(4)

[13] UNCAC, Art. 13(a); AUPCC, Art. 12(2), 3(3)

[14] UNCAC, Art. 13(a); ICCPR, Art. 25; 2(1)

[15] ICCPR, Art. 2(3), 14(1)

[16] The right to be elected is a universal right requiring that States ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions. All citizens are guaranteed the right of equal access to the public services and property of their country; and any derogation from this right which gives advantage to a particular party or candidate may be considered discriminatory. (ICERD, Art. 5(b); ICCPR, Art. 19(2); AfCHPR, Art. 13(2))

[17] ICCPR, Art. 9; African Charter on Human and Peoples' Rights; art. 6

[18] United Nations Human Rights Committee General Comment 25, para. 16



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

[19] An accurate and complete voters registration list promotes public confidence in the electoral process and protects fundamental human right to a genuine democratic election (General Comment No 25, para 16)

[20] ICCPR, art. 25; 2(1); 26

[21] UDHR; Art. 21(a); ICCPR, Art 25(9); ICERD, Art 5(c)

[22] Art. 7

[23] Art. 29.2

[24] General Comment No. 25, para 8

[25] ICCPR, UDHR

[26] Specific difficulties include such things as language, poverty, and impediments to the freedom of movement. States must take steps to ensure voter education reaches the broadest possible pool of voters. (United Nations Human Rights Committee General Comment 25, para. 11)

[27] ICCPR, Art. 19

[28] Declaration of Principles on Freedom of Expression in Africa, Art 3,

[29] ICCPR Art. 19, UDHR, art 19

[30] IPU Declaration on Criteria for Free and Fair Elections; 1992 Constitution of Ghana, Art. 55(11)



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Julie Benz-Pottie

In Accra: + 223 (0) 24 019 6053

CARTER CENTER FINDS GHANA'S PRESIDENTIAL RUN-OFF ELECTIONS CREDIBLE AND PEACEFUL

December, 30 2008

ACCRA... The Carter Center found that Ghana's voters participated in a transparent and relatively peaceful presidential run-off election on Dec. 28, 2008. Preliminary reports of the election, which was contested by John Evans Atta Mills of the National Democratic Congress and former Foreign Minister Nana Addo Dankwa Akufo-Addo of the ruling New Patriotic Party, indicate that the administration of this election was well executed, illustrating the successful organization of the Electoral Commission and the determination of the Ghanaian public to ensure continued democratic consolidation. As vote aggregation continues, it is now essential for Ghana to remain calm, to await the final results, and to follow appropriate legal channels for the adjudication of disputes. The provision of a timely response to election disputes both at the polling station and higher levels may ultimately determine issues of franchise and public confidence in the democratic process; therefore, the Center urges the Electoral Commission to continue their commendable administration of the electoral process throughout the dispute period and transfer of power. The Carter Center will continue to observe the national tabulation until complete and, when appropriate, comment further on the electoral process.

- The Carter Center deployed 58 observers from 17 countries. Observers deployed to 33 districts in all 10 of Ghana's regions and visited 354 polling stations to observe voting and counting.
- Most polling places observed were adequately equipped with election materials and opened on time and were incident free.
- Extensive campaigning, primarily at the grassroots level, was conducted by both parties following the Dec. 10 run-off announcement.
- The parties also engaged in widespread door-to-door voter education efforts. In combination with the Electoral Commission's retraining of polling officials, these efforts appear to have resulted in a substantial decrease of rejected ballots.
- Civil society actively engaged in the electoral process. The National Peace Council of Ghana—which includes representatives of the NPP, NDC, and major Ghanaian religious, economic, and political interests—held bipartisan discussions on run-off issues. The Coalition of Domestic Election Observers (CODEO), Institute for Democratic Governance, and Commission for



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Human Rights and Administrative Justice deployed domestic observers on election day. Additionally, CODEO conducted a parallel vote tabulation.

