

PRESS BRIEFING ON THE MINORITY'S OPPOSITION TO THE ELECTORAL COMMISSION'S PROPOSED CONSTITUTIONAL INSTRUMENT (C.I) FOR VOTER REGISTRATION

Good morning, our friends from the media.

The NDC Minority in Parliament is pleased to welcome you to this very urgent press engagement.

We are quite sure many of you followed and reported on events in the Chamber last night, which showcased our opposition to an attempt by the Jean Mensah-led Electoral Commission to introduce a Constitutional Instrument before Parliament. The said C.I, the **Public Elections (Registration of Voters) Instrument, 2022**, seeks to make the Ghana Card the sole document for the registration of voters onto Ghana's electoral roll.

Many of you may not be aware of the reasons for our opposition to this proposed C.I. It is against this backdrop that we have assembled you here in what we consider as a national emergency, to state our reasons for our stated opposition to the proposed C.I.

1. The Ghana Card and Registration of Voters

Article 42 of the 1992 Constitution guarantees the right to vote by stating that:

“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 purposes of public elections and referenda.”

Distinguished friends from the media, what the Electoral Commission’s proposed C.I seeks to do however is to restrict the realization of this right of Ghanaians, as Regulation 1 (3) of the proposed C.I states:

“A person who applies for registration as a voter shall provide as evidence of identification the National Identification Card issued by the National Identification Authority”.

What Article 42 of the 1992 Constitution requires, is evidence of citizenship and not evidence or proof of identification. Any evidence of citizenship should therefore qualify a person to be registered. That is why under the current C.I 91 as amended by C.I 126, Ghanaian Passports and guarantor system are allowed as evidence of citizenship.

Clearly, the proposed C.I which makes the Ghana Card the sole requirement for voter registration serves as a restraint on citizen's right to register and exercise their franchise in elections.

It is important to remind the Electoral Commission headed by Madam Jean Mensah that the Commission is enjoined by the constitution to advance the right to vote and not introduce any law that seeks to curtail same.

Indeed, under Article 45(e) of the Constitution, the Electoral Commission is *to: "undertake programmes for the expansion of the registration of voters"*. Instead, the EC rather seeks to undertake a programme for the restriction of the registration of voters.

Ladies and gentlemen, the National Identification Authority (NIA), which is responsible for the issuance of the Ghana Card has admitted that there is a backlog of millions of Ghanaians who are yet to be issued the Ghana Card.

The NIA has admitted that about 3.5 million Cards have been locked up in bonded warehouses due to its indebtedness of about GHS 1.5 billion (\$117m) to the private partner of the NIA, which has contracted loans from banks to undertake the printing of these cards.

Speaking on Newsfile on Joy FM last Saturday, 25th February, 2023, the Executive Director of the NIA, Prof. Kenneth Agyemang Attafuah said:

“Since about August of last year, we have experienced financial constraints in the system and it created a situation where even though we have 3.5 million stock of cards in a bonded warehouse, we are unable to access the cards because of financial difficulty”.

He proceeded to say that: “*currently, about 2.5 million cards are yet to be printed*”. Ladies and Gentlemen, these are not the words of the Minority.

It is also a fact, that the registration process for the Ghana Card has been characterized by several difficulties, including logistical constraints.

The National Identification authority has further admitted that the issuance of the Ghana Card is a continuing process and therefore cannot be completed at any point in time. Therefore, making the Ghana Card the sole requirement for voter registration cannot be accepted as it will deny millions of Ghanaians their right to register and vote.

Ladies and gentlemen, the Chairperson of the Electoral Commission herself, Mrs. Jean Mensa, in the Daily Graphic of Tuesday, September 13, 2022, front page, is reported to have admonished the National Identification Authority (NIA) to “make Ghana Card acquisition process faster”,

This is a clear admission that there are problems with the issuance of the Ghana Card which the Electoral Commission wants to use as the sole proof of citizenship.

As we speak, millions of eligible Ghanaian voters do not have the Ghana Card and therefore stand the risk of being completely disenfranchised. This group of Ghanaians can be placed into three (3) groups:

1. There are those who have registered for the Ghana Card but have not been issued with cards. The number of people in this category stands at a staggering **Six hundred and Forty-Five thousand, Six hundred and sixty-three (645, 663)**.
2. There are those who registered for the Ghana Card, but have unfortunately misplaced their cards and proceeded to do another registration, which registrations are on hold. This category of people accounts for thousands of Ghanaians as well.

3. Thirdly, there are a huge **2.5 million** Ghanaians who have not been able to register for the Ghana Card at all.

Any attempt by the Electoral Commission to insist on the Ghana Card as the sole identity document for the registration of voters will therefore deprive the vast majority of our people of their constitutional right to register and vote.

2. The Guarantor System

The proposed C.I seeks to completely eliminate the use of the Guarantor System for the purpose of proving one's eligibility to be captured onto the voters register. This proposition we reckon, is a deliberate plot to deprive millions of Ghanaians the opportunity to register and have their names on the electoral roll.

For emphasis, the Electoral Commission was pushed to provide evidence to back the claim of so-called abuse of the guarantor system, the EC indicated that in the 2019 voter registration for instance, only 15,474 people, representing just **0.09% of the total of 17,029,981** registered voters, were challenged on the basis of the guarantor system.

