



REPORT OF THE UGANDA PEER REVIEW AND ATTACHMENT TEAM

ON

GHANA PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

HELD ON 7th DECEMBER 2004

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1.0 DEFINITIONS/ABBREVIATIONS

AAEA	-	Association of African Election Authorities
APO	-	Assistant Presiding Officer
CD	-	Chief Director
CODEO	-	Confederation of Domestic Election Observers
CPP	-	Congress Peoples Party
DEO	-	District Election Officer
DPC	-	District Police Commander
DR	-	District Registrar
DRO	-	Deputy Returning Officer
ECOWAS	-	Economic Organization of West African States
EC-U	-	Electoral Commission, Uganda
EMB	-	Election Management Body
GEC	-	Ghana Electoral Commission
ICR	-	Image Character Recognition
IGP	-	Inspector General of Police
MDBS	-	Multi Donor Budget Support Unit
NCCE-G	-	National Commission for Civic Education, Ghana
NDC	-	National Democratic Convention
NPP	-	New Patriotic Party
OCR	-	Optical Character Recognition
PNC	-	Peoples' National Congress
PO	-	Presiding Officer
RD	-	Regional Director
RO	-	Returning Officer

2.0 INTRODUCTION

2.1 Preamble

The Electoral Commission, Uganda (EC-U) received an invitation to participate in the Attachment and peer review exercise in the runner-up and through the Presidential and Parliamentary elections in Ghana. This was under the auspices of the Association of African Election Authorities (AAEA). The elections were conducted on Tuesday 7th December 2004. To this effect the EC-U wishes to thank the Ghana Electoral Commission (GEC), AAEA and the Commonwealth Secretariat that together with the Government of Uganda funded the EC-U delegation during this exercise.

The Uganda delegation comprised of two teams, the first team of technical officers included;

1. Mr. Frank Rusa Nyakaana - Head, Legal Department
2. Mr. Charles B. Nsimbi - Ag. Head, Voter Registration Dept.
3. Mr. Patrick Ochana - District Registrar, Pader District
4. Ms. Bernadette Nambassa - Senior Assistant Election Officer

This team traveled to Ghana on 24th November 2004 for attachment during the run-up to elections and throughout the election itself. The team spent a total of 20 days on the attachment exercise in various departments of the Ghana Electoral Commission and in different regions of Ghana. The team was attached as follows;

- | | | |
|-------------------------|---|--|
| Mr. Frank Rusa Nyakaana | - | Tema (Greater Accra Region) |
| Mr. Patrick Ochana | - | Kumasi (Ashanti Region) |
| Mr. Charles B. Nsimbi | - | IT Department |
| Ms. B. Nambassa | - | Chief Director's Office and Department of Public Affairs |

The last two officers then proceeded to Eastern Region i.e. Akropong and Akosombo on 4th December 2004 to observe immediate pre-election day preparations, Election Day activities, retrieval of results and elections materials.

The second team arrived in Ghana on 3rd December 2004 for a 10-day period and comprised of the following;

1. Eng. Dr. Badru M. Kiggundu - Chairman, Electoral Commission-Uganda
2. Mr. Steven D. Ongaria - Commissioner, EC-Uganda

The team split up with the Chairman, Electoral Commission-Uganda remaining in the Greater Accra Region while Commissioner Ongaria proceeded to Kumasi, Ashanti Region.

The Electoral Commission of Uganda is grateful for the invitation and hospitality accorded to both teams by the Ghana Electoral Commission and the co-ordination provided by the AAEA Secretariat that enabled the teams to proceed with the exercise unhampered in any way.

The attachment and peer review teams had the following terms of reference;

1. To use the exercise to study the conduct of elections in a multiparty setting,
2. To compare and contrast the conduct of elections in Ghana with that in Uganda,
3. To draw lessons there from with a view of improving the conduct of elections in Uganda and build a body of expertise in conducting multiparty elections in Uganda.
4. To review the conduct of election and offer appropriate advise to the Ghana Electoral Commission
5. To issue a report at the end of the exercise.

2.2 General Overview

The presidential and parliamentary elections in Ghana were held on 7th December 2004.

The presidential race had 4 candidates namely Dr. Edward Muhama of the PNC, John A. Kuffour of the ruling NPP, John Atta Mills of the NDC and George Aguddey of CPP.

Parliamentary elections were held on the same day in all the 230 constituencies. Political parties sponsored some of the candidates although some were independent.

The election succeeded in drawing a voter turn up of approximately 83% of registered voters.

2.2.1 Electoral System

The country is organized in 10 regions, 138 districts, 230 constituencies and 21,004 polling stations. It has a voter population of approximately 10.3 million.

The electoral system has the following characteristics;

- Universal Adult suffrage
- Non-compulsory registration of voters and voting
- Secret ballot
- Registration of Political parties

- Political parties are not allowed to sponsor candidates at district assemblies and lower local government levels
- Presidential elections where the winner requires 50%+1 of the valid votes cast. A run-off election in case no one achieves the feat at the first ballot.
- A permanent and fully independent Electoral Commission (GEC).

2.2.2 Ghana Electoral Commission

The Electoral Commission of Ghana is established by the 1992 Constitution and charged with the responsibility of organizing elections. It is composed of 7 members; a Chairman, 2 Deputies and 4 other members all of whom are appointed by the President on advice of the Council of State a body of eminent citizens established by the Constitution.

The Commission has regulatory and administrative functions and meets regularly to set policy.

The Commission is constituted as follows;

1. Dr. Kwado Afari-Gyan, Chairman
2. Mr. David Adeenze Kanya, D/C Finance & Administration
3. Mr. Kwado Sarfo-Kantanka, D/C Operations
4. Mr. Aggrey Fynn, Commission Member
5. Mrs. Pauline Dadzawa, Commission Member
6. Nana Amba Ayiaba II, Commission Member
7. Miss Akweky Roberts, Commission Member

On a day-to-day basis, the Commission is represented by the Chairman and 2 Deputies who are permanently based at the headquarters and perform managerial functions.

