Twitter Thread by Austine



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GHANA'S ELECTORAL COMMISSION AND WHY I KEEP DEFENDING THEM BUT THEY KEEP DISAPPOINTING ME

A thread

Ghana has had 8 general elections under the 4th republic and every election has had its challenges
I must say that, the EC, political parties and other stakeholders have always tried to bring in measures or reforms to make an election and its processes better than the previous

From voting with opaque ballot boxes in 1992 to using voter ID in 2000 to using a biometric system in 2012, the integrity of Ghana's electoral system has been difficult to undermine or rig

However it seems as someone who has championed the course of the EC and its activities, recent events has me worried and reason I think Ghanaians must ask for the right and legal things to be done to protect the sovereign will of the people

I had never trusted election figures until 2012 and these are my reasons; From 1992-2008, the electoral system had frailties that could be manipulated to the advantage of one party
There were reported cases of over-voting, multiple voting and others not on the register voting

In fact the system was so porous that in 2008, the incumbent NPP accused the NDC of chasing away their agents supervising the elections in the NDC stronghold of Volta hence rigging the elections in cohort with EC officials

Similarly, there was widespread report of multiple voting in the NPP stronghold of Ashanti region and some voters even called onto radio programs talking about how they voted 10x and 5x in the 2008 elections

So in 2012 when the EC, political parties and other stakeholders decided that Ghana had to move to a biometric system of registration and voting, I was one of the happiest Ghanaians

This is because the biometric system as designed was going to check multiple voting, non registrants voting and others using the details of others to vote
The biggest threat to our elections was over voting and that was also going to cease

So in April 2012, Ghanaians who had attained 18 years or above and of sound mind queued to get their names onto the Biometric register
Our biometric data which includes fingerprints were captured and a register was produced

For those who had a trauma and had no fingers or deformed fingers were placed in a section of the register tagged “Facial only”(FO).

This meant on voting day when they get to the Polling Station, they will not be required to be verified by the BVD but the Electoral officers will check their picture in the register to confirm if they are the ones present at the Polling Station

Elections were held on 7th December 2012 and the Chairperson of the EC, Dr. Kwadwo Afari Gyan declared the Presidential candidate of the NDC and incumbent President, John Mahama as the winner with 50.70% of valid votes cast

The NPP had so many complaints about the results that were coming in as they suspected fraud and asked for a meeting with the EC to listen to their evidence before going ahead to make the declaration

This meeting put together by the Peace Council happened and after listening to the NPP, Afari Gyan still maintained Mahama had indeed gained a first round victory and was going to declare
He however told NPP if they had any issues, they should go to court to get redress

The NPP candidate Akufo-Addo, his running mate Dr. Bawumia and party Chairman Jake Obetsebi-Lamptey on 28th December 2012 filed a suit in the Supreme Court of Ghana challenging the results and declaration that John Mahama was the winner of the 2012 Presidential elections

Their issues included;
1.Over-voting
https://t.co/T2QnhctdOc without biometric verification
3.Absence of the signature of a presiding officer
4.Duplicate serial numbers
5.Duplicate polling station codes
6.Unknown polling stations

In his judgement, the Presiding Judge out of the 9, JSC Atuguba called for these reforms;

REFORMS
This petition however has exposed the need for certain electoral reforms. I mention same of them.

. The voters register must be compiled and made available to the parties as early as possible
. A supplementary register may cater for late exigencies
. The caliber of presiding officers must be greatly raised up

. The pink sheet is too elaborate, a much simpler one to meet the pressures of the public, weariness and lateness of the day at the close of poll etc
. The carbon copying system has to be improved upon

. The BVD System must be streamlined to avoid breakdowns and stress on the electorate involved in an adjournment of the poll
. Invalidating wholesale votes for insignificant excess nos is not the best application of the administrative principle of the proportionality test.

Fast forward to 2020 and Jean Mensah the EC chairperson has declared President Akufo-Addo as winner of the 7th December 2020 Presidential elections
NDC candidate John Mahama refuses to concede and says he's not accepting the results as declared by the EC because of fraud

The NDC communication officer Sammy Gyamfi was on Newsfile on Joy FM and in giving out the evidence of fraud, he showed pink sheets where there was over-voting, alleged vote padding and EC officials failing to fill the column of BVD number

De javu, NPP is saying the NDC has no case bcos their agents signed those pink sheets but in 2012, the NPP said their agents signing didn't mean fraud should not be punished
In 2020, the NDC too is saying their agents signing doesn't mean the "thief" should be left off the hook

My view on agents signing pink sheets still remains the same as in 2012. I'm against the assertion that because agents of a political party signed the pink sheets, we shouldn't interrogate the alleged fraud and punish it

It is not mandatory to have agents in every polling station(38,800 in 2020) and smaller parties and independent candidates don't have resources to have agents in all polling stations, are we saying then that election should be rigged against them?

