

**WHY IS EC SILENT
ON PANEL'S REPORT ON VALIDATION OF VOTERS' REGISTER?**

**A DANQUAH INSTITUTE STATEMENT,
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We invited the media today for this news conference because we find it strange and potentially dangerous that the most reasonable solution that was tabled by the VCRAC Crabbe panel for giving Ghana a credible register for credible elections in 2016 appears to have been totally ignored by the Electoral Commission. We, therefore, want to draw attention to this and ask you, journalists, the Fourth Estate of the Realm, to demand urgent answers from the Electoral Commission on the fate of the wise proposal from the EC's own panel of experts for the introduction of validation for the voters' register.

In October 2015, the Chairperson of the Electoral Commission constituted a panel of five prominent people and experts, including a former Supreme Court Judge and former Chairman of the Electoral Commission, namely his lordship Justice VCRAC Crabbe (as chairman of the Panel), a former head of the Ghana

Statistical Service, Dr Mrs Grace Bediako, and a renowned ICT expert, Dr Nii Narku Quaynor, and two other prominent religious leaders —to hear proposals from the various stakeholders, analyse the views and conduct hearings at a public forum on the issue of the register of voters, and come out with findings and provide recommendations to the Electoral Commission.

This was occasioned by petitions and calls by some political parties, notably the New Patriotic Party, the Convention People's Party, the National Democratic Party and the People's Progressive Party, and civil society groups, notably the Danquah Institute and the Let My Vote Count Alliance, and a number of prominent groups and individuals, including religious groups and former heads of state, and many many Ghanaians calling for a new, credible voters' register. So persuasive were the calls for a new register that it compelled the EC and the ruling National Democratic Congress, which hitherto had maintained there was nothing wrong with the register, to begin shifting for a compromise. Indeed, by the end of the year, the consensus was clearly that the current register was not credible. Where there was disagreement was how to make it credible, and the debate was on whether to compile a new

register completely or audit and clean up the existing register.

This led to the EC putting together a two-day public forum from the 29th to 30th October 2015. On the 21st December 2015, the Panel of Five presented its report to the Electoral Commission. What has been surprising to us was the EC's response to the Panel Report. The EC was predictably quick to come out to say it agrees with the Panel Report that the nation did not need to go through the cost and time-consuming process of compiling an entirely new, biometric register. But, the EC was disappointingly completely silent on the suggestion, which the Panel proposed to fix what was wrong with the register.

Critical among the findings of the Justice VCRAC Crabbe Panel is that the number of names on the voters' register is "dangerously" and unacceptably more than the total estimate of people eligible to register to vote in Ghana. *See Table 1 and Table 2 on Pages 11 and 13 of the Panel Report.* It gave statistics to show that both the 2012 register and the current one (updated after 2014) contain more names than statistically possible as eligible voters in Ghana.

Even if the EC, for the sake of argument, does not accept the case of the NPP that the register is bloated, what about its own panel of experts? The Panel Report reads, “The other element of the bloated register is the situation with the names of the deceased remaining on the register. This, by far, appears to be the most critical both in terms of magnitude and copulative effect, and implications for the creditability of the electoral process.”

The Report at Page 14 says, *“Further analysis of data, based on the reported number registered in 2012 and 2014, shows that as many as 584,892 estimated number of voter deaths would have occurred cumulatively by the 2016 elections and may well remain in the register of voters... This constitutes about 4 per cent of the eligible voters on the register... On the one hand, the margin is almost twice the margin by which most presidential elections were won and more than ten times the margin in the preceding elections... Broadly considered, this is too wide a margin to entertain, for several reasons.”*

The Panel goes further to propose what it considers to be a viable option for cleaning up the register. It proposes mandatory validation. The validation process proposed by the Panel

gives all registered voters an opportunity to authenticate the inclusion of their names on the register by turning up at a registration centre, during a period of limited or special registration, to have their fingerprints biometrically verified, their facial image cross-checked with the EC database, and that they should turn up with, not only their voter ID but also an additional, legally approved personal identification document to justify their eligibility and names remaining on the electoral roll.

Looking at all the options available to the country, validation appears to be the most viable way to achieve a credible register in Ghana for 2016, without spending hundreds of millions of dollars which the country does not have. This simply means that all citizens who want to remain registered voters will be required to report to a registration centre (their polling station) during a certain limited period to be validated. In the words of the Panel, “Those who do not show up to have their voter status validated should not be maintained on the register, in much the same way that an eligible voter who does not appear for registration will not be inserted into the list.”