Below the Commission is the Head Office, which is organized in 2 broad Divisions of Operations and of Finance & Administration. Each division is headed by a Deputy Chairman. Under each Division are departments headed by a Director answerable to the Chief Director.

The Commission has Offices in each of the 10 regions headed by a Director with a Deputy. Below the regions are District Offices with a District Election Officer. During peak times, the Commission engages Constituency Returning Officers.

Members and Staff of the Commission cannot be card-bearing members of any Political Party. They are not active party members though they are allowed to vote.



L-R: Dr. Kiggundu, M. Fosa (Lesotho), William Adakwa (DEO), C. Nsimbi, B Nambassa and Comm. S. Ongaria Outside the ballot paper distribution point at the Memfi Police Station, Akropong, Akwapin North District.

2.2.3 Presidential and Parliamentary Elections 2004

The elections appear to have been extremely well organised, conducted in a free and fair manner and there is no question that the results indicated the will of Ghana. For this, the Ghana electoral Commission as well as the people of Ghana must be commended. Every stakeholder appears to have learnt his or her lessons well. The people especially appear to have learnt that an opponent is not necessarily an enemy. They also have learnt how to guard their nascent democracy.

The GEC has mastered the preparations necessary and enjoys the goodwill and trust of all stakeholders.

These are lessons that the rest of Africa can draw from. The Uganda team, therefore, congratulates the GEC for organizing a free and fair election as well as the people of Ghana for exhibiting a high sense of civic responsibility.

3.0 PRE-ELECTION PERIOD

The technical team was in Ghana for twenty days, fourteen of which were prior to the Election Day. The second team was in Ghana for ten days, four of which were in the pre-election period. In this period a number of issues of direct consequence to the conduct of elections in a multi-party setting were noted;

3.1 The Electoral Law

The main uniqueness about the legal framework governing elections in Ghana is that using its mandate in the Constitution, regulations for the conduct of elections are issued by the Ghana Electoral Commission, signed by the Chairman of the Commission and command the force of law. Consequently, the issue of grey areas does not arise since the implementers also issue the regulations.

The regulations are in respect to both the Presidential and Parliamentary elections that are in a multi-party setting. There is another set of regulations that are in respect to local council elections that are held two years later and are based on the principle of individual merit similar to that in Uganda. All these regulations are widely distributed to all the relevant stakeholders in good time. Thus the issue of late enactment of enabling laws does not arise.

3.2 Voter Registration

A fresh voter registration exercise is conducted for every cycle of elections. An update is done once a year. In this regard, the Ghana Electoral Commission does not conduct continuous voter registration. There are 21,004 polling stations. For the register used in the December 7th election, the registration was conducted in March 2004. This is the first time the register bears voters' photographs. During registration of voters, a poll book was used (similar to EC-U register book) and due to limited Cameras (only 3000 Polaroid Cameras) taking registered voters' pictures was done region by region and in some cases not simultaneously. Consequently, there is an ID Checklist that corresponds to those registered voters whose photographs were taken. During the photographing of voters, two Polaroid pictures were taken, one affixed to the registration form and the second affixed on the tear-off section that was then laminated and issued to the voter as a Voters' Card. This process minimizes cases of missing images, mismatches, mis-spelt particulars, e.t.c.

The forms were then scanned and stored in the IT department database from which a register can be generated anytime.

3.2.1 Registration Procedure

At the point of registration, an applicant can be challenged on the following;

- Nationality

- Age
- Residence
- Electoral offence
- State of mind/soundness of mind
- Any pending investigation

The challenge goes to a district committee that is comprised of the District Police Commander, Political Party representatives, representative of traditional leaders and the District Election Officer as Secretary. The decision of the district committee can be appealed to the High Court.

The registration forms are then transmitted to IT Department where they are scanned and read by both OCR and ICR, added to the register and printed into a provisional register. This is exhibited (displayed) and challenges handled as above. After the exhibition, the register is confirmed by the Revising Officer – a Lawyer of good standing in the district and this is the final register used for polling. In all these processes, political party agents are encouraged to participate and indeed do get involved.

3.2.2 Voter Lists

Apart from the Voters' register, the IT Department prepares four specialized lists that are important in administration of polling day activities. These are;

1. Special Voters' List

This list comprises of all registered voters who have applied and have been approved to vote on the Special Voting day. The list is per constituency and the voters are persons who by nature of their work, will not be able to cast ballots in their Constituencies on the national polling day. The affected persons include security personnel on Election Day duties, GEC Staff, Hospital ER Staff, Party Officials and other persons who can show cause.

2. Proxy Voters' List

This list comprises of a registered voter who will not be available on polling day and applies for another eligible voter to vote on his/her behalf. The proxy voter then presents him/herself on polling day and casts the ballot on behalf of the absentee voter.

3. Transferred Voters' List

This list comprises of registered voters who request to have their particulars transferred to new voting locations. The criterion is that you have to be resident of the location where you wish your particulars to be transferred. This is the location from which you have to apply for the transfer. Applying for transfer of particulars can be done up to seven days before polling day.

4. Absentee Voters' List

This list comprises of all the categories 1 to 3 above of voters and is prepared per polling station. It is to enable the presiding officer to cross out on the polling day from the register in red ink, all those persons that should not vote in the polling station since they already appear on various lists.

3.2.3 Voter Cards

These are issued at the point of registration by simply affixing one of the Polaroid photos on the tear-off section of the registration card and laminating it. They bear a unique voter number that is also bar-coded – this number is the same as that on the registration form and uniquely identifies a voter's particulars.

Duplicate voter cards can be applied for and issued up to four days prior to polling day.