This statistic is a very insignificant and immaterial percentage to warrant a total abrogation of the guarantor system, particularly at a time many do not have the Ghana Card.

We say this because the National Identity Register Regulations 2012 (LI 2111), make room for the guarantor system when it comes to acquiring a Ghana Card.

It is therefore unclear to us what mischief the EC is seeking to cure by relying solely on the Ghana Card as source document for the registration of voters, yet intends to completely outlaw the guarantor system which constituted about 40% of Ghana Card registrations.

We hold the view that the time-tested guarantor system must be maintained in our voter registration process and this position is absolutely non-negotiable.

Common sense should tell any objective mind that a source document for the Ghana Card must be a source document for the Voter ID Card and vice versa.

3. EC District Offices As Registration Centres

Ladies and Gentlemen of the media, the proposed C.I provides that:

- (1) *The Commission shall designate the District Office and any place it considers appropriate as a registration centre.*

It is the view of the Minority that the above provisions of the proposed C.I on registration centres will create a number of avoidable problems for the electorate.

First, these provisions if allowed to be implemented, will make voter registration extremely difficult for citizens whose residence are miles away from the District Offices.

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 which are usually located within walking distance of residences of voters is maintained, this problem will not arise at all.

Secondly, registrations undertaken 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 his or 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.

A discretion exercised in practice by the Registration Officers, will undermine the transparency of the age-old practice of publishing the Registration Centres in advance in the Gazette and therefore ensuring that they are known, certain and publicly identifiable.

So-called emergency and temporary registration centres must equally be known and published at least four weeks in advance.

Thirdly, one of the major problems likely to emerge from this provision is the possibility of gerrymandering that can be engineered by Registration Officials.

4. Registration Supervisors and Regional Directors of the Electoral Commission

Under the proposed C.I, there will be a district registration supervisor and a registration centre supervisor.

Both supervisors shall report directly to the Regional Director of the Electoral Commission, making the regional director the only focal point of the registration in the region.

Once again, it is our view that for the purposes of accountability and verifiability, copies of the reports sent to the Regional Director of the Electoral Commission by the supervisors in the district should also be sent to the respective district officers of the Electoral Commission.

The district officers are closer to the registration proceedings in their various districts and under the C.I. are among the “persons who may give instructions or directives to a registration supervisor and other registration officials.”

5. Voters Register

Ladies and Gentlemen of the media, the proposed C.I states as follows:

- (1) Each electoral area shall have a Voters Register consisting of a voters register of each polling station in the electoral area.***

- (2) Each Constituency shall have a Voters Register consisting of voter’s registers of the electoral areas within the constituency.***

It is important to note that the Biometric Verification Devices (BVD's) that are used to identify voters at the various polling stations do not "talk to each other" to indicate who has voted at which polling station.

Therefore, until such a time that the BVD's are configured to be interactive in this way, the two Registers being used at the Polling Station on Election Day will open the door to two kinds of infractions, namely multiple voting and ballot stuffing.

6. Repeal of C.I 91 and C.I 126

Friends from the media, claims by the Electoral Commission that the proposed C.I is for only continuous registration is not only misleading but also mischievous.

Regulation 33 in the draft C.I revokes C.I 91 and C.I 126. Therefore, by operation of law, once this proposed C.I is passed, it will be the only law on voter registration in Ghana. The Electoral Commission knows that it does not have separate laws for continuous registration and limited registration or mass registration.

7. Exclusion of the NDC from the C.I Process

Friends from the media, between November 2018 and August 2022, the Electoral Commission set up a Sub-Committee of the Inter-Party Advisory Committee (IPAC) to discuss a draft C.I on the Registration of Voters.

The Sub-Committee consisted of the Electoral Commission, One (1) member each from the New Patriotic Party and the National Democratic Congress, and Three (3) members each from political parties without representation in Parliament and civil society organisations.

Initial meetings to which the NDC was invited did not materialise, only for the party to be informed in August 2022 that this proposed C.I was ready for presentation to Parliament.

In other words, the NDC had been completely excluded from the process of preparing the C.I.

8. The Electoral Commission and National Security

As noted in Ghana's National Security Strategy, one of the main risks to Ghana's peace and security "is mistrust in the electoral process

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 above admonishing is coming from the National Security in light of the clear and present danger that the Electoral Commission continues to pose to the peace and stability of Ghana through actions such as this proposed Constitutional Instrument.

Conclusion

1. Distinguished friends from the media, the Minority Caucus will in the coming days collaborate with the National Democratic Congress (NDC) to hold a major forum on this subject. This will afford us an opportunity to further explain these issues for the understanding of the Ghanaian populace.
2. Given the critical nature of the issue at stake, and the potential of this C.I to undermine our democracy and thereby disturb the peace and security of our country

The Minority Group will in the coming days be engaging a broad spectrum of stakeholders, including our Development Partners, Faith-based Organizations, Traditional Authorities and Civil Society Organizations to get them to appreciate the issues at stake and the consequences this bodes for Ghana's democracy and stability.

We thank you for your attention. May God bless our homeland Ghana and protect our democracy from imminent destruction.