

*Special Edition*

## Election Observers' (CODEO) Stakeholder Review Workshop on Ghana's 2016 Presidential and General Elections

### Coalition of Domestic Election Observers (CODEO)

#### ■ Introduction

From March 27 to 29, 2017, the Coalition of Domestic Election observers (CODEO) held a lessons-learned workshop at the Aqua Safari Resort in Ada in the Greater Accra Region to assess the conduct of the 2016 Presidential and Parliamentary Elections. The workshop brought together a diverse group of election stakeholders to a single platform to take stock of the conduct of the 2016 Presidential and General elections and draw valuable lessons for improving the conduct of future elections. At the workshop, participants deliberated, among others, on the following topics:

- Pre-election/polling phase events, gaps/omissions
- Election/polling day and immediate post-election phase events, such as collation, announcement and declaration of election results, especially for the presidential election
- Voter Register
- Civic and Voter Education
- Media coverage of the elections
- Enforcement of electoral regulations
- Vote-buying and abuse of incumbency
- Election and campaign financing in Ghana
- Election security

#### ■ Accomplishments and Positive Lessons from 2016 Elections

Participants identified various activities and positive lessons from Election 2016 and resolved that these accomplishments must be applied to future elections. Participants shared the following views:

1. That, the Electoral Commission (EC) successfully delivered free, fair and peaceful elections, particularly in the management of the polling process on Election Day
2. That, there was improvement in the media's ability to access information on election issues from the EC, political parties, civil society organizations (CSOs) and other stakeholders in a timely manner; media creation of platforms for issue-based campaigning and policy discourse was improved; and collaboration amongst key election stakeholders and the media was also much improved
3. That, there was improvement in the level of physical accessibility enjoyed by persons with disability (PWDs) in the electoral processes; voter education materials were made in Braille and sign language

interpreters were used at main campaign rallies of the two big political parties

4. That, the early activation of the National Election Security Task Force (NESTF) infrastructure and the strategic deployment of police to hotspots helped to mitigate the incidence of violence on Election Day
5. That, the proactive intervention of the Judiciary in the management of election related cases played a commendable role in ensuring the success of the 2016 elections
6. That, close collaboration amongst domestic election observation groups contributed to improved citizen observation of the electoral process

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## ■ Gaps and concerns related to the 2016 Elections

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In spite of the above accomplishments, participants noted and identified the following gaps and/or raised concerns about the conduct of the 2016 elections:

1. Persistent gaps with the credibility of the voter register, particularly the issues relating to establishing the eligibility of registrants, challenges with cleaning the register to remove names of the deceased, and in the conduct of periodic and continuous voter registration exercises
2. Mistrust and suspicion still exist between the EC and some political parties. The EC's lack of transparency and engagement with political parties and candidates on some electoral processes. For example, the debacle over the disqualification of some presidential candidates during the candidate registration process could have been avoided if the EC had adopted a more transparent and engaging approach
3. Fees set for filing by candidates, obtaining accreditation for domestic election

observers and media were arbitrary. For example, filing fee of GHC **50,000** for the presidential and GHC **10,000** for the parliamentary candidates in 2016 was too high

4. Issues of exclusion still remain in terms of opportunities for women in the political and media space during elections
5. Female candidates' access to media was generally limited; however, women did not fully utilize the few media opportunities granted to them to articulate their views and issues
6. Vote buying and selling bedevil Ghanaian elections
7. The two major parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC) are largely responsible for the creation of political vigilante groups/ party militia in Ghana. They pose a mortal danger to Ghana's electoral politics and democratic development
8. The continuous and uncontrolled abuse of incumbency during elections is of major concern
9. The media did not give sufficient attention to issues of concern to the development of citizens during the election
10. The delays in results collation and releases, in respect of the Presidential elections, nearly marred the incident-free polling process
11. The rising cost of campaign financing on the part of political parties and funding of elections are of concern and steps must be taken to address them
12. Enforcement of electoral rules by the EC and political party accountability remains weak

## ■ Recommendations for future elections

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After careful deliberations on the above issues, participants made the following recommendations toward future elections:

### *a) Compiling a more Credible and Reliable Register:*

1. The EC should maintain the current 2016 register while it continues to clean and audit the register. To this end, the EC should fully implement continuous registration in collaboration with stakeholders, including political parties, the National Identification Authority (NIA), Births and Deaths Registry, district assemblies, CSOs to take appropriate steps to clean the voter register
2. Political parties must take seriously all phases of voter registration exercise, particularly during the exhibition of the provisional voter register phase
3. In the short term, the EC must consider an appropriate scientific and internationally acceptable methodology for auditing the current voter register to ascertain particular areas of challenge for redress. In the medium to long term, the EC working with the NIA, and other state bio-data collecting and storage agencies to develop a more reliable and credible voter register and eventually compile a new register. During this period, the Commission must progressively do away with the guarantee system
4. Constitutional Instrument 91 should be amended to require the certification of the voter register 30 days before Election Day
5. The District Assemblies should enforce the law that requires all citizens to obtain a birth certificate and death certificate before they are permitted to bury their deceased family members