The life of a register is seven years after which a fresh registration exercise has to be conducted. The current register has approximately 10.3m voters. This is out of a total population of Ghana that is approximately 22.1m that is 49.04% of the population are registered voters.

3.3 Demarcation of Constituencies/Electoral Areas

The country is divided into 10 regions that are divided into 138 districts. The districts, for electoral purposes are divided into 230 constituencies that comprise of 21,004 polling stations.

Demarcation of electoral areas mainly follows population considerations. It must be carried out after every National Census.

The GEC has a vibrant Cartography Section that will spend the whole 2005 converting electoral areas into GIS. This will enable GEC to accurately map (with co-ordinates) all electoral areas up to the polling station.

When the population warrants, Ghana Electoral Commission can create new Constituencies – for 2004 elections 30 new constituencies were created. The government responded by creating new districts following the re-demarcation of the constituencies.

3.4 Voter Education Materials Development

The materials are developed by the National Commission for Civic Education (NCCE) and the Ghana Electoral Commission (GEC) Public Affairs Department. The former develops messages that answer the 'Why' question while the later answers the 'How' question. Voter education materials include car stickers, pamphlets, posters, billboards, specialized handbooks and televised role-plays

and spots. In televised materials, the GEC utilises its staff to act every aspect of elections. This is filmed and distributed to TV stations.

3.5 Civic/Voter Education

Civic Education is the responsibility of the National Commission for Civic Education (NCCE) that is housed in the same premises as the GEC while Voter Education is the responsibility of GEC through its Public Education Section under the Public Affairs Department. While the NCCE deals with the *Why* question, the Public Education Section deals with the *How*. Both groups develop education materials to answer the above questions.

NCCE and the Public Affairs department of GEC develop well thought out messages. These are then disseminated using Posters, Car Stickers, Recorded Radio and Video packages that are distributed to media houses. Most posters carry photographs of GEC staff posing as voters or in any other relevant capacities. GEC also uses staff to act out educative roles that are filmed and sent to TV and Radio stations.

The Commission also identifies individuals who have the capacity to deliver voter education messages in various languages and employs them on a temporary basis as voter educators. The voter educators are taken through intensive training to ensure that they are conversant with what they are delivering.

3.6 Publicity

Publicity at the GEC is the responsibility of the Public Affairs department through its Media Relations Section. The Section works closely with the Public Education Section to disseminate information on Commission's activities through;

- 1) Press Statements and Announcements
- 2) Press Conferences and Briefings
- 3) Liaison with the Media and Political Parties

The department generally ensures that the public has confidence in the Electoral Commission.

The department also has the specific responsibility of organizing the Inter Party Advisory Committee meetings.

3.7 Accreditation of Observers/Monitors

The Electoral Commission, Uganda was nominated to be part of the AAEA Observer Mission to the Presidential and Parliamentary elections in Ghana that were held on 7th December 2004.

The AAEA Secretariat also organized and coordinated a two-week attachment programme (26th November- 10th December 2004) to enable interested member organization to have a hands-on knowledge in various aspects of election administration in Ghana. Officers were attached to Head Office, Regional and District offices. This is termed the Peer Review and Attachment Programme of AAEA.

Nine countries were represented as follows;

Country	No. Of Delegates
Uganda	6
Kenya	1
Nigeria	8
Togo	1
Ivory Coast	2
Lesotho	1
South Africa	2
The Gambia	1
Burkina Faso	1

(See Appendices)

Many other countries/organizations also sent representatives to observe the elections e.g. ECOWAS, Diplomatic Missions in Ghana, under the coordination of UNDP had about 200 observers, CODEO that had 7,200 observers, Ghana Federation of the Disabled (GFD), Media Organizations, Political party representatives and religious organisations.

The Commission also accredited Elections Monitors. These, as opposed to Observers, have authority to give advice or take corrective measures during elections. It is interesting to note that among the Election Monitors are Commission Members and staff.



L-R: P. Ochana (Ug.), F. Nyakaana (Ug.), J. Mudindi (Kenya), Dr. Afari Gyan (C/M GEC), C. Nsimbi (Ug.), B. Nambassa (Ug.) and K. Ceesay (The Gambia) meeting the Chairman, GEC at the launch of the AAEA Attachment Programme.

3.7.1 Accreditation Process in the GEC

Accreditation of Election Observers in the GEC is not so elaborate.

Observers are invited by the Government of the Republic of Ghana and/or the Chairman of the Electoral Commission.

3.7.2 Accreditation Unit

Following invitation of Observers, the Commission sets up an Accreditation Unit that handles all issues pertaining to Observers under the supervision of the Chief Director.

3.7.3 Applications to Observe Elections

Election Observers send in their applications plus two passport size photographs. The application is approved by the Chief Director who forwards it to the Accreditation unit for processing.

3.7.4 ID Observer Card

The Unit prepares and issues an Identity Card that is pre-signed by the Chairman, Electoral Commission. Each ID costs ₵5,000 to cover production costs. Photographs, for those who do not have them, can be taken at the Commission at a cost of ₵20,000.

Cards for observers are of a different colour from those of Monitors.

3.7.5 Training of Election Observers

In order for Observers not to make unfounded reports, the Electoral Commission of Ghana trains Observers to ensure that they understand the entire electoral process. In addition, observers are taken through the code of conduct for Observers. **(See appendices).**

Observer missions that are ready for the above training are free to request the Electoral Commission to send its officer(s) to go and train them. The Chief Director and/or his team usually conduct this training.

Apart from the above, briefing also takes place for observer missions as and when they arrive in the country. The Chief Director or sometimes the Chairman of the Commission himself conducts this briefing.

Members of the Uganda team attended some of these trainings/briefings such as that for media observers at the Manifold Tutorial Institute, Mataheku, training for Disabled Observers at the offices of Ghana Federation for the Disabled, Accra and Briefing for the Liberian Observers.

