



**EUROPEAN UNION  
ELECTION OBSERVATION MISSION  
GHANA, PRESIDENTIAL AND PARLIAMENTARY ELECTIONS, 2008**

**PRELIMINARY STATEMENT**

**A Competitive Campaign and a High Degree of Transparency on Election Day Reflect  
Ghana's Democratic Culture**

**Accra, 9 December 2008**

*The European Union Election Observation Mission (EU EOM) has been present in Ghana since 1 November 2008 following an invitation from the Electoral Commission of Ghana. The EU EOM is led by Nickolay Mladenov, Member of the European Parliament. The mission deployed 70 observers from 24 European Union Member States and Norway to all 10 regions of the country to assess the electoral process against international and regional standards for elections as well as the laws of Ghana. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. On election day, observers visited 466 polling stations in 70 of the 230 constituencies throughout Ghana to observe voting and counting. The EU EOM will remain in country to observe post-election developments and the tabulation of results and in the case of a presidential run off election plans to remain in Ghana for the second round. This statement is preliminary and the EU EOM will not draw final conclusions until the completion of the aggregation of results and their announcement. A final report will be published within a period of two months after the end of the electoral process.*

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**Executive Summary**

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- The 7 December 2008 presidential and parliamentary elections, have so far, been conducted in an open, transparent and competitive environment. Fundamental freedoms such as the right to stand for election, the right to vote and the freedoms of assembly, expression and movement have been respected across Ghana in line with the country's international and regional commitments. Key international and regional standards for elections were generally met and voters turned out in high numbers to cast their ballots.
- The Electoral Commission acted impartially and organised these elections in a transparent and highly competent manner. There was a high degree of transparency on election day and the Electoral Commission made efforts to increase the consensus between the political parties during the final month of the campaign. The major political parties deployed their party agents to all polling stations and over 7,000 domestic observers were deployed to observe polling. They played an important role in observing polling, counting and the aggregation of results that provided an inclusive environment for scrutiny of procedures.

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- The large majority of polling stations opened on time or within 30 minutes of the scheduled time. Polling was generally orderly with voters patiently waiting to vote. There were some isolated incidents where procedures were not fully followed by polling staff. However, overall procedures were complied with in almost all polling stations and polling staff were committed, professional and well trained in all polling stations visited.
  - In general the legal framework provides a good basis, for the conduct of democratic elections. The constitution guarantees fundamental freedoms and election related legislative provisions are generally in line with international standards. In compliance with Ghana's international commitments the legal framework guarantees the right to vote, be elected in periodic elections, as well as the freedom of association, assembly, movement and expression.
  - The Electoral Commission organised the elections in a largely transparent and professional manner. Throughout the country its staff acted with impartiality and prepared for the elections in a highly committed and competent manner. The schedule for the election timetable, however, was extremely tight for a number of key components of election preparations and this put some staff under unnecessary pressure. This was a result of a lack of forward planning to take advantage of the full legal time period that elections could have been organised within. The Electoral Commission could have made greater use of its mechanisms for political party dialogue. It did, however intensify these efforts in the latter part of the campaign period which worked to build greater consensus amongst parties.
  - A limited voter registration drive organised by the Electoral Commission from 31 July to 12 August 2008 was widely criticised by stakeholders. The lack of adequate safeguards and forward planning for the registration exercise meant that the process was not sufficiently planned. As a result people who were not eligible to be registered, were not prevented from doing so, and the register became inflated. The political parties were also perceived to be too involved in this process. The Electoral Commission audited the register and subsequently had to remove a significant number of entries. Those entries that were expunged include minors who were originally registered, double registrations and deceased persons.
  - There was a sharp increase in demand from voters to transfer their votes particularly in marginal seats such as some of the constituencies in Brong Ahafo and Central. The late timing of the transfer process meant that there was a lack of preparation time for special voting day on 2 December 2008 and on election day itself, and in a number of polling stations the lists for transferred voters was not available.
  - There were no unreasonable requirements to register as either a parliamentary or presidential candidate. Despite criticism from political parties financial deposits and other requirements for presidential and parliamentary nominations are reasonable and a large number of candidates registered to contest these elections.
  - The freedoms of assembly and movement were respected throughout the campaign period and political parties campaigned freely across the country. The absence of any

campaign spending limits meant political parties were allowed to spend unlimited sums of money on their campaigns and the National Democratic Congress (NDC) and New Patriotic Party (NPP) organised highly developed campaign strategies. Campaigns, especially those of the NPP and NDC, were very visible throughout the country and rallies, door-to-door canvassing, jogging rallies and town hall meetings were held across Ghana. The rallies were generally calm and peaceful with a carnival-like atmosphere.