- Security forces played a positive role in the election and The Carter Center noted no major instances of intimidation.
- Transparency was a hallmark of election-day activities. Throughout the country, significant transparency was exhibited in polling stations observed by The Carter Center in both voting and vote counting processes; party agents of both presidential candidates were present and were allowed a high degree of access and public observation.
- The counting process was generally peaceful and largely free from irregularities that would compromise the integrity of the process. Counting was completed swiftly and accurately.
- While counting was conducted in a transparent and impartial manner at the vast majority of stations observed, The Carter Center notes that many observed polling stations did not correctly complete their 'Statement of Poll' form resulting in minor discrepancies in the reconciliation of ballot papers.
- Ghana's special-voting day, held Dec. 23, 2008, was marked by reports of polling officials indiscriminately accepting voters not registered for special voting. These voters names were allegedly not vetted from the election-day voters' register as having already voted, leading to fears of possible derogation from the principle of equal suffrage and a strict disallowance of multiple voting.
- While Ghana has experienced significant issues with electoral dispute adjudication during past electoral process, the Ghanaian Supreme Court has worked to establish a program to speed the adjudication of disputes and uphold their commitment to provide timely and efficient electoral dispute resolution. The Court recently published a manual explaining how to access the courts and has endorsed alternative dispute resolution practices

as a means to further expedite electoral dispute resolution.

To the people of Ghana: The Carter Center commends the enthusiasm and determination of Ghana's people to continue democratic consolidation through active participation in an electoral process marked by its inclusiveness and transparency. The active participation of the Ghanaian people in civil society organizations illustrates a strong commitment to peace and accountable democracy.

To the political contestants of Ghana: The Carter Center notes the statesmanship and dedication of political leaders to a peacefully conducted campaign period during a hotly contested electoral process. It recognizes the commitment of both contestants to a campaign marked by respect for the fundamental political rights of freedom of expression, assembly, and participation in public affairs.

To the Election Commission: The Carter Center offers its congratulations on the Commission's impressive ability to conduct its work impartially and effectively. The Center recognizes the Commission's crucial role in Ghana's electoral process.

####

The Carter Center election observation mission has been in Ghana since May 2008 following an invitation from the Electoral Commission of Ghana. During the Dec. 7 first-round election, the Center deployed a 57-person observer team to more than 300 polling stations in 30 districts. A preliminary statement released Dec. 9 details the Center's findings on the political environment and election-day activities.

Following the announcement of a run-off election, the Center redeployed eight long-term observers on Dec. 14 to assess run-off preparations in five regions throughout the country. On election day, 58 Carter Center observers from 17 countries visited



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

354 polling stations in 33 districts throughout all regions of the country to observe voting and counting. The delegation was led by Honorable Aminu Bello Masari, the former speaker of the Nigerian House of Representatives, and Dr. John Stremlau,

vice president for peace programs at The Carter Center. Carter Center observers continue to assess the conclusion of counting and vote tabulation and will remain in Ghana to observe the post-election environment.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: Julie Benz-Pottie

In Accra: + 223 (0) 24 019 6053

CARTER CENTER DEPLOYS OBSERVERS TO GHANA'S BRONG-AHAFO REGION TO OBSERVE TAIN CONSTITUENCY'S ELECTIONS

December, 31 2008

ACCRA...The Carter Center has deployed 10 election observers to Ghana's Brong-Ahafo region to observe Friday's voting in the Tain constituency. In a statement of preliminary findings released Dec. 30, the Center raised concerns about the disenfranchisement of Tain constituency voters, who were prevented from exercising their right to vote in Ghana's Dec. 28 presidential run-off elections when the reconciliation of election materials revealed an error in ballot allocation and the election was suspended indefinitely.

The Center has also deployed observers to the Ashanti and Volta regions to observe the process for adjudicating any post-election petitions the parties may file there. The Carter Center election

observation mission has been in Ghana since May 2008, following an invitation from the Electoral Commission of Ghana, has deployed observers for each round of voting, continues to assess counting and vote tabulation, and will remain in Ghana to observe the post-election environment.

The Carter Center conducts election observation activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election observation as set forth in the Declaration of Principles for International Election Observation. The Center coordinates closely with other international and domestic observer delegations and publishes its statements on its Web site: www.cartercenter.org.



THE CARTER CENTER

GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

Contact: John Marsh

In Accra: + 233 (0) 24 118 7582

CARTER CENTER CONGRATULATES GHANA PRESIDENT ELECT JOHN EVANS ATTA MILLS

January, 3 2009

ACCRA ... The Carter Center congratulates Ghana President-elect John Evans Atta Mills of the National Democratic Congress following the Electoral Commission of Ghana's Jan. 3 announcement of final election results. The Center also commends New Patriotic Party candidate Nana Addo Dankwa Akufo-Addo for his acceptance of the results in an extremely competitive race.