The Panel Report makes the case at page 20: *“It seems that doing nothing more than the usual updating and waiting for the citizenry to pursue those who are illegally registered will engender the most bloated register, by the mere fact that very few names of the dead are likely to be brought up. Generally, it might be difficult to justify leaving more than half a million invalid records in the register that we seek to characterize as credible. It may be expedient to try to find a middle ground to creating a new register through a completely new registration process.”*

It goes on to give the benefits of validation:-

a)The benefits include signaling that the Electoral Commission is doing something about the known flaws in the register; the more cost-effective approach is being used. In the same way that a new registration would have required citizens to physically appear for registration, the cleaning would require that they appear to confirm. The major difference is they spend less time because no forms are filled.

b) Rather than make others responsible for maintaining voters' name on the list, the individuals should themselves do that. This also avoids the issue of people looking for documents to support any claim to get a record removed. This is largely what happens with the current system of hoping invalid names would be detected. It would be important to use this opportunity to call on all who are not eligible to voluntarily get their names off without facing any prosecution."

The Panel Report produces a table to outline the processes of validation, which is reproduced below.

Conditions	New Registration	Cleaning of Register
Those who visit the polling centre	Get registered onto the new register	Record is validated and retained
Those who do not visit	Are not entered into the New Register	Are not retained on the Clean Register
Time required		Individuals will spend less time at Polling Centres since no forms are filled
Resources required	Substantial	Less than the full scale registration (but more than simple confirmation of names on the register)
New law required	Would require a new law	Would require a new law
Legal provision for individuals to choose to register	It is the individual's responsibility to get on the list	It is the individual's responsibility to get on the list
What if someone was not available or was indisposed	Apply the provisions of the Registration regulations	Same provisions should be made as with new registration;

LIMITED REGISTRATION WINDOW

Ladies and gentlemen of the media, now, how come this most sensible and cost-effective proposal from the Panel of experts is being totally ignored by the EC? We say it is being totally ignored because the EC has already given a date for the limited registration, which is from March 21st to April 4th and that exercise has nothing to do with validation as currently planned. In our view the period for limited registration is perfect for validation as well. And, the Danquah Institute, by this news conference,

is asking the EC to postpone the date for the limited registration for another month or so, consider the proposal from the Panel and work towards incorporating validation with the limited registration exercise.

This would only mean that those who turn up for validation would have to join one queue and those who show up for new registration, as first time voters, would also have their own queue since their exercise would require the filling of forms, and having their fingerprints and photographs taken and a new card issued. By this, the exhibition exercise, which will take place a couple of months after will be done for the complete register of those who were validated and those who registered anew.

Indeed, the EC can go as far as even presenting fresh laminated cards for those who will go through validation during the validation/limited registration exercise. We estimate that this whole exercise of validation, even if it involves the issuance of a new laminated voter ID card, should not cost the state more than an additional \$15 million. But, we also know that it would, once and for all, answer all the main issues that those calling for a new credible register have raised. The benefit is that we will

go into this year's elections with our nation at peace with itself.

EXHIBITION AND THE CHALLENGE PROCESS

The Electoral Commission on the 30th December 2015 issued a response to the New Patriotic Party's petition for an entirely new register to be compiled. The NPP had also called for the existing register to be purged of all those who registered using the NHIS card, in line with the 2014 Supreme Court ruling on the *Abu Ramadan* case.

The EC's responded by saying "*The current challenge procedures under CI 72 are sufficient to deal with all registered voters who presented NHIA cards as proof of citizenship.*" The Commission went on to say that before the names of those who registered using NHIS card are expunged from the register, they must be given the opportunity to present an additional form of ID.

This is strange because what the EC meant by the current challenge procedures is the period of exhibition of the register. Now, how does Mrs Charlotte Osei and her team expect ordinary Ghanaians or political parties to know who

registered using NHIS card in order to challenge such people during exhibition?