3.7.6 Observer Kits

A kit containing Electoral Laws, Manuals, the Code of Conduct, a Map and Notebook is usually given to Observers, however, when materials are not adequate, the Electoral Commission may provide a few sets for duplication by individual Observer Missions.

The Commission does not provide attire (T/Shirts and Bags) to Observers. Any Observer group that wishes to be identified as such is free to provide attire to its members, as long the colour of the attire is non-partisan.

3.7.7 Check Lists

The GEC does not develop any checklists for Election Observers. Since they are the ones being checked, it is upon individual Observer groups to develop checklists for their members. It is assumed that observers have instructions emanating from their deploying Governments/Organizations on what to look out for.

3.7.8 Areas of Observation

According to the Chairman Electoral Commission of Ghana, Observers are free to go to areas of their preference. All the Commission does is open its doors and provide contact information of their field staff. This means that observer missions are free to allocate their members to different areas of observation.

3.7.9 Transport and Accommodation for Observers

Observers are responsible for their own transport and accommodation costs. It is advisable for observer teams to send an advance team of one or two persons to make transport, accommodation and accreditation arrangements prior to the main observer team's arrival.

3.7.10 Entertainment of Observers

If funds allow, the GEC may organize a Cocktail /Farewell Party for Observers, however, individual groups are free to organize their own party and invite their fellow observers and/or the Commission.

3.8 Procurement of Services and Materials

GEC follows public procurement law that is at the same standard as World Bank procurement guidelines. This is because GEC received funding from the Government. For the December 7th elections, the GEC had a budget of 213 Bn Cedis approximately US\$24m. The budget was funded by Government and the donor community at a ratio of 60:40 through a government programme called MDBS. GEC does not procure pre-packed polling kits but buys items individually through a tender system that is witnessed by Political Party Agents. For example printing of ballot papers was done in the country and political parties were free to station agents at the printing house(s) through out the process.

Most donor funds are disbursed directly to the suppliers and the donor community has established an office at the GEC to supervise the disbursement. Many donors donate materials like cars and Computers directly to the GEC. This follows what GEC has budgeted for. Where EC does the tendering, it has total control and only submits bills to the donor agency for effecting payment

3.9 Recruitment, Training and Appointment of Election Officials

The Commission has both permanent and temporary staff.

3.9.1 Permanent Staff

The GEC has permanent staff up to district level. They are recruited through the Administration department. The staff are on permanent terms in order for the GEC to build capacity through career development. In top echelons, staff have been with the Commission in its various forms for 30 years and over. There is a

clear promotion path that enables individuals to chart out a career in elections. There is also a continuous emphasis on training in specialized fields of elections like cartography. This enables members of staff to work as consultants for various international organisations.

3.9.2 Temporary Staff

These are recruited in two categories.

The first category is that of persons recruited at the headquarters to augment the IT department in processing the registers and voter cards. They include data editors and data entry clerks. They work in three shifts covering 24 hours. They are mostly ladies.

The second category is that of persons recruited for three months to work as Constituency Returning Officers and Deputy Returning Officers. The posts are nationally advertised and face-to-face interviews conducted by the Commissioners and other senior GEC staff. Preference is given to retired civil servants, teachers and other eminent persons. If the suitable candidate is still employed, the GEC writes to the employer to release the person for the 3 months. The GEC has a data bank of persons who have worked for it before with attendant comments on suitability.

Each Constituency has one Returning Officer and two Deputies.

The ROs then recruit the polling day officials.

3.9.3 Training

Training of ROs, their Deputies and District Election Officers is conducted by the Regional Directors. The participants are given transport allowance, however, meals are provided in kind. It is usually a one-day training workshop because it is mostly refresher training.

The Returning Officers, in recruitment and training of presiding officers and their assistants, replicate the same methodology in the Constituencies.

3.10 Packing, Dispatch and Delivery of Election Materials

The GEC does not pack centrally. Instead materials procured centrally are distributed to the regional offices. The Regional directors then distribute to their districts. The DEOs then distribute to the Returning Officers for Constituencies. The materials that include the register and ballot papers are stored at Police Stations in every Constituency. This is where the packing of polling kits is finally done. At all the stages, political party agents are involved as observers and for manpower. They record serial numbers and may add their own seals/padlocks to the completed kits.

This decentralized form of packing is very efficient and effective in service delivery and ensures that a minimum of errors occurs during packing. Errors are limited to within the Constituency and can easily be detected and rectified.

3.11 Special Voting

This was conducted on Saturday 4th December 2004. There is one polling station per constituency. Political Party Agents are involved in the process. After polls the ballot box is sealed and party agents may add their own seals/padlocks to the ballot box. It is then stored at the Police station awaiting counting on polling day with all the other ballot boxes. Political Party Agents again may add an additional padlock to the store at the Police Station.

Effectively there is one extra polling station per constituency on the packing list – a special Polling station. However, the distances to this polling station from throughout the constituency, discourage some would be special voters. The Chairman, EC-U witnessed one would be beneficially turn up on the national polling day.

3.12 Nominations and Campaigns

3.12.1 Nominations

Nominations are conducted by the respective Returning Officers i.e constituency ROs in case of Members of Parliament and Chairman of the Ghana Electoral Commission in case of Presidential candidates. In both cases, the use of double probability is utilized to determine the order in which successful candidates will appear on the ballot paper. This involves all candidates picking lots to determine the order in which they will pick the next lot that will have the position on the ballot paper. It is, therefore, possible for one to pick number 1 in the first lot, which means he/she is the first one to pick the second lot where he may pick number 5 and thus be the last on the ballot if there are 5 candidates.

The only requirements for nomination are that you are a Ghanaian of sound mind who is a registered voter and winner of your party primary if sponsored by parties. Ghana believes that true democrats do not need qualifications to positions of leadership; therefore, no minimum level of education is required. There is, however, a fee prescribed by GEC. This fee is kept by GEC until after the polls and if one get 5% or 12.5% of the votes cast and above for Presidential and Parliamentary candidates respectively, the fee is refunded. Otherwise it is forfeited to the Consolidated fund.