The Carter Center acknowledges the efforts of the Electoral Commission of Ghana, including commission chair Dr. Kwadwo Afari-Gyan, and both presidential candidates for steering Ghana's election process to a clear and definitive result in such a hard-fought campaign. With an overall voter turnout of 72.9 percent, Mills garnered 4,521,032 votes, for 50.2 percent of the total, against Akufo-Addo's 4,480,446 votes, for 49.8 percent.

Because the results of the Dec. 28 run-off election were so close, election authorities were obliged to conduct the elections in the Brong-Ahafo constituency of Tain on Jan. 2 to determine the overall winner of the presidential election. The Tain election was delayed as a result of a dispute over the

distribution of ballot papers on Dec. 28. Read the Dec. 31, 2008 Carter Center press release.

Carter Center observers visited more than 60 of the 144 polling stations in Tain constituency and rated nearly every station as good or very good. Poll openings were delayed in many instances because of late delivery of materials or presiding officers who waited for NPP representatives to arrive. The voter identification check list was the most frequently absent material, which was a result of the earlier arson burning of the EC district office in Tain.

The NPP decision not to deploy party agents meant only the NDC candidate had representatives at the polls. Carter Center observers found in most cases there were more than the maximum of two NDC agents present with many individuals claiming to be NDC observers. Domestic observers from CODEO, CENCOR, and other organizations were found to be present at every station visited. The additional presence of a significant number of international observers and a robust security presence contributed to the overall transparency of the polling procedures.



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Voter turnout was relatively low but polling and counting procedures were implemented properly, despite the absence of NPP party agents. Furthermore, the collation of polling station results was conducted in full view of party agents and observers and was broadcast live by the media.

In recent days the two presidential campaigns have continued to air publicly complaints about aspects of the Dec. 28 polls. The NDC raised questions about the credibility of results from the Ashanti region, and NPP alleged that their party agents were intimidated or chased away in Volta region.

The NPP submitted, but subsequently withdrew, a Superior Court application to restrain the declaration of final results without a rerun of the Volta region election and suspension of the Tain election. Evidence of any serious complaints deserve consideration and should be submitted to the proper procedure for the examination of election petitions and/or criminal investigations.

The Carter Center will maintain a post-election observer presence in Ghana and will issue an overall report on the election process.



APPENDIX D

CARTER CENTER DEPLOYMENT PLANS

Election Day Deployment Teams (Dec. 7)

REGIONS	CONSTITUENCIES	TEAM	OBSERVER TEAM	NATIONALITY
GREATER ACCRA	Nima, Jamestown, Odododiodio	STO	President Masire	Botswana
			John Stremlau	American
			Justice Warrioba	Tanzania
			David Carroll	American
	Ashaiman/Tema	STO	Gwen Mikell	American
			Sarah Johnson	American
			Ken Nnamani	Nigerian
	Ayawaso Wuoton (Achimota)	STO	Paul Nugent	British
			Christiana Thorpe	Sierra Leonean
	Weija	STO	Nora Schimming-Chase	Namibian
			James Fromayan	Liberian
ASHANTI	Kumasi Metropolitan	LTO	Maud Nyamugha	Zimbabwean
			Charles Henry	American
	Ejura Sekyredumasie	LTO	Mohammed Sherif	Liberian
			Michael Wolfers	British
	Bekwai	STO	Oge Okoye	American
			Ammar Abboud	Lebanese
	Asawase	STO	Jibrin Ibrahim	Nigerian
			Sinan Bakari	Ivorian
BRONG-AHAFO	Sunyani West	STO	Tiawan Gongloe	Liberian
			Mareatile Polaki	Lesotho
	Techiman	STO	Nyan Flomo	Liberian
			Marie Florence Kuassi	Ivorian
CENTRAL	Cape Coast Metropolitan	LTO	Suad Elmubarak	Sudanese
			Raphael Mulle	Kenyan
	Hemang Lower Denkyira Twifo Arti-Morkwaa	STO	Eniko Simon	Hungarian
			Ajamu Baraka	American
EASTERN	New Juaben	STO	Edward Horgan	Irish
			Alethea Bonello	American
	West Akim	STO	Parvinder Singh	Indian
			Cynthia Rice	American
NORTHERN	Tamale Central Savalugu/Tolon	LTO	Ophelia Speight	American
			Mark Naftalin	British
	Bimbilla/Yendi	STO	Simon Fanto	Nigerian
			Ben Lambert	American
	Gushiegu/Karaga	STO	Jennifer Kolhmorgen	British
			Steve Nothern	American