The Panel Report, using data from both the EC and the Ghana Statistical Service, calculated that both the 2012 register and the current updated register (2014) have a high percentage of invalid names that could not be ignored. However, the Panel Report does not see the procedure presented by the exhibition of the voters' register as a good enough measure for removing invalid names from the list. It makes the case at Pages 17-18:

c) Judging by the sheer numbers, the Electoral Commission's proposition to display the register, with political party representatives, the Electoral Commission and citizenry to identify and point out invalid names, is not a viable approach. Particularly when the persons who identify these records are expected to expend their time, energy and resources not only to provide the evidence but also to testify before a court of competent jurisdiction. The efficacy of the current provisions may be assessed by the fact that in spite of this system having been in

place, there were 8,000 registrants in 2014 who may have been minors on the list since 2012.

d)The signal is that the system is not effective in achieving the set goals of eliminating invalid records from the register and must be reconsidered. It is said that you cannot do the same thing and expect different results. The challenges with relying on the ordinary citizen to suggest who may not be eligible to vote or which names should not be in the register stems from the fact that:

- 1. The list is not ordered in a way that would make it possible to spot invalid records (alphabetic order and not following residential address system; too many names for anyone to manage the task).*
- 2. Not enough time given for the exercise.*
- 3. There is the assumption that people are known in their communities.*
- 4. The potential for several persons having the same name.*

5. *The setup is potentially confrontational.*

The EC itself admits in that same response to the NPP that it does not actually have a credible register and goes on to offer excuses *for Ghana's bloated register*. Its main excuse is that, unlike other African countries, the *"Processes for challenging registration of prospective voters in"* Ghana is not that effective.

It is our submission, and we wholly agree with the Panel put together by the EC, that validation is a viable option that Ghana must adopt now if we are serious about purging the register of the following:-

1. Those who registered unconstitutionally using NHIS cards.
2. The estimated 600,000 dead people whose names are likely to remain on the register going into the 2016 polls.
3. Most of the foreigners who allegedly merely crossed over our borders to register. This is because the same people may not be able to come back to validate their inclusion at the time of the exercise.
4. The non-nationals who managed to get on the register by using NHIS cards. This is

because they will be required to present a different form of ID.

5. Finally, validation is a viable option for cleaning up the register of people who have since migrated from Ghana. It is important to remember that the law states that before one can register to vote in both presidential and parliamentary elections in Ghana one must not only be eligible, one must also be “ordinarily resident” in the electoral area where one will register.

The EC mentioned Nigeria as one of the countries that have a more efficient system than Ghana in cleaning up its register. It must be recognised that Nigeria got that recognition after doing a form of validation by way of introducing a new voters’ card, which was compulsory for every voter to have. Nigeria did their biometric registration for their 2011 elections but, like Ghana, it spent the next three years trying to clean up the register through de-duplication of the database.

For the next three years, INEC, through de-duplication, only managed to clean the register from **73,528,040** names to **68,833,476**. Not satisfied, INEC, in October 2015, introduced a biometric voter’s ID card it called the Permanent

Voter's Card (PVC), through a validation process, where every voter had to trade in their existing voter ID, have both their fingerprints and facial image validated before being issued a PVC.

The introduction of the PVCs saw 58 million people actually coming forward to be verified at all the registration/validation centres across the country to pick up their new voter ID. That is a drop of 10 million names. Over 50% more names were deleted in under 5 months than what was achieved with nearly four years of de-duplication. Validation is certainly the way for Ghana to go, as well.

Finally, Ghanaians should recall that validation was what was used in Togo to the satisfaction of the opposition parties who had issues with the credibility of the voters' register used for the last elections there. We recall with fondness that during a visit to Lome, prior to that country's presidential elections, President John Mahama, who was Chairman of ECOWAS, asked for the postponement of the elections to allow Togo's election management body, Commission Electorale Nationale Independente (CENI), complete work on finalizing the voters register and its validation processes.

President Mahama explained, "in view of the work that has to be done, in **validating** the voters register, it makes it very difficult for the election to come off on the 15th of April. ECOWAS proposes that the election be shifted by 10 days to April 25 so that enough space is given for issues relating to the voters register to be resolved to everybody's satisfaction in advance of the election."

We are not asking for Ghana's election date to be postponed. We are only asking for the limited registration date to be postponed to allow for validation to be added to the exercise. Certainly, what is good for Togo must be good for Ghana, too.

In conclusion, the Danquah Institute calls on the Electoral Commission to heed to the proposal from its own panel of experts and implement the option of validation as a credible and viable means of giving Ghanaians a register that can be seen by all as credible for an election that we simply cannot afford for it not to be seen as credible. Failure to heed to this wise counsel would risk taking Ghana into this year's crucial polls with serious doubts on the credibility of the base document. We consider that scenario

too needlessly dangerous for contemplation.
The EC should not toy with the peace and
stability of our nation.

Thank you all for your attention.