- Freedom of speech in the media was respected and there were no reports of any incidents affecting the media's freedom to report on the campaign. The media provided a wide range of neutral coverage of the election campaigns with the two major political parties, the NPP and NDC receiving a considerable percentage of all coverage followed by the Convention People's Party (CPP) and People's National Party (PNC). The remaining political parties received very little attention in the media. The state-owned media did cover the president's activities widely granting the NPP an advantage in terms of time allocated to the parties on television and radio.
- Despite constitutional provisions promoting gender equality, women are under-represented in the political sphere and these elections are unlikely to see an increase in the representation of females in parliament. Of the 1,060 contesting parliamentary candidates only 103 were women, representing less than 10 per cent of all candidates while none of the eight presidential candidates were women. Three of the presidential running mates, were however, female.
- The Electoral Commission demonstrated sensibility for the cultural and religious needs of parts of the population such as members of the Muslim community who intended to visit Mecca for the Hajj pilgrimage that coincided with election day by allowing them to vote by proxy. There were no legal or technical obstacles to the participation of minority groups either as candidates or voters.
- There were a large number of advertisements in the media from a range of groups and the Electoral Commission, promoting voter awareness, and some of these were produced in vernacular languages to reach grass roots level. Although significant, these initiatives were not sufficient, to ensure a fully informed electorate and were not a satisfactory replacement for grass roots initiatives and EU observers throughout the country report inadequate levels of voter education and inadequate funding for such activities.
- Prior to election day there have been only a few formal complaints related to electoral offences. Despite numerous informal complaints or allegations made by political parties, only 37 complaints have been officially lodged with the police during the last month of the campaign. Many minor complaints related to campaign activities were resolved through mediation between the police and political parties without formal procedures being opened.

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## Statement of Preliminary Findings

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### BACKGROUND

Since the restoration of democracy in Ghana and the promulgation of the 1992 constitution the country has maintained continuous progress towards strengthening multiparty democracy. A highly competitive political environment and an electoral commission with a strong reputation and a good track record in organising elections provided the backdrop to the 7 December 2008 presidential and parliamentary elections. Elections were held for president, who is elected as Head of State and 230 parliamentary members elected for a four year term in single member constituencies using a first-past-the-post election system on the basis of universal suffrage. Periodic elections have taken place since 1992 and these were the fourth fully competitive general elections to take place since 1996. The two largest political parties that dominate contemporary politics in Ghana, the New Patriotic Party (NPP) and National Democratic Congress (NDC), have both enjoyed two consecutive terms in presidential office and majorities in parliament, the NDC from 1992-2000 and the NPP from 2000-2008.

As the incumbent president, John Kofi Agyekum Kufuor, of the NPP has reached his two-term limit established in the constitution he was not eligible to stand for election for presidential office. The NPP therefore selected Nana Akufo Addo, as their candidate in primaries held in December 2007. He faced a strong challenge from Professor John Evans Atta Mills of the NDC, who has stood in the previous presidential elections in 2000 and 2004. There were a further five party candidates competing for presidential office alongside the candidates of the two largest political parties and one independent presidential candidate. In total ten political parties nominated parliamentary candidates from 16 registered political parties, but only the Convention People's Party (CPP), NDC and NPP and to a lesser extent the People's National Party (PNC), contested seats nationwide as the other parties fielded a limited number of candidates.