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

REGIONS	CONSTITUENCIES	TEAM	OBSERVER TEAM	NATIONALITY
UPPER EAST	Bolgatanga/Zebilla	STO	Marla Morry	Canadian
			Paul Brennan	Irish
UPPER WEST	Wa	STO	Castle Redmond	American
			Drena Brown	American
VOLTA	Ho Municipal	STO	Michael Boda	Canadian
			Alexandra Gillies	American
	Hohoe/Jasikan	LTO	Nicholas Kerr	Jamaican
			Deddeh Buway	Liberian
	Ketu, Keta, Akatsi	STO	Scott Taylor	American
			Finola McDowell	Irish
WESTERN	Sekondi/Takoradi Metro	LTO	Walid Fakhreddine	Lebanese
			Jespa Ajereboh	Cameroonian
	Tarkwa	LTO	Christian Mulume	Congolese
			Farouk G. Kam Kong	Sudanese

Election Day Deployment Teams (Dec. 28)

REGIONS	CONSTITUENCIES	TEAM	OBSERVER TEAM	NATIONALITY
GREATER ACCRA	Odododiodio	STO	Rt. Hon. Aminu B. Masari	Nigerian
			John Stremlau	American
	Adenta Municipal	STO	Lucien Toulou	Cameroonian
			Tazoacha Asonganyi	Cameroonian
	Greater Accra	STO	Paul Nugent	British
			Christiana Thorpe	Sierra Leonean
ASHANTI	Kumasi Sub Metro/Asawase	LTO	Maud Nyamhunga	Zimbabwean
			Ajamu Baraka	American
	Ashanti Akim North	LTO	Mohammed Sherif	Liberian
			Walid Fakhreddine	Lebanese
	Bekwai	STO	Jide Ojo	Nigerian
			Taboh Chefor	Cameroonian
	Ejura Sekyeredumasie	STO	Parvinder Singh	Indian
			Eric Dickson	American
BRONG-AHAFO	Sunyani East	LTO	Deddeh Buway	Liberian
			Michael Wolfers	British
	Tain	LTO	Christian Mulume	Congolese
			Castle Redmond	American
CENTRAL	Cape Coast	LTO	Raphael Mulle	Kenyan
			Marla Morry	Canadian
	Lower Denkyira Twifo Arti-Morkwaa	STO	Terry Anne Rogers	American
			Steve Nothern	American

continues



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

Continued

REGIONS	CONSTITUENCIES	TEAM	OBSERVER TEAM	NATIONALITY
EASTERN	Akwatia	STO	Tiawan Gongloe	Liberian
			Suad Elmubarak	Sudanese
	Nkawkaw	STO	Drena Brown	American
			Michael McNamara	Irish
NORTHERN	Tamale Central	LTO	Ophelia Speight	American
			Nyan Flomo	Liberian
	Damongo/Daboya (West Gonja District)	LTO	Mark Naftalin	British
			Jaye Sitton	American
	Salaga, Kpandai (East Gonja District)	STO	Olumide Olaniyan	Nigerian
			Eniko Simon	Hungarian
UPPER EAST	Boigatanga/Zebilla	STO	Tunde Olakunle	Nigerian
			Rakeb Abate	American
UPPER WEST	Wa Central	STO	Joshua Roberts	American
			Myriam Kouassi	Ivorian
VOLTA	Ho Municipal	STO	Nicholas Kerr	Jamaican
			Simon Fanto	Nigerian
	Hohoe/Jasikan	STO	Thomas Moloney	British
			Alex Azebaze	Cameroonian
	Ketu, Keta, Akatsi	STO	Finola McDowell	Irish
			Vincent Mukwege	Congolese
WESTERN	Sekondi/Takoradi Metro	LTO	Jespa Ajereboh	Cameroonian
			Oge Okoye	American
	Ellembelle	STO	Martha Whitman	American
			Patrick Mapendere	Zimbabwean

Deployment Teams — Tain Constituency Re-vote (Jan. 2)

TEAM	OBSERVER TEAM	NATIONALITY
LTO	Christian Mulume	Congolese
	Deddeh Buway	Liberian
LTO	Jespa Ajereboh	Cameroonian
	Raphael Mulle	Kenyan
LTO	Mark Naftalin	British
	Ophelia Speight	American
STO	Michael Wolfers	British
	Jaye Sitton	American
STO	Marla Morry	Canadian
	Michael McNamara	Irish