### *b) Enforcing Electoral Laws*

1. The Electoral Commission, Inter Party Advisory Committee (IPAC) and stakeholders should work together to amend PNDC law 284 to set a six-month period for campaigning during each year of presidential and general elections, as part of efforts to minimize cost, check incumbency abuse and help regulate campaign financing
2. EC should establish an enforcement unit, which should include a legal advisory support, to enforce laws regarding the conditions for maintaining a registered party and accounting for political party campaign finances. If setting this unit may impose undue financial burden, the EC should consider delegating some of these responsibilities, particularly the auditing of political party expenditures, to the Auditor-General or collaborate with the Auditor-General to fulfill its mandate
3. To address the challenges of curbing the proliferation of inactive political parties, the Commission should enforce the provisions of Article 55 (7) of the 1992 Constitution requiring registered parties to organize in at least two-thirds of constituencies; and
4. The EC should work on standardizing its schedule of fees for nomination and accreditation among others services. In setting fees, the Commission, as a public institution, should aim to primarily cover its administrative cost for providing the service.

### *c) Civic/Voter Education and Promoting Inclusion*

1. Civic and voter education must be well coordinated and continuous in between elections. It must not only focus on voting and peace promotion but also cover all other areas of civic and political rights as well as democratic citizenship

2. Political parties should also incorporate civic and voter education among their supporters and into their programs
3. The media should intensify collaboration with the EC, CSOs and other stakeholders throughout the election phase.
4. Political parties are urged to do more towards effective representation, inclusion and participation of the marginalized particularly women and PWDs

concurrently. This system should be developed to transmit quick and accurate results to aid in the timely release of the results. The manual process of collating results should however be maintained to serve as a backup if the system experiences a breakdown

3. Political parties should be given a "Read Only" access to the securely transmitted results data
4. Instead of the EC waiting to get results from all constituencies, it should rather adopt the release of results intermittently as and when they receive it. This will help diffuse anxiety experienced by citizens and also build confidence in the electoral process

#### *d) Politically Affiliated Vigilante Groups*

1. The existence of political vigilante groups is illegal and the Ghana Police Service should ban and disband these groups immediately as a matter of national security
2. The leadership of the NPP and the NDC who are largely responsible for the emergence of these groups in the 4<sup>th</sup> Republic should own up to their responsibilities and work together with the police to disband all politically affiliated vigilante groups
3. In the medium to long term, there should be a concerted effort amongst key election stakeholders to make the Inspector General of Police independent by insulating him/her from political interference by securing his/her tenure across regimes and ensuring such appointments are transparent and consultative

#### *f) Financing Elections and Campaign Financing in Ghana*

1. It should be Ghana's responsibility to totally fund its own elections within its own budget including election security. Election security expenditure should be factored into EC's overall budget
2. To sustain financing of elections and other key democratic governance activities, the Nana Akufo-Addo government should fully implement the recommendation of the Constitutional Review Commission on the establishment and operation of a Democracy Fund for Independent Constitutional Bodies
3. The government and EC should undertake a comparative study of the cost of Ghana's election in relation to other African countries to improve efficiency and cost management, as the country's election cost is considered high
4. The EC must plan to stagger its budget request for the four-year period in between local government and general elections and not wait to implement all activities in the year

#### *e) Election Results Collation, Transmission, Announcement and Declaration*

1. The EC should plan towards setting up the National Collation Centre in a more spacious location on Election Day to accommodate many stakeholders
2. The EC should invest in a more robust and transparent ICT system that will secure the transmission of the results from the polling stations to the Constituency Collation Centers and the National Collation Center

of conducting Presidential and General elections

5. To sustain political party campaign financing, the EC, IPAC and other major stakeholders should work towards lowering cost of political party campaign financing, including considering placing a ceiling on campaign expenditure (e.g. set limit on amount to be used on elections, best practice exist to guide the ceiling or cut off), enhance support given to parties to complement their cost during election campaigning, such as allocation of airtime to parties, restoring logistical support to political parties (e.g. the provision of vehicles, security)
  6. In addressing the rising cost of campaign financing, focus should be placed on transparency and creating a level playing field for all parties. Previous works and studies done in this direction may be revisited.
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The contents of this publication are the sole responsibility of CODEO and do not necessarily reflect the views of USAID, Ghana. For further information, contact the CODEO Coordinator or the CODEO Secretariat on:

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