### LEGAL FRAMEWORK

In general the legal framework provides a good basis, for the conduct of democratic elections. The constitution guarantees fundamental freedoms and election related legislative provisions are generally in line with international standards. The presidential and parliamentary elections are regulated by a diverse range of laws and regulations including the Constitution of the Republic of Ghana of 1992 amended in 1996 (Act 527). Ghana has also signed or ratified all major treaties containing international and regional standards for elections. These include *inter alia* the 1966 International Covenant on Civil and Political Rights, the 1979 Convention on the Elimination of All Forms of Discrimination against Women and the 1966 International Convention on the Elimination of All Forms of Racial Discrimination. Regional standards for elections include the Economic Community of West African States' (ECOWAS) Protocol on Democracy and Good Governance adopted in 2001 and entered into force in 2005 and the 2007 African Charter on Democracy, Elections and Governance.

In line with Ghana's international commitments the legal framework guarantees the right to vote, be elected in periodic elections, as well as the freedom of association, assembly, movement and expression. It also guarantees the right to a fair trial. The system for complaints and appeals

provides for clear and appropriate channels, though there are no deadlines for election related cases to be resolved. There are no legally binding provisions establishing a clearly defined campaign period. There are also no legislative measures regulating the activities of political parties during campaign periods. A positive move was the signature of a non-legally binding code of conduct by the majority of political parties committing them to participating in peaceful elections and establishing rules for campaigning.

## **ELECTION ADMINISTRATION**

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The constitution of 1992 and Electoral Commission Act of 1993 (Act 451) establish the Electoral Commission as an independent body responsible for the management and conduct of all public elections in Ghana. A board of seven commissioners is responsible for oversight of the Electoral Commission's work in all ten regions. The board is comprised of a chairman, two deputy chairmen and four non executive members. The Chairman of the Electoral Commission is the returning officer for the presidential elections. Two hundred and thirty returning officers responsible for supervising parliamentary elections in the constituencies were appointed on a temporary basis.

The Electoral Commission organised the elections in a largely transparent and professional manner. It did face challenges in the limited voter registration exercise it organised earlier in the year, but its actions in the last month of the campaign period helped restore confidence in its activities. Throughout the country the Electoral Commission's temporary and permanent staff acted with impartiality and prepared for the elections in a highly committed and competent manner. The schedule for the election timetable, however, was extremely tight for a number of key components of election preparations and this put some staff under unnecessary pressure. This was a result of a lack of forward planning to take advantage of the full legal time period that elections could have been organised within. The logistic and technical deployment of material into regional centres was carried out in advance of election day without major incident. Party agents had access to observe all areas involving the delivery and collection of polling material that added to the transparency of the process at all stages.

Time constraints also meant the Electoral Commission did not always use the opportunity to convene Inter Party Advisory Committee (IPAC) meetings to best effect. A lack of formal rules of procedures for these meetings meant that sometimes there was confusion as to the interpretation of key points between political parties and they tended to use this platform to air their personal inter-party differences. The Electoral Commission did intensify its efforts to host these meetings during the period immediately prior to election day which increased confidence amongst all political parties in election preparations. It also employed an open and effective communication strategy in the media and commissioners attended public forums across the country to explain and inform the public on the preparations for the elections. All political parties, with the exception of NDC, expressed confidence in the Electoral Commission to be able to carry out its activities independently and effectively. At times the NDC criticised all public institutions including the Electoral Commission, particularly on its failure to respond to some of its requests.

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## VOTER REGISTER

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A limited voter registration drive organised by the Electoral Commission from 31 July to 12 August 2008 was widely criticised by all political parties. Both the NDC and NPP claimed the lack of safeguards during the registration exercise allowed the opposing party to inflate the number of names on the register. Both parties were also criticised by the Electoral Commission for trying to undermine the process. The lack of forward planning, the absence of adequate safeguards and voter education coupled with a lack of resources such as forms and photographic equipment to cope with demand from people wishing to register compounded problems of a tight timeline for the completion of registration. People applied to register for a variety of reasons including individuals wishing to obtain an identification card for general purposes rather than solely as voter identification, confusion as to what constituted double registration as well as overt attempts to undermine the veracity of the register. The latter registrations included intentional double registrations and a large number of minors who registered. There were also incidents of individual candidates and political parties providing transport for their supporters to register with inadequate control mechanisms to screen the eligibility of people who could register. Generally the candidates and political parties were perceived by observers and the Electoral Commission to have been too involved in voter registration.