APPENDIX E

ELECTION DAY CHECKLISTS

POLLING STATION OPENING FORM

GHANA PRESIDENTIAL RUN-OFF ELECTION - DECEMBER 28, 2008			
	Observer Team Names:		Team #:
	Region:	Constituency:	
	Electoral Area:	Polling Station #:	
	Polling Station Name:	Arrival Time: am pm	
	Ease of Access to Polling Station: EASY MEDIUM HARD VERY HARD		Departure Time: am pm
			Observed by TCC
			Yes No N/A
1	Is the polling area accessible to all voters including the disabled?		
2	Is the environment around the polling place peaceful?		
3	Is the polling place free from campaigning and campaign materials within 500m (1600 ft) of the entrance?		
4	Is the polling place and its surrounding environment free from obstructions to the free movement of voters, poll workers or others?		
5	How many people are registered to vote at the polling center? _____		
6	Were all polling staff present before opening with sufficient time to set up the polling station for election day?		
7	Was the opening process free from interference? (including by security personnel and party agents)		
8	Were all election materials delivered to the polling place safely and securely?		
9	Was the ballot box presented as empty to all present including party agents, candidates and observers?		
10	Was the ballot box sealed with numbered seals by the presiding officer after it was shown to be empty?		
11	Were the numbers of the seals recorded on the statement of poll and declaration of vote forms?		
12	Were candidates or party agents allowed to fix their own seals to the ballot box after the commission's seals had been affixed?		
13	Did the Polling Center open at 07:00h? If not what time did it open? _____ If the polling station did not open at 07:00h, why not? (please check all that apply) ☐ Polling staff lack of understanding of procedures ☐ Insufficient materials ☐ Late arrival of materials ☐ Insufficient number of polling staff ☐ Other _____		
14	Were party agents present at the polling place to observe opening? (please check all that apply and indicate the number of observers who were female in the space provided) ☐ New Patriotic Party (NPP) ☐ National Democratic Congress (NDC) ☐ Other _____ Please indicate the total number of female party agents: _____ / _____		
15	Were domestic observers present at the polling place to observe opening? (please check all that apply) ☐ CODEO ☐ CHRAJ ☐ Other _____		
16	Were observers and agents able to actually observe the process?		
17	Was the process free from official complaints made to the presiding officer?		
18	If complaints were made were polling officials responsive to these complaints?		
Overall Assessment			
Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.			
Very Good - No significant incidents or irregularities			
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process			
Poor - Incidents or irregularities that significantly affected the integrity of the process			
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.			



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

POLLING STATION OBSERVATION FORM

GHANA PRESIDENTIAL RUN-OFF ELECTION - DECEMBER 28, 2008									
	Observer Team Names:							Team #:	
	Region:							Constituency:	
	Electoral Area:							Polling Station #:	
	Polling Station Name:							Arrival Time: am pm	
	Ease of Access to Polling Station: EASY MEDIUM HARD VERY HARD							Departure Time am pm	
									Observed by TCC
									Yes No N/A
Outside the Polling Area									
1	Approximately how many voters are in line?: _____								
2	Approximately how long has the first person in line been waiting to vote?: _____								
3	Is the polling area accessible to all voters including the disabled?								
4	Is the environment around the polling place peaceful?								
5	Is the polling place free from campaigning and campaign materials within 500m (1600 feet) of the entrance?								
6	Is the polling place and its surrounding environment free from obstructions to the free movement of voters, poll workers or others?								
Inside the Polling Area									
Note: Questions 7-14 will require you to speak directly to an polling official. Please do so <u>only</u> when this will not disrupt the voting process.									
7	Did the polling place open at 07:00h? If not what time did it open? _____ If the polling station did not open at 07:00h, why not? (please check all that apply) ☐ Polling staff lack of understanding of procedures ☐ Insufficient materials ☐ Late arrival of materials ☐ Insufficient number of polling staff ☐ Other _____								
8	How many voters are registered at this polling place? _____								
9	How many of the registered voters at the polling place are registered on the transferred voters list? _____								
10	How many voters have voted so far? _____								
11	How many voters whose names appear on the transferred voters list have voted so far? _____								
12	How many women have voted according to the enumeration list? _____								
13	Were adequate election materials available for all registered voters?								
14	Did the polling place have all of the following lists? If NO, please check all that were absent ☐ Absent voters list ☐ Transferred voters list ☐ Voters Register ☐ ID Checklist ☐ 2 Enumeration Sheets ☐ Proxy Voters List								
15	Is the environment inside the polling area peaceful?								
16	Was the process free from interference (including by security personnel and party agents)?								
17	Were all polling officials present at the polling place?								
18	Were party agents present at the polling place to observe voting? (please check all that apply and indicate the number of observers who were female in the space provided) ☐ New Patriotic Party (NPP) ☐ National Democratic Congress (NDC) ☐ Other _____ Please indicate the total number of female party agents: _____ / _____								
19	Were domestic observers present at the polling place to observe voting? (please check all that apply) ☐ CODEO ☐ CHRAJ ☐ Other _____								
20	Were observers and agents able to actually observe the process?								
Polling									
21	Were voters' fingers checked for signs of indelible ink when entering the polling place?								
22	Were voters' fingers marked with indelible ink immediately before receiving a ballot paper?								
23	Were all ballots that were issued to voters stamped or perforated by the Presiding Officer according to procedure?								
24	Were all ballots free from marks that could identify a cast ballot to a voter?								



