



**STATEMENT DELIVERED BY HON. SAMUEL OFOSU AMPOFO, NATIONAL CHAIRMAN OF THE NATIONAL DEMOCRATIC CONGRESS (NDC) AT A PRESS CONFERENCE ON THE ELECTORAL COMMISSION'S PROPOSED CONSTITUTIONAL INSTRUMENT FOR VOTER REGISTRATION AND MATTERS ARISING AT THE NDC HEADQUARTERS ON TUESDAY 20<sup>TH</sup> SEPTEMBER, 2022.**

Good afternoon, Ladies and Gentlemen of the press.

Let me begin by thanking you once again for your prompt presence and willingness to avail your platforms for us to engage the Ghanaian people on a number of very important matters that threaten the sustenance of our democracy and our very peace as a nation.

Ladies and Gentlemen,

We invited you today to draw the attention of Ghanaians to how the Electoral Commission is seeking to undermine our democracy through the proposed Public Elections (Registration of Voters) Instrument. Upon a careful study of the draft regulations, we have discovered that Regulation 1(3) states that ***“A person who applies for registration as a voter shall provide as evidence of identification the National Identity Card issued by National Identification Authority.”***

There are two implications of the above regulation. The first is that this regulation is clear on the face of it that the Ghana Card shall be the only proof of identification for purposes of voter registration. In other words, what this regulation seeks to do is to radically change the current regime for proving a person's identity for voter registration purposes.

Under the current regulations i.e. C.I. 126, a person who qualifies to register as a voter may prove his or her identity by either presenting a valid Ghana passport, a national identity card (not national identity card issued by the National Identification Authority as proposed in this C.I.), or a voter registration identification form signed by two registered voters within the community.



What the EC proposes to do with the new C.I. is to eliminate the two other sources of proof of identity i.e. the Ghana passport and the guarantee system leaving the Ghana Card as the only means of identity.

The second implication is that the regulation flies in the face of Article 42 of the Constitution which states as follows: ***‘Every citizen of Ghana of Eighteen years or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purpose of public elections and referenda.’***

This clearly makes the proposed provision unconstitutional. What it means is that if the C.I. is passed in its current form, it will not only be unconstitutional, it will radically disenfranchise all those prospective voters who for no fault of theirs are unable to obtain the national ID card issued by the NIA. They would have been denied the right provided for them under Article 42 of the 1992 Constitution.

The 1992 Constitution provides only three conditions for registration as a voter:

- a. The person has to be a citizen of Ghana;
- b. The person must be of sound mind;
- c. The person must be eighteen years old or above.

Therefore, no subsidiary legislation can be used to undermine this provision.

That is the reason why since the inception of the Fourth Republic, all regulations governing registration of voters have always provided the guarantee system in order to take account of all qualified persons who for one reason or the other do not possess the requirements. To remove this provision from the C.I. and make the Ghana Card the sole requirement for registration is to deny all such persons the right to register and vote and this is a complete breach and violation of Article 42 of the Constitution and so therefore is unconstitutional.

Again, article 45 (e) of the Constitution also enjoins the Electoral Commission ***to undertake programmes for the expansion of the registration of voters.***

Given the above provisions, we are of the view that, the proposal in the C.I. which makes the Ghana Card the sole requirement for voter registration is unconstitutional to the extent



that it serves as a fetter on citizens' right to register and exercise their franchise in elections. This singular decision by the Jean Mensa and Bossman Asare led EC is also at variance with its constitutional mandate to undertake programmes to expand the registration of voters.

At present, statistics available suggest that millions of Ghanaians are yet to be issued the Ghana Card. The registration process for the Ghana Card has been characterized by several difficulties. The National Identification Authority has missed several deadlines to complete the registration of citizens. Professor Ken Attefuah, Executive Director of the National Identification Authority stated at the a press conference last Friday 16<sup>th</sup> September, 2022

***“We have the mandate to register all Ghanaians in Ghana and all Ghanaians abroad. There is no way NIA can register all Ghanaians in Ghana. if you look at our performance record, as stern as we believe our performance is, the reality is that there are approximately two million people aged 15 years and above who have not registered for the Ghana Card.... There is no way the NIA can register those people. It is physically, technically and fiscally impossible.”***

We therefore found it strange that the Electoral Commission will call a press conference and urge the NIA to expedite action on registration. It obviously doesn't lie in the mouth of the EC to do so.