Following the initial limited voter registration the Electoral Commission publicly acknowledged that the increase in entries to a total of 12,822,474 was a result of a significant number of anomalies. Even after an exhibition period of the updated voter register, from the 5 to 11 of October 2008, the Electoral Commission still estimated there were a considerable number of entries that should not have been included in the register. It therefore issued a revised register after initial auditing and distributed it to the political parties without photographs in electronic format two weeks prior to election day. The Electoral Commission also continued to remove entries from the voter register where it found anomalies until the last days of the campaign period. According to the number of entries on the revised register distributed to political parties there are a total of 12,472,864 voters on the register, which means a total of 349,610 entries were expunged as a result of either public objections or the Electoral Commission exercising its ex officio powers. Those removed include minors, double registrations and deceased persons.

The voter transfer process, that allowed voters to change their place of registration took place from 27 October to 17 November 2008 and was also problematic in some areas of the country. There was a sharp increase in demand from voters to transfer their votes and electoral officials report an increase in numbers in parts of Eastern, Upper East and Volta regions as well as other areas in the country. Increases were particularly high in marginal seats where results were expected to be extremely close between votes for the NPP and NDC in constituencies in Brong Ahafo and Central regions. As was the case for the limited voter register drive there were claims by political parties that transport was provided for party supporters by opposing parties to the centres where transfers took place. One such incident led to clashes between students and members of NDC in Cape Coast, Central Region. In spite of the large number of anomalies in the initial voter register and the increase in voter transfers; political parties all expressed the view that elections could still go ahead with the revised voter register as long as there was a high degree of public vigilance on polling day itself to ensure that any attempts at double or underage voting were prevented.

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## REGISTRATION OF CANDIDATES

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There were no unreasonable requirements to register as either a parliamentary or presidential candidate. Despite criticism from political parties the financial deposits for presidential and parliamentary nominations are reasonable in the Ghanaian context, particularly considering the allocation of security and transport to the presidential candidates and parties during the campaign period. Following primaries for parties to select presidential candidates in late 2007 and early in 2008 the Electoral Commission accepted the candidatures of eight nominees after the nomination period closed on 17 October 2008. A further three presidential nominees had their nominations rejected by the Electoral Commission as they failed to file nomination papers or filed incomplete documents (see complaints and appeals). For the parliamentary elections 1,062 candidates filed nomination papers to contest 230 single member constituency based seats. Only two parliamentary nominees, one from NDC and one from CPP failed to submit complete nomination papers and failed to qualify as a candidate. Both of the larger parties, NDC and NPP had candidacies accepted to contest 229 of these seats. The CPP had 206 candidacies accepted by the Electoral Commission followed by the PNC 129, Democratic Freedom Party 108, Democratic People's Party 49, Reformed Patriotic Democrats 10 and the New Vision Party four. The Great Consolidated Popular Party fielded two candidates and Ghana National Party one. A further 95 independent candidates registered their candidacies to contest parliamentary seats. In total ten political parties nominated parliamentary candidates from a total of 16 registered political parties.

There was an average of five candidates contesting each constituency seat with wide variations between constituencies: as many as nine candidates contesting seats in Ayawaso East and as low as two candidates contesting the seat in Abokobi/Madina. The fact that the revised voter register was not complete at the time of nominations could have presented problems of verification of signatures supporting the nomination of candidates, but no problems were reported related to this aspect of the registration process. At least five candidates withdrew their candidacies for the parliamentary elections and a further one candidate was disqualified because he received a prison term for double registration. Out of these candidates at least one appeared on the ballot paper, with polling staff responsible for explaining to voters that he was no longer a candidate.

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## CAMPAIGN ENVIRONMENT

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The freedoms of assembly and movement were respected throughout the campaign period and political parties campaigned freely across the country. This was despite some concerns about the security environment in parts of the country due to long standing disputes between chieftaincies. Candidates campaigned on policy driven issues such as social welfare and the economy and published comprehensive manifestos. The campaign environment was lively and the parties canvassed voters across Ghana with the presidential candidates of the NPP and NDC extensively touring the country. The absence of any campaign spending limits meant that political parties were allowed to spend unlimited sums of money on their campaigns and the NDC and NPP organised highly developed campaign strategies.