Also an agent not signing doesn't invalidate the results and the reverse must also be true
Ghana spent $200m to build integrity into the system and we must be at a point where agents don't even have to sit throughout the 10+ hours of voting to ensure elections are not rigged

The system must be fool proof that agents can decide to come for only counting and the elections will not be rigged

Also with the system that we have, the ONLY definition for over voting is "if the number of legal ballots in the box after close of poll is more than those verified biometrically and Face only to vote that day
Any other explanation by anyone is to leave room for rigging

This is the process a voter goes through on Election Day

1.Goes to table 1 with his valid Voter ID card or if lost you mention your name and the EC official checks to verify that indeed your name is in the register and ticks it

2.U move to table 2 where you place your fingers on the BVD and it says verified
3.U move to table 3 where you place your little finger in the indelible ink
4.Table 4 is where u are given Presidential ballot paper and stamped with EC official stamp at the back and u vote

https://t.co/eK0LkgNXGz are given parliamentary ballot paper at table 5, stamped and you vote
https://t.co/B0bNpvi884 are done and leave the polling station

So when poll closes;

https://t.co/gcXf3w0GwJ official checks number of voters verified on the BVD and records it on the statement of poll(pink sheets)
2.Contents of ballot box are put on a table in the full glare of everyone at the station

3.Ballots are sorted to remove any foreign material
4.Ballots are counted for each contesting candidate

When there is more ballots in the box than voters verified, the first thing is to check from the BVD(99% accuracy according EC director of electoral services)the number verified by it

Then you check the number verified by face only(completes the 1% making it 100% accurate)
Check the number of ballots issued(includes spoilt ballots)

These steps will help deal with ballot stuffing but if it's a clear case of over voting, then the EC official who is in charge of ballot issuing must be questioned and not a decision to cancel the results of that polling station

Because like JSC Atuguba said, that fails the proportionality test. Also this will mean compromised EC officials will give multiple ballots to a known Party A person knowing it's the stronghold of Party B and after sorting,

we will find out over-voting and cancel the results in the stronghold of Party B giving an advantage to Party A

EC officials who fail to do their work diligently must be punished by the law and that will solve many of the problems we encounter on voting day like intentionally tearing a candidate out of the ballot issued, failing to record BVD nos immediately at close of poll and others

I think it is about time the law deals ruthlessly with EC officials that intentionally fail to discharge their duties calling the integrity of the elections into doubt
In 2020 elections, der are cases reported of EC officials subverting the will of the ppl thru many dubious ways

In Upper Denkyira West, the NPP accuses the EC of having pink sheet same as NDC but different from the pink sheet the same EC gave to the NPP

Also there were reports of EC officials in Wa issuing ballots by intentionally taking off the part of Candidate Akufo-Addo

The problem the EC faces was espoused by Dr. Afari Gyan in a 2008 documentary "An African Election" by Jareth Mertz where he says on voting day, the EC needs about 100,000+ workers and their workforce is not up to that number

The EC therefore uses Ghanaians whom they can't vouch for their integrity and reason integrity has been built into the system to check that

A very dangerous thing I realized in the 2020 election was the violence associated with collation.
After counting is done at the Polling Station, the Presiding Officer(PO) records every detail on a statement of poll(pink sheet) and they all sign

Ballot boxes are picked and taken to constituency collation center where all the results from the polling stations in the constituency are aggregated and the Returning Officer(RO) declares

Recounting is not done at the collation center except when it was requested for a 2nd time at a polling station and the PO refused
The party agent at the said Polling station requesting the said recount then fills a form asking for the recount from the RO at the collation center

My understanding of the law is; if you fail to ask for a recount at the Polling Station, you cannot come to the collation center asking for a recount

Result of elections.

37. (1) Immediately after the close of the poll, the presiding officer shall, in the presence of the candidates or their representatives, and counting agents –

(a) open each ballot box, take out all the ballot papers in the box;

(b) proceed to count the ballot papers at the polling station; and

(c) record the total number of votes cast in favour of each candidate.