In the circumstances therefore, making the Ghana Card the sole requirement for voter registration will serve to deny millions of Ghanaians their right to register and vote.

Ladies and Gentlemen

Regulation 2 of the proposed C.I. also provides that

- (1) The Commission shall designate the District Office and any place it considers appropriate as a registration centre.*
- (2) In designating a place as a registration centre, the Commission shall take into consideration the accessibility of the place to prospective applicants for registration.*



In our estimation, the proposed regulation on registration centres will create a number of avoidable problems for the electorate.

First, it would, if implemented, make voter registration extremely difficult for citizens who are resident in areas where the District Offices, located usually in the District Capital, are far from the surrounding villages where potential applicants live.

In such situations, the cost of travel alone can be a disincentive to registration. In contrast, if the prevailing practice of using the polling stations, or in a worst case scenario, the electoral area, which are usually located within walking distance of the residences of voters is employed, this problem would not arise at all.

Secondly, registrations conducted at the District Offices will entail assigning polling stations to the registrants at the point of registration, but the registrant will not know the physical location of her polling station at the point of registration. Given the high levels of illiteracy in the country, this will create utter confusion on election day as such voters may find it difficult locating their voting centres for purposes of voting.

Thirdly, the more egregious of the problems potentially associated with this measure is the possibility of gerrymandering engineered by registration officials. Gerrymandering is the act of manipulating electoral boundaries in a bid to favor one party.

This takes various forms, the most common and obvious one being the redrawing of constituency boundaries so as to carve out a voter population predisposed to voting for one party. The more sophisticated form of gerrymandering, and the one that may likely occur with the proposed measure, is the capacity of registration officials to freely assign polling stations to registrants based upon projected voting preferences. The more dangerous form that this could take is where the registration official is able to assign potential voters across constituency lines in neighboring constituencies.

It is also strongly felt that if the EC is indeed sincere in its intention to conduct a continuous registration exercise, it should rather come with an amendment to the existing C.I. for that purpose instead of introducing a completely new C.I. This will remove any lingering doubts that the EC intends to jettison the existing voters register in the near future.



Claims by the EC that the C.I. is for only continuous registration is not only misleading but mischievous. Regulation 33 in the draft C.I. seeks to revoke C.I. 91 and C.I. 126. Therefore, by operation of law, once the C.I. is passed, it will be the only law on voter registration in Ghana. The EC knows that it does not have separate laws for continuous registration, limited registration or mass registration.

Ladies and Gentlemen,

Since our return to democratic governance in 1992, underpinned by a national constitution, we have all striven to nurture a vibrant democracy and build a nation governed by the rule of law.

In this period, eight elections have been held with varying degrees of credibility.

Despite the imperfections associated with the various processes leading up to these elections, efforts have been made as we have gone along to improve upon the system through a participatory approach where all relevant electoral stakeholders make one contribution or the other.

Since the coming into office of the Akufo-Addo/Bawumia government however, things have taken a dark turn and the time-tested use of consensus-building and dialogue as tools for the management of Ghana's electoral process has been supplanted by overt partisanship and impunity by the current leadership of the Electoral Commission.

Since the politically motivated and unconstitutional removal of the previous leadership of the Electoral Commission by President Akufo-Addo and the convenient installation of NPP surrogates, Jean Mensa and Bossman Asare, at the helm of the Commission, consensus and dialogue have been in very short supply.

Disrespect and hostility by Jean Mensa and her charges at the EC towards the NDC and parties deemed to be opposed to the current government have become the order of the day.