Although many advantages of incumbency were reduced to minimise their impact on the campaign there were areas where either a conflict of interest or the advantage of public office did not provide a fully level playing field. In general the advantages of incumbency were not

exploited to excessive levels on a national level. On regional and district levels no adequate provisions were in place to prevent appointed regional ministers and district chief executives that contested parliamentary seats using the resources at their disposal because of incumbency, for campaign purposes. Furthermore, as these positions hold responsibility for oversight of security agencies, a key area in election preparations, the security environment, was potentially open to abuse. In order to reduce this role police commanders were put in charge of the regional security task forces responsible for election security. Nevertheless, in cases where holders of public office such as the district chief executives stood as candidates the structures for ensuring a level playing field were inadequate.

Campaigns of the NPP and NDC were very visible throughout the country and rallies, door-to-door canvassing, jogging rallies and town hall meetings were held across Ghana. The rallies were generally calm and peaceful with a carnival-like atmosphere, particularly during the larger rallies of the presidential candidates. At some of the rallies the tone of campaigning was negative with the two major parties criticising one another openly and EU observers reported incidents of inflammatory language. Rallies ranged in size from small localised ones of 300 supporters to very large gatherings of NDC and NPP with as many as 50,000 supporters attending. The CPP and PNC also held rallies in parts of the country that followed a similar pattern, though these were considerably smaller. The other seven political parties all complained about the lack of adequate resources to mount an effective campaign and felt marginalised from mainstream activities such as the presidential debates and media coverage. These remaining political parties did not hold any significant rallies and EU observers report very low level campaign activities of these parties. The larger political parties also distributed party paraphernalia such as t-shirts and scarves and provided food at rallies. Debates between the presidential candidates of the four parties with parliamentary representation were organised in Accra, Tamale and Cape Coast, the first two of which were attended by all presidential candidates of these four political parties. The final debate was between the running mates of these candidates and all three debates were aired live by all major media outlets.

## **MEDIA ENVIRONMENT**

Freedom of speech in the media was respected and there were no reports of any incidents affecting the media's freedom to report on the campaign. The media provided wide coverage of the election campaigns with the two major political parties, the NPP and NDC, receiving a considerable percentage of all coverage followed by the CPP and PNC. The remaining parties received very little attention in the media. The tone of coverage was largely neutral with a few exceptions. Media coverage of the campaign included high volumes of news coverage, a large number of discussion programmes as well as live coverage of the three presidential debates held in various parts of Ghana.

Ghana Television (GTV) dedicated 34 per cent of its peak time news coverage of political actors to NPP. This includes coverage of ministers in the course of them carrying out their official activities. President Kufour received a further 28 per cent and NDC 16 per cent with CPP afforded 13 per cent and PNC 5 per cent. The news coverage of Radio Uniiq demonstrated broadly similar trends: the NPP received a 33 per cent share of news coverage of political actors, the president 21 per cent and 20 per cent was afforded to the NDC. The CPP and PNC followed with 13 per cent and 6 per cent of coverage allocated to the respective parties. The state-owned



media did cover the president's activities widely granting the NPP an advantage in terms of time allocated to the parties on television and radio. The private audiovisual media also provided a wide range of coverage of the two major parties. The commercial television channel TV3 afforded the NPP 34 per cent share of its news coverage of political actors with the NDC party receiving 28 per cent. The NPP received a total of 28 per cent share of news coverage of political actors on Metro TV and the NDC 23 per cent. The president received a further 13 per cent share of news coverage on TV3 and 7 per cent on Metro TV. The government received 5 and 6 per cent share on the respective channels' news bulletins. The two other parties with parliamentary representation, the CPP and PNC, received 11 per cent and 6 per cent share of news coverage of political across both television channels.

Private radio stations monitored afforded an average of 35 per cent of their news coverage of political actors to NPP and NDC, followed by CPP with 11 per cent and PNC, 6 per cent. Radio stations also provided listeners with an opportunity to debate election related issues in numerous phone-in programmes. Newspapers provided a diverse range of views and covered all of the major events organised by the parties during the campaign, although as was the case with broadcasters, they focused their coverage on the larger political parties. There were also a high number of paid for political advertisements placed in the media and at times these were used to openly criticise opposing parties. The content of these advertisements was in some cases negative in tone and there was inconsistency between broadcasters in applying standards, with the Ghana Broadcasting Corporation rejecting some of them on taste and decency grounds, and the commercial sector airing the same advertisements.