Duly nominated presidential candidates are facilitated with 2 four-wheel drive pick-up trucks. The trucks are retained by the parties after polls as a way of building party capacity.

3.12.2 Campaigns

The GEC does not supervise or get involved in any way with campaigns. Instead the Police who, in granting permission to candidates, ensure that rival rallies do not coincide in time and place and thus supervise the rallies.

Campaigns must end at least 48 hours before polls.

4.0 ELECTION DAY

4.1 The Polling Station

The polling station has an average voter population of 1,000 and 1,500 for rural and urban areas respectively. The highest voter population in a polling station was 1,930 in Accra city while there are polling stations with voter populations as low as 300 in the semi-arid North East region. There are clear signs to show its location including direction signs and a banner. It is manned by a Presiding Officer, 4 Assistants and a polling constable. The Presiding Officer conducts the opening and closure of polls procedures. During polls, the Presiding Officer is supervising the station. Party agents have a free run of the station but are not allowed to get involved in the actual running of the station. The 1st Assistant is responsible for checking the voter's particulars in the register. The voter then proceeds to the 2nd Assistant who is responsible for applying the indelible ink on a selected fingernail. The voter then proceeds to collect a ballot paper, votes in one screen for the 1st category and collects a 2nd ballot to cast for 2nd category. The screen used is a 3 sided cardboard box pre-printed with the Commission logo. The ballot box is a transparent reinforced plastic. When it is anticipated that the voter population at a polling station exceeds the optimum, a second register is provided together with an extra set of screens to enable 2 streams of voters to be processed at the same time. This has the effect of cutting the time needed for all voters to cast their votes by 1/3rd. There is a validation process for the ballot paper. This entails the issuing official stamping the ballot paper before it is handed to the voter. Only such validated ballots are considered during counting.

4.2 Polling day Activities

Polling is conducted between 7.00 am and 5.00 pm. Polling day is not a public holiday. The polling kit is collected from the constituency police station early on polling day. Opening of polls is similar to that in Uganda except it is closely observed by party agents who want to ensure that the serial numbers they recorded at packing of the kit are the ones that are in the box. There should be an appreciable number of voters. The turn-up for the 7th December elections was very impressive with many voters in lines at polling stations before 5.00 am. In Accra, in some polling stations, voters started lining up as early as 2.00 am.

By having the Presiding officer free from hands on polling activities, it enables him/her to monitor the whole station as well as answering any queries that may arise including collecting any materials that may be missing without disrupting the polling process. By the same token it may allow him/her to disappear for periods that may lead to some mal-practices to take place in his/her absence.



Polling Station Layout, Akropong School for the Blind, Akwapin North District.

4.3 Conflict Resolution

The Presiding officer is the principle person in conflict resolution. He/she is free to attend to any queries arising promptly. Anything the PO cannot answer is referred to the RO and through to the DEO, the RD and only when all these fail does it come to the attention of the Commission. All these levels have dedicated phone lines pre-printed in the various guide lines issued to the various actors in the electoral process.

It is also important to note that with the involvement of party agents at all levels of preparation and especially through the different levels of IPAC that act as query desks, there is minimal conflict on polling day. The political maturity of the population exhibited during the polls is very commendable.

Closure of polls is similar to that in Uganda with voters in the queue by 5.00 pm allowed to cast their vote. Due to a large turn out, there were several stations that had closure of polls activities going on in the evening. Lighting sources thus become crucial. Results for the polling station are declared there and then.

Used, spoilt, unused and invalid ballot papers are sealed in tamper proof opaque bags for onward transmission to the Commission that keeps them for a year and if there is no challenge on the results, destroys them.



L-R: RO, Akropong Constituency, W. Adakwa (DEO, Akwapin North), Comm. S. Ongaria (Ug.), Party Agent and Dr. B. Kiggundu (C/M EC-U) at Memfi Police Station constituency packing centre.

5.0 POST ELECTION ACTIVITIES

5.1 Declaration of Results

Member of Parliament results are verified at two centres. They are first verified and declared by the PO at the polling station. Party agents sign the declaration forms and get a copy. The results are then sent to the constituency-tallying centre where they are collated in the presence of party agents and the winner declared by the Constituency RO.

For the Presidential results there are 3 verification centres. The results are verified and declared at the polling station by the PO together with party agents. They are then sent to the RO for on ward transmission to the regional tallying centre. Here there is a scoreboard where results are tabulated as they come in from the different districts. When all the constituencies have submitted their results, they are collated and certified by party agents and then transmitted to the GEC headquarters where they are again verified by party agents and the Returning Officer, the Chairman GEC. Only then are they transmitted to the Press centre, organized by media houses themselves, and the national scoreboard.

5.2 Final Declaration of Results

The winner in the Presidential race is that candidate who obtains at least **50% + 1** of the popular vote. If no candidate obtains this figure, then a re-run has to be conducted within 21 days. Once the Chairman of GEC is satisfied that mathematically a candidate has an unassailable lead, he can declare him the winner. In the 7th December elections, declaration of Candidate John A. Kouffor was done even though results from 8 out of the 230 constituencies were still not yet verified. The total voter population from the missing constituencies was 220,000 and Mr. Kouffor already had nearly 53% of the vote to the nearest runners-up Candidate John Atta Mills 44%. This meant that even if all the voters from the missing results were to be added to Mr. Mills, he could not catch up with Mr. Kouffor. The final declaration was made at 12.05 am on 10th December 2004.

5.3 Post Election De-Briefing

Individual Observer groups are free to arrange de-briefing sessions for their members. Members choose their own Chairman and Rapporteur for the Session and presented their individual reports before they came out with a joint Statement. If they so wished, they could call a Press Conference and could invite the Commission to attend.