(2) The presiding officer, the candidates, their representatives or their counting agents, shall then sign a declaration stating –

(a) the name of the polling station; and

(b) the total number of persons entitled to vote at that polling station; and

(c) the number of votes cast in favour of each candidate,

and the presiding officer shall there and then, announce the results of the voting at that polling, station before communicating them to the returning officer, and shall provide each candidate, his representative or counting agent, with a copy of the declaration of results.

(3) A candidate or his counting agent may, if present when the counting of the votes is completed, require the presiding officer to have the votes recounted or again recounted, but the presiding officer may refuse to perform the second recount if, in his opinion, the request is unreasonable and report such request to the returning officer, who shall recount the ballots for that polling station, only at the constituency centre.

(4) As soon as practicable, after the announcement of the results of the voting at the polling station, the presiding officer shall, in the presence of such of the candidates and their counting agents as are present, make up into separate packets sealed with his own seal, and the seals of such counting agents as desired to affix their seals –

I agree perfectly with this law because there have been occasions where illegal recounts have been done at collation centers and a candidate gains more than 50 votes to overturn a loss
How on earth did the PO and all present at the polling station miss your so called 50 votes?

So this is my view, after results are declared at Polling Stations, political parties do not have the means to track all ballot boxes from sometimes over 300 polling stations. Once they have their results, there is no need tracking ballot boxes

These boxes are brought to a collation center and suddenly the one losing asks for an illegal recount and the contents of the ballot boxes change

If EC officials and security agencies have integrity, there is no way an illegal recount must give a losing candidate 50 votes to overturn a loss

The journey the ballot boxes make from the Polling Stations to the Collation center is where “funny things” happen

Also at the collation center, the RO is the one who declares the Parliamentary
There have been instances in 2020 wer some ROs never did collation for all to see on the screen provided but did a so called manual collation sometimes in an obscure room and came out with winner

Once the RO declares someone as winner of the Parliamentary, only remedy is to go to court.
However the situation in Techiman South is a cause for concern. The NDC says the RO did not do collation but declared the NPP candidate winner, an assertion the NPP vehemently disputes

But according to the NDC, the pink sheets they have from all 267 areas shows they’ve won. They are therefore asking the EC to do recollection like the NPP requested in Banda and it was granted
The EC has refused and also the RO has refused to give NDC a copy of collation sheet

So this is what the NDC thinks is happening, currently the NPP has 137 seats in parliament and NDC has 137 with 1 independent candidate per EC official results

The independent has said he will align with NPP so in voting for a speaker who is the next in command when President and Vice are out of Ghana, the NPP will win with 138 to 137
Speaker will be sworn in on midnight of 7th January 2021

The NDC believes they won Techiman South and the RO and EC are stalling on the processes until after a Speaker is chosen
Once a Speaker is chosen, even if the NDC goes to court and IF they win the Techiman South seat, the Speaker would already have been chosen

Lawyer Adawudu of the NDC says they cannot go to court now over Techiman South until the results have been gazetted and reason they feel the EC is failing to grant their re collation request like they did for the NPP in Banda

I don’t know who is right but I’m asking myself, IF it goes to court and the NDC wins because proper collation wasn’t done but RO declared a winner anyway, will the court punish the RO or such omissions will be seen as normal arithmetic challenges?

MY SOLUTIONS

A careful study of Elections 2020 has proven many of the problems were at collation centers. My solution is therefore to ask the EC and all stakeholders to find ways they can improve on the system of collation at the constituency level

My advise
The law says; after polls close at 5pm, anyone still in the queue before 5pm is allowed to vote
This means some polling stations close poll around 6-7pm or even later where darkness would have set in
We should therefore not continue after votes are counted and recorded

I cannot trust EC officials so I will rather want all the ballot boxes to be picked up by a team of security agencies agreed by all stakeholders before elections and 2-3 of each contesting party's people

After collecting all these ballot boxes, every district has a Police Station so these boxes should be sent there and locked in one of the cells with each contesting candidate also putting on their individual locks

The next day, all would have slept and refreshed and come to the district Police Office for collation to be done in an atmosphere devoid of noise and bickering and fighting
An example to buttress this was how the Wenchi West constituency collation was done after the court ruling

These agents and EC officials will be under no pressure so they can properly do the collation with no arithmetic errors and clandestine moves
After, the RO declares the results after all issues have been settled and all parties agreed

If collation starts at 9am, by 2pm, I'm sure adding figures from say 100-300 polling stations would have ended and results of constituencies would have been declared 24hours after polls closed

Any person aggrieved after all these can then be asked to seek redress in the courts

God bless our homeland Ghana and make our nation great and strong

The End

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