## **PARTICIPATION OF WOMEN**

Despite constitutional provisions promoting gender equality, women are under-represented in the political sphere and decision making process. The problem of a lack of satisfactory representation of females in political life is compounded by differences in access to education and unequal economic conditions between the sexes. There have been some initiatives targeted at promoting the participation of women in public life with the development of the Women's Manifesto. There have also been other activities to increase votes for female candidates to parliament, but in terms of real representation in political life in Ghana participation of women remains marginal. Of the 1,060 contesting parliamentary candidates only 103 were women, representing less than 10 per cent of all candidates while none of the eight presidential candidates were women. Three of the presidential running mates, were however, female. The primaries for the parties to elect their candidates were also perceived to work against greater female participation in the elections as they lacked the financial resources to compete on a level playing field with their male counterparts.

## **MINORITY ISSUES AND SPECIAL NEEDS VOTING**

The Electoral Commission demonstrated sensibility for the cultural and religious needs of parts of the population such as members of the Muslim community who intended to visit Mecca for the Hajj pilgrimage that coincided with election day by allowing them to vote by proxy. There were no obstacles reported to the participation of minority groups either as candidates or voters except access to financial resources in a country that has large discrepancies in wealth distribution. It is also estimated that between 7-10 per cent of the Ghanaian population suffer

some kind of physical disability and significant efforts were invested in accommodating special needs voters both in the voting process itself and the campaign. Tactile ballots were designed to use at polling stations to allow blind people to vote and some party manifestos were published in brail. Television coverage of the presidential debate included sign language for the hearing impaired as did a significant amount of televised voter education. Polling stations were adequate to accommodate the physically disabled and provisions were made for those voters requiring assistance to use that right. The election observation of the Commission for Human Rights and Administrative Justice (CHRAJ) specifically focused on assessing how the rights of the disabled had been met in the administration of the elections.

## **VOTER EDUCATION**

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Civic education promoting non violent and peaceful elections was widespread particularly following localised incidents of violence in the early part of the campaign period. There were significant efforts made to promote civic responsibility during election day and throughout the campaign period. Political parties and security forces also made public calls for a peaceful election period. There were a large number of advertisements in the media from a range of groups and the Electoral Commission, promoting voter awareness, and some of these were produced in vernacular languages to reach grass roots level. Although significant, these initiatives were not sufficient, to ensure a fully informed electorate and were not a satisfactory replacement for grass roots initiatives and EU observers throughout the country report inadequate levels of voter education and inadequate funding for such activities.

## **CIVIL SOCIETY**

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The Coalition of Domestic Observers was the largest domestic observer group and it deployed over 4,000 observers on election day. The CHRAJ deployed 400 observers, the Civic Forum Initiative 400 and faith based organisations also observed election day. The National Committee for Civic Education also deployed 1,000 observers. The elections were observed by a range of international observation missions including the African Union, Pan African Parliament, the Carter Centre, Commonwealth and the Economic Community of West African States (ECOWAS) with ECOWAS deploying the largest short term observation mission of 200 observers. The NPP and NDC mobilised large numbers of party agents to observe polling and counting processes and they played a key role in ensuring transparency on election day and for the period of the aggregation of results. The two largest parties deployed party agents in all 21,007 polling stations on election day.

## **COMPLAINTS AND APPEALS**

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The judiciary is responsible for handling complaints and appeals against decisions of the Electoral Commission and petitions against the election results as well as electoral offences. The Supreme Court deals directly with any petitions against the results of the presidential elections and the High Courts are responsible for petitions against the results of the parliamentary elections. Cases of electoral offences are handled by the Circuit and District Courts. The High Court, in order to expedite the conclusion of any petitions, established a system comprising of at least two judges from High Courts in each of the nine regions to deal solely with parliamentary petitions and there were a further three Fast Track courts in Accra also assigned this role. To

assist judges a manual on election adjudication was also published by the judiciary services. These initiatives, under the direction of the Chief of Justice, appeared to have built greater confidence amongst political parties in the preparations of the legal system to deal with petitions than had been the case during previous elections, though no deadlines for conclusion of petitions are set out in law and the system is yet to be tested.

