

Electoral Reform Monitoring Advocacy Group

Bulletin 1

September 2016



Introduction

Ghana's approaching presidential and parliamentary elections, like previous elections, are likely to be characterized by high stakes. These elections also follow on the heels of the contentious 2012 presidential election. Indeed, despite progressive improvement in election administration, since Ghana's 1992 transitional elections, there are still deficits that need to be addressed. Many of these challenges came to light following the post-2012 presidential election results and Supreme Court litigations, which exposed and confirmed weaknesses in aspects of electoral administration, including doubts about the integrity of the voters register, high incidence of invalid or rejected ballots, and random instances of electoral irregularities, among others. The 2016 elections thus represent an important occasion to assess whether electoral administration has improved in the last four years.

To strengthen the electoral system in Ghana and promote peaceful and credible outcomes in the 2016 elections, the Electoral Commission (EC) has accepted to implement a list of 27 reforms, which were precipitated by the outcomes of the

litigation that ensued before Ghana's Supreme Court. Many of these reforms had previously been advanced by organizations such as the Coalition of Domestic Election Observers (CODEO) and the Civic Forum Initiative (CFI).

The transparent and credible implementation of these reforms is a crucial indicator of improved electoral administration. The 27 accepted reforms cover a wide range of issues, such as improving the training of election officials, ensuring election officials take an oath in before a magistrate, guaranteeing priority for vulnerable persons at registration centers and polling stations, and taking steps to reduce rejected ballots.

Electoral Reform Monitoring Advocacy Group (ERMAG)

With this in mind, CODEO has set-up the *Electoral Reform Monitoring Advocacy Group (ERMAG)* to monitor and report on the implementation of the EC's reforms. The ERMAG, an independent and non-partisan civil society body, aims to report on reforms that the EC has agreed to implement, and as well promote an inclusive and credible implementation

process. The ERMAG has prioritized some of these reforms based on importance and time-sensitivity, and ERMAG will endeavour to give timely reports on their implementation.

This bulletin reports on the implementation of seven reforms that should have been fully or partially implemented in June and July of 2016. These are:

- holding Presidential and Parliamentary elections on November 7,
- undertaking continuous registration of voters
- using biometric verification devices at the exhibition of the provisional voters register,
- raising the minimum qualification for temporary election poll workers
- improving the training of election officials and its staff,
- giving priority to vulnerable persons at registration centers and polling stations, and
- improving compensation packages for election officials.

1. Hold Presidential and Parliamentary Elections on November 7

Changing the mandated election date is of primary importance for the upcoming electoral process. Not only would it ensure a smoother post-election transition, it would also allow for sufficient time to conduct a successful handover and briefing on the state of affairs of the country. These reasons, in addition to the Constitutional amendment required to change the date,

makes it both a timely and important reform.

In May 2016, a Constitutional (Amendment) Bill was published seeking to amend Article 112(4) of the 1992 Constitution to provide for general elections on the first Monday of November in each election year. The Bill was referred to the Constitutional, Legal and Parliamentary Affairs Committee of Parliament for consideration. Unfortunately, Parliament rejected the date change in late July due to concerns that the EC would not be prepared for elections by November 7. Consequently, this reform will not be implemented during this round of elections.

2. Introduce continuous registration of voters

Rather than focus solely on limited or periodic voter registration exercise, the EC accepted to roll out continuous registration of voters alongside this traditional approach. This reform is of the highest priority, given its importance to the elections and the fact that it is time sensitive.

The EC decision is now backed by law. Section 9 of the Public Elections (Registration of Voters) Regulations, 2016, Constitutional Instrument 91 (C.I. 91) provides for continuous and limited voter registration. In order to satisfy this new requirement, the EC set up two periods for continuous registration on August 19 and 26, 2016. On these dates prospective voters who have not registered can go to the district offices of the EC to be registered.

Continuous registration was suspended after the August 26 exercise to allow the voter register for the 2016 elections to be cleaned and certified. After the 2016 election, Ghanaian adults can go to the EC district offices in one Friday of every month designated for continuous registration to be registered.

3. Use biometric verification devices at the exhibition of the provisional voter register (July 18-August 7)

Implementing this reform is important to confirm voter data and allow for the early detection of individuals who cannot be biometrically verified in order to add them to the system. By identifying problems with the biometric verification devices ahead of time, the EC can avoid a repeat of the verification device challenges that were associated with the 2012 polls, and thereby contribute to a smoother electoral process.

According to the EC's timeline, this exercise was meant to take place in May, but was moved to mid-July. The Exhibition exercise came off successfully between July 18 and August 7 without major hitches. The EC had indicated that each exhibition center would have at least one Biometric Voter Verification Kit; however CODEO reported in its final report on the exercise that 25 out of 2,888 centers did not open on the days CODEO observers visited and thus CODEO was unable to verify if these centers had biometric kits. Moreover, in 6% of the 2,888 centers visited, the biometric verification device could not verify some registered voters. CODEO recommended to the Electoral Commission to, as a matter of necessity, to

identify all malfunctioning equipment and ascertain the reasons for the malfunctioning to help address possible equipment failure on Election Day.

4. EC should raise the minimum educational qualification requirements for various levels of election officials

Having individuals who can understand processes and the operation of technical equipment required in the elections will contribute to more credible elections and strengthen democracy.

Job postings by the EC for Returning Officers indicate that a First Degree or HND is a necessary qualification to act in this position. This applies to other temporary election officials like collation center officers and technicians. For presiding officers and other junior poll workers, the minimum qualification is now Senior Secondary School Certificate Examination (SSSCE) and/or West African Senior Secondary School Certificate Examination (WASSCE).