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

POLLING STATION OBSERVATION FORM

		Observed by TCC		
		Yes	No	N/A
Note: Questions 25-26 ask about voter eligibility, which can be difficult to determine. Remember that a voter is eligible: 1. If they are on the voters' register or transferred list and have a voter ID. 2. If they are on the voters' register or transferred list and on the ID checklist despite not having an ID. 3. If they have a voters' ID and are on the ID checklist although they are not on the voters' register or transferred list. A voter is <u>not eligible</u> if they do not meet the above requirements or their name appears on the absent voters' list. In order to answer these questions it is important to pay close attention to the polling official checking-in voters. If any voter is turned away, or is allowed to vote without showing appropriate ID, please speak with the polling official to try and determine why.				
Did all eligible voters that requested a ballot receive one? If NO, why not (please check all that apply)				
☐ Additional evidence of eligibility requested and not available ☐ Not on Voters Register 25 ☐ Not on Transferred Voters list ☐ Lack of voter ID ☐ At Wrong polling station ☐ Voter's eligibility challenged on basis of being a minor ☐ Voter's eligibility challenged (for any other reason) ☐ Other _____				
26 If any ineligible voters (voters not able to prove eligibility through use of any of the accepted means [eg. ID checklist, voters register, transferred voting list]) attempted to vote, were they barred from doing so?				
27 Did polling officials clearly illustrate to voters how to correctly fold their ballots?				
28 Were voters free from pressure to reveal how they voted?				
29 Were procedures followed by both poll workers and voters to protect the secrecy of the ballot?				
30 Was impartial assistance given to all voters who required it?				
31 If proxy voting occurred, did each proxy cast a ballot for only one voter?				
32 Were poll workers adequately prepared to handle the volume of voters?				
33 Did all polling officials appear to be adequately doing their jobs?				
34 Did ballot boxes remain properly sealed throughout election-day?				
Was the process free from irregularities as listed below? If NO please check all the occurred 35 ☐ Duplicate Voting ☐ Ballot box stuffing ☐ Interruption of voting ☐ Issuance of a large number of tendered ballots ☐ Other _____				
36 Was the process free from official complaints made to the presiding officer?				
37 If complaints were made were officials responsive to these complaints?				
Overall Assessment of the Voting Process				
Instructions for this Section: Put an 'X' next to the statement that best describes your assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.				
Very Good - No significant incidents or irregularities				
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process				
Poor - Incidents or irregularities that significantly affected the integrity of the process				
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.				
Comments				
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.				