Two of the three presidential candidates whose nomination papers were rejected challenged the Electoral Commission's decisions in the High Court. One of these cases was struck out as the court found the Electoral Commission had acted within the law and the other was also initially struck out, but the complainant resubmitted his challenge and it is still pending. One parliamentary nominee also challenged the Electoral Commission's decision not to accept her nomination and this case is also outstanding. There are also four cases outstanding in the High Court challenging the results of the primaries earlier in the year and consequently the nomination of the respective candidates. Prior to election day there have been only a few formal complaints related to electoral offences. Despite numerous informal complaints or allegations made by political parties, only 37 complaints have been officially lodged with the police. Many minor complaints related to campaign activities were resolved through mediation between the police and political parties without formal procedures being opened. Official complaints include eight cases still under investigation for the illegal possession of identity cards. These cases relating to the collection of identity cards, involves a total of approximately 500 voter identity cards, and these incidents do not appear to have been widespread.

There were nine complaints of illegal transfer of voters (seven in Brong Ahafo, one in Central Region and one in Upper West) and six complaints in Brong Ahafo challenging the impartiality of Electoral Commission staff. There were a further four complaints regarding campaign activities and restrictions to freedom of assembly (three by NDC and one by NPP) and nine cases of double registration. Three candidates were charged with double registration, two NDC candidates and one NPP candidate. Of these one of the NDC candidates was sentenced to one year imprisonment in Kwabre West, Ashanti Region. The charges against the NPP candidate for Ketu South, Volta Region were found to be unsubstantiated. The final case that involves the NDC candidate for Aowin, Western Region, is pending. There was one more prosecution for double registration in Suhum, Eastern Region that involved two people, one of which was sentenced to nine months imprisonment and the other, a minor, whose sentence is pending on the advice of the juvenile court. Cases related to double registration are also outstanding in Brong Ahafo involving the NPP's youth organiser.

## **POLLING, COUNTING AND TABULATION**

The large majority of polling stations observed opened on time or within 30 minutes of the scheduled time, with a small percentage opening later. Only in five polling stations in one district where material was delivered too late was a decision made to postpone voting for one day. Generally all voting material and polling staff were present on opening to ensure voting started on time, but in a few isolated cases either all materials or individual items were missing. The Electoral Commission reacted to these problems efficiently and resolved issues promptly and the media played a positive role in identifying problem areas. A large number of voters turned out on opening of the poll and queues were long in some polling stations.

Polling was conducted in a calm and generally orderly manner with voters patiently waiting to vote. Large numbers of members of the security forces were deployed on election day, but their presence was not intimidating and they acted professionally. Polling procedures in 97 per cent of polling stations visited by EU observers were assessed as satisfactory or positive. Polling staff were committed, professional and well trained in all polling stations visited. In some polling stations the transfer list and absentee voter list were missing and although transferred voters were generally allowed to vote there was no adequate system to check their details. A small number of minors were also observed voting in polling stations in the constituencies on the borders between Brong Ahafo and Ashanti regions. Efficient processing of voters, use of controls and safeguards by polling staff and the secrecy of the vote were also assessed as very good or good in almost over 90 per cent of polling stations visited. Voters also demonstrated a good understanding of the voting process in a large majority of polling stations observed. EU observers assessed the overall environment positively. Closing was also assessed as fair to good in all polling stations visited and the transfer of ballots to collation centres was carried out without major incident.

Immediately following the close of polling counting commenced at all polling stations in clear sight of the party agents and election observers. Counting was mostly conducted in a calm and orderly environment with procedures mainly followed. Presiding officers and party agents signed the result forms after counting and the process remained transparent throughout. The EU EOM continues to observe the aggregation of results and will follow any complaints and appeals process. If the parties have complaints about polling procedures the EU EOM would encourage them to submit these to the relevant legal channels and follow the due legal process.

The EU EOM wishes to express its appreciation to the Government of Ghana and the Electoral Commission of Ghana for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission to Ghana and to the International Organization for Migration for their support throughout.

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