Jean Mensa and Bossman Asare have not hidden their intent and penchant for unreasonable and unjustifiable policies and measures aimed at furthering the interests of the NPP and the



appointing authority, often to the disadvantage of large sections of Ghanaians especially those they believe are likely to vote against the NPP in elections.

The alarm bells were set ringing when out of the blue and without any sound justification, this Electoral Commission decided to compile a needless new voter register only because President Akufo-Addo and his NPP wanted it, having advertised their intentions long before they took power.

The aim of that was to shore up the number of voters in NPP strongholds and suppress numbers in perceived NDC strongholds. To aid this unwise and inimical action, a bizarre and shocking judicial pronouncement was made to exclude birth certificates which are standard identification documents the world over, from the list of documents deemed acceptable for the purposes of voter registration.

Identification for this purpose was thus restricted to only a Ghanaian passport and the Ghana card whose roll out had only begun at the time and was fraught with so many difficulties and was not possessed by millions of Ghanaians who had a constitutional right to register to vote.

All this was aimed at rigging the 2020 election even before the first ballot had been cast.

Another ill of the Jean Mensa and Bossman Asare tag team, is the bastardization of IPAC which is a representational body of political parties and relevant stakeholders in Ghana's elections.

Since its formation in 1994, IPAC has served as the fulcrum around which consensus has been reached on many issues.

The tall list of reforms which had made Ghana's previous elections since 1992, the envy of many countries around the world, were birthed at IPAC after they were deliberated upon, and consensus reached on their viability and suitability.

This otherwise very useful platform has now been reduced to a place where the current leadership of the Electoral Commission arrogantly shoves unilateral decisions down the throats of political parties without any consultation.



To give a dubious semblance of “majority” IPAC support for their often-misguided fait accomplis decisions, the EC has devised a system where mushroom, virtually non-existent parties, whose services have been procured by the NPP, have been given three voting rights as against one by the NDC.

A party like the NDC with 137 MPs should not be outweighed at IPAC by parties with no credible presence on the political landscape and who have no representation in Parliament.

Numerous complaints from us for a redress of this patently unjust situation have been met with intransigence by the EC.

It is for this reason that we boycotted IPAC with a view to drawing attention to the caricature that it has become and how unworkable its present composition is.

We are simply unable to be part of a system that is designed to rubber stamp fraudulent approval of NPP decisions handed to the EC to implement.

Since announcing our boycott, several respected individuals and organizations including the National Peace Council, The Commonwealth Secretariat, United Nations Development Programme and CSOs such as the Ghana Centre for Democratic Governance (CDD) and the Institute for Democratic Governance (IDEG) have attempted to broker our return and resolve any issues that might be militating against same.

While we have been willing to reach common ground on the problems highlighted above and have them resolved to ensure our speedy return to IPAC, the Electoral Commission has remained obstinate and has flatly refused to even meet the mediating organizations to discuss the matter.

Furthermore, almost two years after we submitted a comprehensive set of proposals for electoral reforms to the EC, they have not accorded us the courtesy of even studying those proposals and tabling them for discussion.

Several of the reforms introduced into our electoral system were proposed in the past by the NPP.





Back then, the proposals were tabled by previous EC leaderships at IPAC and were adopted after deliberations by stakeholders.

The Jean Mensa-led EC does not appear to be concerned about maintaining and upholding this time-tested practice which has served us well all this while and favours a whimsical and dictatorial approach in so far as it inures to the benefit of the NPP.

Ladies and Gentlemen

The NDC received a letter dated 18<sup>th</sup> November 2018 and signed by Bossman Eric Asare, a Deputy Chairperson inviting the NDC to an IPAC meeting on 24<sup>th</sup> November to discuss *‘the Draft Constitutional Instrument on Registration of Voters’*.

Take note that this practice is a complete departure from the age-old, time-tested convention where IPAC first sets up a committee to draft Constitutional Instruments for discussion and adoption.

The NDC did not participate in this meeting.