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

POLL CLOSING AND VOTE COUNTING OBSERVATION FORM

GHANA PRESIDENTIAL RUN-OFF ELECTION - DECEMBER 28, 2008				
	Observer Team Names:			Team #:
	Region:		Constituency:	
	Electoral Area:		Polling Station #:	
	Polling Station Name:		Arrival Time: am pm	
	Ease of Access to Polling Station: EASY MEDIUM HARD VERY HARD		Departure Time: am pm	
				Observed by TCC
				Yes No N/A
Poll Closing				
7	Were all voters who were in line at 17:00h allowed to vote?			
8	Were all voters who arrived after 17:00h turned away without voting?			
9	Was the closing of the Polling Center peaceful?			
Counting and Reconciliation				
10	At what time did the count begin? _____ pm			
11	When counting began, did it appear that the ballot boxes were free from tampering?			
12	Did the presiding officer open each ballot box in the presence of candidates or their representatives?			
13	Was the counting process free from efforts to link a particular ballot to a voter?			
14	Was vote counting transparent and observable by party agents and domestic observers?			
15	Was the counting environment peaceful?			
16	Was the polling place free from the presence of unauthorized persons during counting?			
17	If there were special voting day ballots at the polling place, were these ballots included in the count?			
18	Were all ballots accurately counted?			
19	Was the validity of ballots determined in an impartial and objective manner?			
20	Was the counting process free from challenges? If NO, on what grounds were these challenges based (please check all that apply)			
21	☐ Voter intent ☐ Miscounting ☐ Invalidation of valid ballots ☐ Lack of official stamp or number on ballot paper ☐ Other _____			
22	How many ballots were ruled invalid? _____			
23	Did polling officials follow established criteria for determining the intent of the voter?			
24	Was the counting process free from interference (including by the security personnel and party agents)?			
25	Was the counting process free from official complaints made to the presiding officer?			
26	If complaints were made, were officials responsive to these complaints?			
27	Did the presiding officer, in the presence of candidates or their agents, seal the ballot boxes after counting?			
28	Did the agents affix their seals to the ballot boxes after the presiding officer affixed the electoral commissions seals?			
29	Did the presiding officer, in the presence of candidates and/or their agents, package and seal election materials according to procedures?			
30	Did the presiding officer and all party agents or candidates sign the declaration of results?			
31	Were copies of the official declaration of election results given to all candidates or their representatives?			
32	Were results announced at that polling station by the presiding officer before being communicated to the returning officer?			
33	When did the count end? _____ am pm			
34	When were results from the polling place announced _____ am pm			



GHANA'S 2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

**POLL CLOSING AND VOTE COUNTING OBSERVATION
FORM**

Overall Assessment	
Instructions for this Section: Put an 'X' next to the statement that best describes your overall assessment of the election environment and voting process for this polling station. If your response is "poor" or "very poor," it is important that you provide further explanation in the comments section.	
Very Good - No significant incidents or irregularities	
Good - A few incidents or some minor irregularities, but none that had a significant effect on the integrity of the process	
Poor - Incidents or irregularities that significantly affected the integrity of the process	
Very Poor - Incidents of irregularities of such magnitude that the integrity of the process is in doubt.	
Results	
Instructions: Please write in the numerical total of votes received for each candidate at the polling station where you observed counting.	
Nana Addo Dankwa Akufo-Addo (NPP): _____	John Evans Atta Mills (NDC): _____
Comments	
Instructions: In the box below, please provide details of any complaints or irregularities that occurred at the polling station that you observed. You must provide explanation for any observation question to which you answered "NO". If additional space is required, please continue to the back of the form and/or attach additional sheets of paper to the report form.	



APPENDIX F

LETTER OF INVITATION

ELECTORAL COMMISSION



Head Office, Accra.

C/EC.OP/0759

My Ref. No.

Your Ref. No.

29th May, 2008..20.....

THE CARTER CENTER
ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA GA 30307
USA

Dear Sir

2008 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN GHANA: INVITATION AS INTERNATIONAL OBSERVER GROUP

The Electoral Commission of Ghana is pleased to invite The Carter Center to observe the upcoming Presidential and Parliamentary elections in Ghana on December 7, 2008.

It is our desire to ensure that the 2008 Presidential and Parliamentary elections and its processes are observed by both national and international institutions and individuals.

With the hope of counting on the presence of The Carter Center in the next elections, we take the opportunity to express our most distinguished regards.


KWADWO SARFO-KANTANKA
DEPUTY CHAIRMAN (OPERATIONS)

Location: E199/2 8th Avenue Ridge. P. O. Box M. 214, Accra - Ghana

Tel: 233-21-228421 / 228432 / 228452 / 228476 / 228487 Fax: 021-232578 Website: www.ec.gov.gh



THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 80 elections in 30 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: \$90.5 million 2009–2010 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.



MARTIN FRANK

THE
CARTER CENTER



THE CARTER CENTER
ONE COPENHILL
453 FREEDOM PARKWAY
ATLANTA, GA 30307
(404) 420-5100 ♦ FAX (404) 420-5145
WWW.CARTERCENTER.ORG