5. Improve upon the training of temporary election officials and its staff

This should have already commenced given that the EC has just undertaken a registration exercise in April and May, and exhibited the provisional voter register between July and August. Further, a second wave of training for election officials, including returning officers, presiding officers, and polling assistants is approaching. Any improvements in training procedures for these individuals should be assessed. Particular attention should be paid to cultivating a common understanding of the role and tasks of

different stakeholders on Election Day. This reform is also important for the running of more efficient elections.

To improve the quality of training, the EC has set up a Committee on Recruitment and Training. An assessment of the performance of EC permanent and temporary staff involved in recent EC activities like the registration and exhibition will need to be undertaken to give an indication of the extent of progress made.

6. Give priority to vulnerable persons at registration centers and polling stations

Expectations of election officials in dealing with vulnerable persons, whether disabled, pregnant, or old, should be integrated into the training of election officials.

The EC has now provided a section in its training manual on gender and disability, where electoral officials are instructed to give preferential treatment to vulnerable voters on Election Day. In a recent observation of the limited voter registration exercise conducted by the EC between April 28 and May 8, 2016, CODEO noted that at least 9 out of 10 registration centers visited were accessible to persons with disabilities. Thus, in practice it appears that the needs of the disabled have been taken into consideration and election officials have respected the EC's instructions.

7. EC should improve compensation packages for election officials

This should have already been implemented to attract more qualified election officials. In some jurisdictions compensation packages are not integral to

the conduct of free and fair election, and are thus accorded less priority than other, more fundamental, reforms. In Ghana, stakeholders have concluded that poor remuneration can increase the incentives for election officials to perform poorly or even cheat, and should be addressed. This year, the EC has increased allowances for election officials to ensure efficient and effective performance. The amount of the increase is not yet known, and it is still too early to determine whether it will make a difference.

Conclusion

So far, the EC has shown diligence in the implementation of these reforms. There are some of the reforms that require additional assessment to ascertain if they will improve the electoral system or not. Notwithstanding, it is the expectation of the Election Reform Monitoring Advocacy Group that this dedication of the EC will continue so that we can improve the quality of Ghana's electoral system and in turn the credibility of electoral outcomes.

Appendix

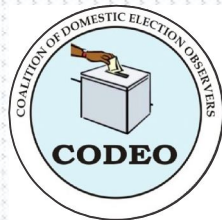
List of electoral reforms accepted by the EC to be implemented:

1. Hold Presidential and Parliamentary elections in November instead of December
2. EC to do continuous registration as well as periodic registration
3. Election Officials & Party Agents to take oaths before a Magistrate or Judicial officer instead of an officer of the Commission
4. Institutionalize IPAC
5. Use of the Biometric Verification Device for exhibition of the Provisional Voters Register
6. EC to raise the minimum educational qualification requirements for various levels of election officials
7. EC should improve quality of training of election officials and EC staff
8. PWDs and vulnerable persons should be given priority at polling stations
9. EC should make clear provisions regarding processes and procedures to be followed upon an adjournment of the poll
10. EC should improve the Compensation package for Election officials
11. EC should serially number the statement of Polls and the Declaration of result sheets
12. EC should set up a National Collation Center to replace the “strong room”
13. EC to appoint collation officers for each constituency
14. EC to defer adoption of electronic voting
15. EC must ensure that election officials who breached electoral laws are sanctioned
16. EC should take steps to reduce rejected ballots
17. EC should extend the period of notice for Voter Registration exercise from 14 to 21 days
18. EC should be given the mandate to apply to the courts to delete names of unqualified persons from the Provisional Voter Register
19. EC should be required by law to give a copy of the Final Certified Register to Registered Political Parties at least 21 days before the elections
20. EC to reduce the number of voters per polling station
21. EC should publish an annual calendar of its activities at the beginning of an Election year
22. EC should publish a list of all polling stations with their codes and locations not later than 42 days to the elections. EC accepted 21 days
23. Returning Officers should give copies of Proxy, Special and Absent Voters lists to Candidates/Parties
24. Returning Officers to issue copies of collation sheets to Candidates/Agents
25. EC to expand the list of special voters to include accredited media personnel and election observers. GJA to provide the list of accredited media to the EC
26. EC to publish Presidential Election Results per polling station on its website
27. EC to define the term “ordinarily Resident”

List of Members of Election Reform Monitoring Advocacy Group

1. Justice V.C.R.A.C. Crabbe (CODEO Co-Chair)
2. Mr. Frank Beecham (CODEO Advisory Board Member)
3. Sheik Arimiyawo Shaibu (CODEO Advisory Board Member)
4. Ms. Daphne Lariba (CODEO Advisory Board Member)
5. Dr. Franklin Oduro (CDD-Ghana/CODEO Secretariat)
6. Mrs. Rhoda Osei-Afful (CDD-Ghana/CODEO Secretariat)
7. Mr. Albert Arhin (CODEO National Coordinator)
8. Dr. Kojo Asante (CDD-Ghana/CODEO Secretariat)
9. Mr. Michael Ohene Effah (Independent Member)
10. Togbe Adom Drayi II (CODEO Advisory Board Member)
11. Maj. Gen (Retired) Nii Carl Coleman (Chairman, CFI)

The publication of this bulletin forms part of CODEO comprehensive pre-election observation exercise, and it has been possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents are the responsibility of CODEO and do not necessarily reflect the views of USAID or the United States Government.



CODEO Secretariat Contact Information

#95 Nortei Ababio Loop, North Airport Residential Area, Accra
P. O. Box: LG 404, Legon-Accra
Phone: +233 244 350 266/0277 744 777
Email: info@codeoghana.org
Fax: +233 302 763028/9

Website: www.codeoghana.org

Facebook: www.facebook.com/CODEOElections

Twitter: @CodeoElections

Hotline/Whatsapp: +233 561 111 602