For Peer Review and Attachment teams under AAEA, the de-briefing was organized on 9th December at 10.00am. The Leader of the Uganda team Eng.

Dr. Badru M. Kiggundu, Chairman, Electoral Commission – Uganda delivered a Preliminary Statement (**See Appendices**).

The whole group under AAEA then delivered a statement read out by the Chairman, Electoral Commission-Nigeria, Sir Dr. Guobadia (**See Appendices**).



L-R: Dr Afari Gyan (Chairman GEC), Dr Guobadia (Chairman Nigeria IEC), Dr Kiggundu (Chairman EC-U) and Comm. Ongaria at the Post Election De-briefing.

5.3 Retrieval of Election Materials

At the end of polls, the Presiding officer transfers the kit together with the results to the constituency-tallying centre where he/she hands over to the returning Officer. The Returning Officer in turn transfers all the kits and results to the Office of the District Election Officer. The later transfers the district kits and results to the Regional headquarters. The election was conducted on Tuesday, 7th December and by Friday of the same week, almost all the kits were back at the regional offices.

At the region, the empty ballot boxes are stored while the tamper proof bags are transferred to the GEC headquarters where they are stored for one year and then, in absence of any petition, they are destroyed.

6.0 OTHER AREAS OF INTEREST

6.1 Political System Obtaining

The Republic of Ghana is a multi party democracy. There are 10 registered political parties of which 4 presented presidential candidates. A total of 7 participated in the parliamentary race 3 of which had formed a coalition.

On top of party sponsored candidates, there are independent candidates. All players in the electoral field are registered by the Commission. The criterion for registering political parties is quite stringent since each is required to exhibit a national character.

Political Party involvement is limited to presidential and parliamentary races only with the local government elections held 2 years later and held on individual merit. In practice, however, parties try to influence these but this is resisted by the population that insists on individual merit at the local level.

Special interest groups participate on equal footing with the general population with both women and the PWDs standing with everybody else. It is the considered view of Ghanaians that everybody is a worker; youth are encouraged to participate at all levels. Indeed there was a very youthful woman parliamentary candidate who attracted a lot of interest. There are, therefore, no special interest groups in the electoral system. Women parliamentary candidates were, however, facilitated with Cedis 1.5 million (approximately USD 167) for transport by UNDP through GEC.

6.2 Election Management Body

In Ghana, this is the Ghana Electoral Commission. It is composed of 7 Commissioners including the Chairman and 2 deputy Chairmen. The last 3 are full time and executive with one deputy handling the Finance and Administration portfolio while the second handles the Operations. The Commissioners are appointed by the president after approval by the Council of State, a constitutional body of eminent persons. There is no tenure limits and commissioners can serve up to retirement, that is 70 years in case of the Chairman.

Below the Commission is Management, comprising of heads of departments, known as Directors headed by a Chief Director.

The Commission is independent from any government authority with the exception of the Auditor Generals Office. Even though the Commission does not have a legal department, it does not use the Attorney General's Office but rather has a private lawyer on retainer. This is to avoid a conflict of interest in event the ruling party is sued on an electoral issue and thus the AG cannot defend the Commission's interest. To further enhance this independence, the Commission issues regulations that pertain to elections and they have the force of law.

Due to this perceived independence, all players in elections have faith in GEC conducting elections freely and fairly and thus respect its directives and regulations.

6.3 Financing of Elections

For the December 7th elections, the GEC presented the government with a budget of 213 Billion Cedis (approximately US\$24m). The budget was funded by Government and the Donor Community at a ratio of 60:40 through a government programme known as MDBS.

Political parties are not allowed to receive donations from outside Ghana. Instead any donations must be made through GEC from whence they will be shared by all parties. Thus any one wishing to donate must do so through GEC and the donation will benefit all the participating parties.

The Uganda team witnessed some of these donations for example 11 brand new Ford Everest 4x4 station wagons donated by USAID for the Regional directors and 10 computers with printers and all accessories donated by the Libyan government for tallying results at the regional offices.

7.0 LESSONS LEARNT

7.1 Elections Management

7.1.1 Organizational Structure

The idea of decentralization in elections management is very effective in service delivery. Regional offices relieve the Commission of concentrating packing and thus minimize errors. They are closer to the field and enable prompt response to queries without the District officers having to travel to the centre every time there is a query. This is very cost effective.

Maintaining a permanent work force promotes proficiency and improves service delivery. For elections it is true practice makes perfect.

Having a constituency RO enhances service delivery and allows the district officer more room for supervisory role. This aspect also enhances tallying of results by breaking it down in small manageable units as well as facilitating retrieval processes. The fact that ROs are on contract offers value for money.

Involving party agents at every level ensures transparency and contributes to ownership of the elections by all stakeholders. Everyone knows exactly what is expected of him or her.

7.1.2 The Polling Station

Having the indelible ink applied first ensures that it is dry before the voter leaves the polling station thus minimizing ability to remove it. Furthermore, any person who wishes to cast their ballot will have to oblige and have the ink applied.

Validating the ballot paper before it is issued to the voter enhances accountability. No one can stuff ballot boxes. If they are stuffed, then the issuing officials are clearly responsible and can be successfully prosecuted.