We received another letter dated 22<sup>nd</sup> December 2021 signed by Mr. Samuel Tettey, Deputy Chairman (Operations) inviting us to nominate a representative to be part of a ‘Sub-committee on new Constitutional Instrument’.

The letter stated the composition as follows:

- a.** Electoral Commission
- b.** NPP - 1
- c.** NDC- 1
- d.** Parties without representation in Parliament – 3
- e.** Civil Society Organisations- 3

This, again, constitutes a breach of the conventional composition of committees by IPAC where the two leading parties had 2 representatives each and parties without representation in Parliament altogether nominate one representative.





Why should political parties without representation in Parliament have more representation on such a committee? Who are the CSOs being referred to and who nominates their representatives to the committee?

The above concerns notwithstanding, the NDC replied to the Commission's letter and nominated Alhaji Hudu Yahaya and Hon. Daniel Amartey as representatives on the said sub-committee.

Alhaji Hudu Yahaya has indicated to us that he received an initial call from the EC inviting him for a meeting on a stated date. He was however subsequently called and informed that the meeting had been postponed and would be informed when a new date is determined.

Later in August this year, our Caucus in Parliament informed us about the Electoral Commission's proposed CI on Registration of Voters sections of which they were vehemently opposed to.

This again, is a clear demonstration of bad faith on the part of the EC.

The EC is obviously up to a mischievous game to exclude the NDC from the process of drafting the CI.

Our information is that the Committee on Subsidiary Legislation asked a fundamental question of what mischief the EC was seeking to cure with this new radical shift from the current regime as provided under the Public Elections (Registration of Voters) (Amendment) Regulations, 2020 (CI 126). Our members on the Committee took the view that the power of the EC to make regulations cannot be exercised in an arbitrary manner and so the EC must justify why it is seeking to radically revise the regime for proving identity for voter registration purposes. Therefore, the Committee asked the EC officials to provide evidence of the mischief occasioned by the application of the existing regulations. This the EC is yet to provide.

The peace and security of this county cannot be toyed with in the manner that the EC is doing. As noted in Ghana's National Security Strategy, one of the major risks to Ghana's peace and security, *"is mistrust in the electoral process*. The Strategy observed that *the*



*suspicion of collusion between the ruling party and the Electoral Commission to rig elections for the ruling party continues to drive the situation towards dispute and potential violence”.*

The strategy further urged the Electoral Commission to “...*identify the sources of public mistrust in its electioneering systems and processes and take necessary action or make recommendations for addressing them*”.

It is for this reason that we wish to caution the Electoral Commission to be mindful of its actions and inactions since they have far reaching implications for the peace and security of the country.

The conduct of the Electoral Commission reinforces the NDC’s suspicion of collusion between the Commission and the New Patriotic Party to rig the 2024 elections.

As a party with a legitimate interest in the elections and given the high stakes of the 2024 elections, we are simply unwilling to allow any manipulations before, during or after those elections and we will demand the strictest standards in the processes leading up the elections.

Since the C.I. has not been formally laid before Parliament, we take this opportunity to call upon the EC to abandon the idea altogether.

We wish to serve notice, that we will use every lawful means to resist this latest effort to undermine the right of Ghanaians to vote and in the process skew the electoral system in favour of the NPP.

We will mobilize the broad masses of Ghanaians to wage a sustained and unrelenting campaign to prevent any attempt by the EC to strip large sections of the population of their right to vote.

The Ghana card is a new feature of our national life and cannot immediately become the only means to identify a Ghanaian only because it plays into the hands of the NPP whose members constitute the leadership of both the National Identification Authority and the EC.



In light of the above, we demand an immediate cessation of all work on the laying of the CI in Parliament pending thorough deliberations and consultations with all relevant stakeholders to fine-tune it to take on board the concerns expressed by us and others that may be held by other stakeholders. Given the above circumstances, we are of the considered view that C.I. 91 as amended is adequate for voter registration and the subsequent conduct of the 2024 elections as the EC has not provided any justification for the proposed changes.

Thank you.