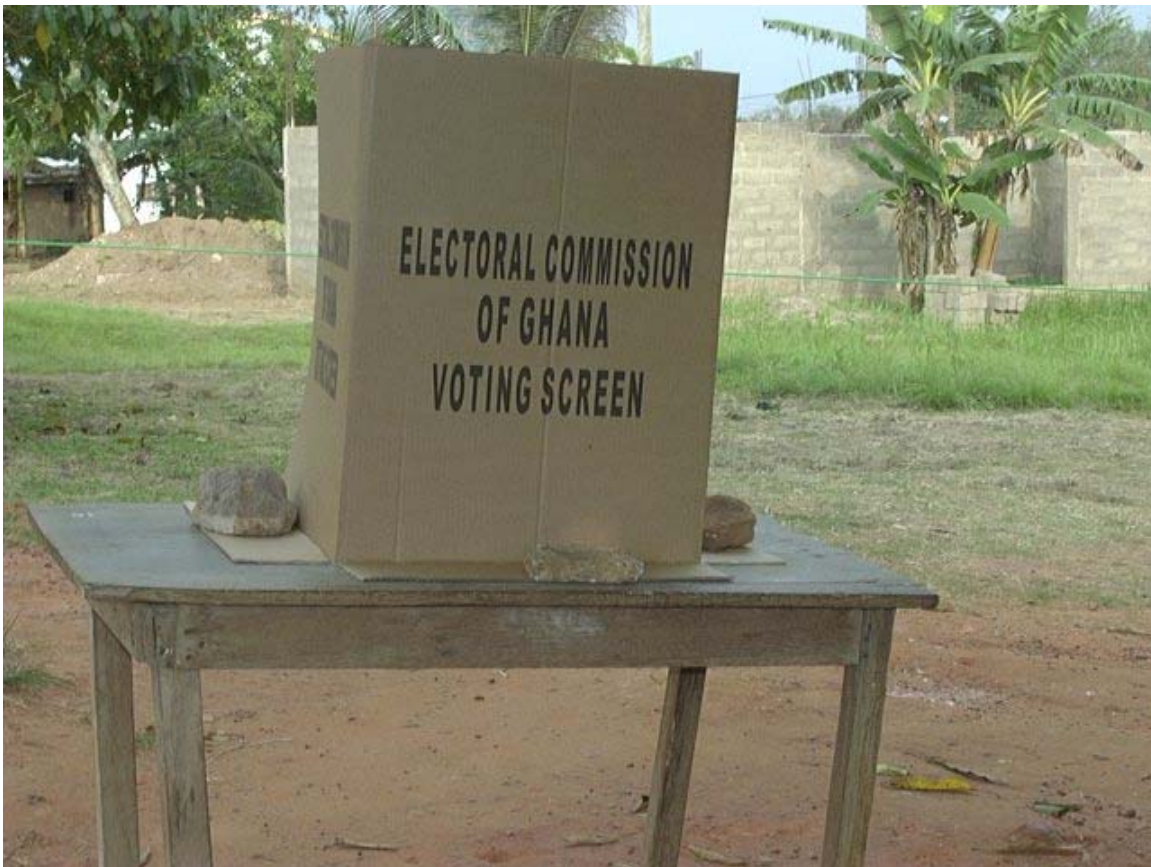
To have the PO as supervisor rather than getting involved in the process enhances his/her ability to be fully in charge and answer any queries promptly.

The reinforced plastic transparent ballot box enhances transparency and yet it is affordable, light and easy to transport/store.

The 3-sided cardboard screen makes the polling station more professional and is simple and effective.

The tactile ballot paper jacket is a brilliant but simple innovation. It guarantees choice though in practice it cannot guarantee secrecy of the ballot. Further voter education is necessary for this innovation to work smoothly.

Finally, the direction signs and the banner proclaiming the location of the polling station is safe, cheap and certainly more formal than banana trees sometimes used in Uganda.



The Voting Screen

7.1.3 Special Voting

There has been an outcry to facilitate persons on duty on polling day to either vote wherever they are deployed or to vote prior to Election Day. Special voting prior to polling day is easier to manage than persons voting haphazardly on polling day.

7.2 Voters' Register and Cards

Even though it is possible and desirable to conduct special voting for national elections, the attendant lists have to be managed very carefully as this can be abused.

The availability of transferred votes greatly reduces persons trying to beat the system since there is a legal way to vote where it is most convenient.

Proxy voting enables those that may be absent on polling day to cast their ballots. These include the sick and those that may have to travel out of the country.

It should be noted that body politic in Ghana is very mature as evidenced by the fact that this is the first time that a photo bearing register has been used albeit without duplicate analysis. The voters were contented that the presence of photos on the register would greatly reduce incidences of impersonation.

The registers were exhibited for 7 days and the tribunal is composed of a lawyer of good standing in that particular society. He/she certified them. Party agents are involved in the exercise and the final polling register is provided to them prior to polling day for further scrutiny. This way any complaint regarding the register is raised and addressed before the polls.

7.2 Civic / Voter Education and Accreditation Of Observers

7.2.1 Civic / Voter Education

The use of repetition in delivery of messages coupled with the simplicity of the programme appears to be very effective. Radio appears to be the best choice for transmitting messages. This together with simple innovations such as car stickers added to the role played by the political parties themselves seems to disseminate the messages far and wide effectively and efficiently.

The demarcation between the **'Why vote'** from the **'How to vote'** certainly clarifies to the voters the different roles and their part in the whole scheme of events.

7.2.2 Accreditation Of Observers

The idea that Observers/ monitors have their own agenda is a revelation. Thus GEC only accredits them to enable them access every aspect of the election but leaves them to set their own programmes and 'modus operandi'. This removes the burden of 'baby sitting' the Observers/monitors and allows them to form a genuine opinion without any guilty feelings. They then make their own checklists and criterion for observing/ monitoring the election.

Training/briefing Observers/Monitors including foreign missions resident in the country ensures uniform information and enables the observers to effectively observe/ monitor the elections while keeping the whole situation in perspective.

7.3 Nominations and Campaigns

7.3.1 Nominations

Refunding nomination fees to apparently serious contestants encourages competition and discourages fraudsters.

In a young multiparty democracy it is important to build capacity by periodically subsidizing the young parties. This not only builds them but also discourages their seeking illegal funds while greatly leveling the playing field. It can only be good for democracy and the country in the long run.

7.3.2 Campaigns

It certainly makes sense for the Electoral Commission to have a hands-off approach with regards to campaigns in a multiparty setting. This requires a degree of trust in the Police Force not to act in a non-partisan manner. In any case even if the EC were to manage campaigns, it would still have to call on the Police if anything went wrong.



Women Parliamentary Candidates at the GEC Boardroom after receiving facilitation of approximately US\$ 167 each, for transporting their agents. 2nd left is the youngest Parliamentary candidate.

8.0 RECOMMENDATIONS

These recommendations are made in the spirit of peer review to the GEC but especially to the Electoral Commission, Uganda. They stem from lessons learnt by the Team sent by the Electoral Commission, Uganda.

8.1 Improving the Ghana Electoral Process

1. The Ghana government should consider gazetting the polling day as a public holiday to improve voter turnout and avoid voters lining up as early as 2.00 am in order for them to vote first and then be in time for their work.
2. The Ghana Electoral Commission should consider conducting continuous voter registration in order to streamline the register and avoid conducting fresh voter registration every 7 years.
3. The GEC should have a cut-off for applications of temporary transfers, special voting and other activities that affect the register to relieve pressure from the register managers. There were instances where some of these special lists at the polling station were hand written. This can compromise the register integrity.
4. As far as possible, polling stations should be located in open spacious areas. Some stations were located by shop verandas thus making them congested and in some instances compromising on the secrecy of the ballot.
5. In many instances, party agents were identified, by tags issued by GEC, as observers. This can lead to confusion since genuine observers are supposed to be non-partisan.
6. The GEC should at least be advised of the campaign programmes of the various parties if only to avail them to interested persons such as observers.
7. The innovation of the tactile ballot cover is very good. However, intensive sensitization still needs to be done not only to enable the visually impaired cast their ballot but also to ensure secrecy of their vote.
8. Counting of ballots at the polling station often went on after six when it was already dark. GEC, therefore, needs to plan for sources of light at the polling station.

8.2 Improving the Electoral Process in Uganda

8.2.1 Accreditation of Observers/ Monitors

1. Any credible organization should be allowed to observe the electoral process.
2. Preparation for and Accreditation of Observers does not have to be very elaborate and as evidenced in Ghana, it can be done cost effectively.
3. Invitation to Observers should be sent out early to enable observer groups including those from within the country to be appropriately trained/ briefed.
4. Observers should be trained/ briefed about the entire electoral process to enable them make their reports from an informed position.

An ID should be provided to observers as opposed to a Letter of Accreditation that does not bear a photograph of the observer.

5. Media Organisations should also apply for accreditation before they are allowed into the Polling Stations to report on polling day activities.
6. Electoral commission staff performing monitoring duties should be officially accredited as monitors.
7. Observer groups should be responsible for their transport, accommodation and attire costs.
8. De-briefing does not necessarily have to be arranged by the Electoral Commission although EC may provide the venue.
9. The Electoral Commission need not develop checklists for Observers but should allow the observers/ monitors free reign.
10. EC-U should develop a Manual for training of Election Observers
11. Observers should be provided with only the most essential information for their kit. Any additional information that is expensive e.g. Copy of the Constitution could be put on sale in case of need. Alternatively, relevant Articles of the Constitution could be photocopied and given out free only.

8.2.2 Elections Management

1. Application of indelible ink should be early in the process before ballot papers are issued.
2. Validating the ballot paper ensures transparency and shifts culpability for stuffing ballot boxes to the issuance official. Its budgetary implication is minimal and more than justified.

3. The use of a 3-sided cardboard screen as opposed to the basin should be explored since it appears to be more professional and not much more expensive if at all.
4. The transparent ballot box not only improves transparency in the election, it is cheap to procure, transport, store and is virtually maintenance free. Its use is strongly recommended. Further still the possibility of standardizing ballot boxes through out say the East African region should be explored as it reduces overall cost and avoids wastage due to redundancy.
5. Polling officials should be thoroughly trained together with Party agents.
6. The Inter-Party Advisory Committee should be commenced in the EC-U.
7. Tactile Ballot papers for the disabled should be developed in the electoral process of Uganda. However intensive voter education needs to be done to utilize this innovation effectively.
8. An electoral Security Task force should be promoted in the electoral process in Uganda.
9. Decentralisation of operations needs to be implemented for effective delivery of services. This coupled with an experienced workforce can certainly improve the conduct of elections.
10. The relevant laws need to be addressed to enhance the independence of the Electoral Commission as envisaged in the Constitution.
11. The Electoral Commission could consider hiring a Consultant to guide it through the intricacies of multi party elections. Senior Officials from the GEC could well be of help in this area.

8.2.3 Voters' Register and Cards

1. The various lists need to be operationalised to offer the voter services ranging from proxy voting and absentee voting. This may require amending the relevant laws.
2. Voters' cards need to be distributed as a matter of urgency.
3. The use of 2 registers and 2 screens in polling stations that have a voter population higher than optimum needs to be explored as opposed to splitting them into 2 polling stations.
4. The processing of the register needs to be decentralised with the districts and the regional heads (Desk Officers) playing a greater role. This should apply to the packing of the register for display and polling exercises.

9.0 CONCLUSION

The Peer Review and Attachment team remains grateful to the Electoral Commission, Uganda, the Ghana Electoral Commission and AAEA all of whom played a pivotal role in the exercise. The team would also like to extend its thanks to the Commonwealth Secretariat and the Uganda Government who funded the team during the exercise.

The team has gained a lot from this exposure to well organized electoral process in a multiparty setting and will endeavor to apply as much as is practicable the lessons learnt to improve the process in Uganda in an effort to build a lasting democracy in our country.

FOR GOD AND MY COUNTRY

Eng. Dr. Badru M. Kiggundu
Chairman, Electoral Commission, Uganda.
Head Peer Review and Attachment Team, Uganda