

UNIVERSITY OF GHANA

COLLEGE OF HUMANITIES



**CONSOLIDATION OF DEMOCRACY IN GHANA'S FOURTH REPUBLIC:
THE ROLE OF THE ELECTORAL COMMISSION.**

BY

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DECLARATION

This study is not exclusively limited to the ideas of the researcher. Thus, various scholars who have distinguished themselves in the field of academia and relevant fields whose works were cited has been duly referenced. Having stated this, I declare that this study is originally conducted by **Shadrack Bentil** under the supervision of **Dr. Maame A. A. Gyekye-Jandoh** and **Professor Abeeku Essuman-Johnson** of the Political Science Department, University of Ghana. This work is submitted towards the award of M. Phil. Political Science Degree, with the uttermost guarantee, that this work has not been produced wholly or partly for any other degree internally and externally. I am, however, responsible for lapses that may be encountered in this thesis.

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ABSTRACT

The consolidation of democracy requires the removal of contending threats to democracy whilst improving upon the successes achieved to a stage of high democratic performance. The failure of the Electoral Commission to enforce the constitutional provisions and electoral laws can reduce the quality of elections, cripple citizen's participation, erode democratic cultures and creates avenues for electoral violence. Hence, the study aimed at the role the Electoral Commission (EC) plays in the consolidation of democracy in Ghana's Fourth Republic. The study adopted a qualitative research design which allowed for the use of interviews to elicit expert opinions from 12, out of the 16 respondents sampled through a purposive sampling. The neo-institutional approach was utilized to explain the data generated from the study.

The Electoral Commission of Ghana was found to have attained enviable feat of overseeing the conduct of elections that has successfully led to the alternation of power on three consecutive occasions. Thus, Ghana is deemed democratically consolidated, though the evidence is clear in the minimalist sense (electoral democracy). The study, however, found serious gaps in the discharge of the EC's constitutionally mandated roles which could have a negative implication for Ghana's electoral fortunes. They were: (1) selective enforcement of the Political Parties Laws, (2) bloated Voters Register with millions of minors and foreigners, and (3) ineffective voter education resulting in thousands of invalid votes. The study also found that informal institutions play a critical role in the slashing of the Commission's budget and the lack of will to prosecute electoral offenders. Finally, the proliferation of political vigilante groups in the 2016 General Elections was found to be the creation of the Court with the drift being "*elections are won at the polling stations*".

The study recommended the need for a national database system, a legal department for the EC and the expansion of the IPAC to include election-related CSOs and the media. Additionally, the study suggested among others the effective ways the EC can improve its communications, the creation of election fund, and a total transfer of the voter education role the EC plays to the NCCE to aid in the further consolidation of Ghana's democracy.



DEDICATION

This work is dedicated to my late Uncle, Mr. Stephen Paa Kojo Forson for drawing me out of the village and introducing me to education that has brought me thus far. I further dedicate the work to my two beautiful Mothers (Madam Adelaide Forson and Mrs. Mercy Ampah-Bennin), my father I never knew (Kofi Bentil) as well as the entire family I represent, especially being the first to enrol and successfully complete a master's programme after decades of "drought".



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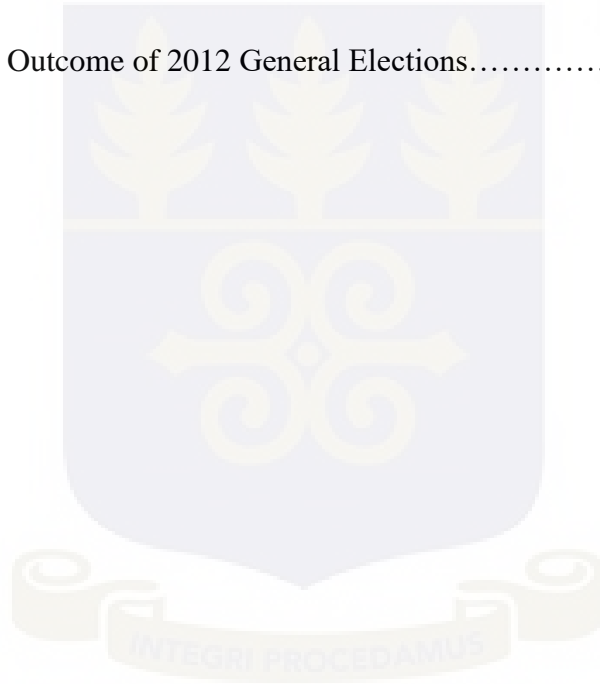
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LIST OF ABBREVIATIONS

CDD	Centre for Democratic Development
CHRAJ	Commission on Human Rights and Administrative Justice
CIs	Constitutional Instruments
CODEO	Coalition of Domestic Election Observers
CPP	Convention People's Party
CSOs	Civil Society Organizations
DIPAC	District Interparty Advisory Committee
EC	Electoral Commission
EMBs	Election Management Bodies
EU	European Union
IDEG	Institute for Democratic Governance
IDs	Identity Cards
IIDEA	International Institute for Democracy and Electoral Assistance
INEC	Interim National Electoral Commission
IPAC	Interparty Advisory Committee

IT	Information Technology
LI s	Legislative Instruments
NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NPP	New Patriotic Party
PNC	People's National Convention
PNDC	Provisional National Defense Council
PPP	Progressive People's Party
RIPAC	Regional Interparty Advisory Committee
SCJ	Supreme Court Justice
USAID	United States Agency for International Development
WB	World Bank

CHAPTER ONE

INTRODUCTION

1.1 Background of the study.

The processes of Representative Democracy in Ghana are said to have taken significant shape in 1957 when Ghana had its independence, though there were several intermittent elections and elements of representation prior to Ghana's independence. That is, although scholars saw the independence of Ghana as a clear roadmap to embracing democracy for life, this achievement was thwarted and eroded by series of successful coup d'état, in the years 1966, 1972, 1978, 1979 and 1981 which truncated the civilian governments of Dr. Kwame Nkrumah (1966), Dr. K. A. Busia (1972), General I.K. Acheampong and Lt. General Akuffo (1978/1979), and Dr. Hilla Liman (1981) [Bratton, 2010; Miller, 2011; and Svanikier, 2007].

Notably, the demise of communism led to the spread of liberal democracy, not only in Europe but also across the length and breadth of the African continent, especially the sub-region of Africa. This era has been tagged as the third wave of democratization (Huntington, 1991). The scholarly works of Larry Diamond (1992, 1993) also perceived the end of the Cold War in 1991 as marking the commencement of Africa's "second liberation" whilst Lucian Pye (1990) saw this as a time of "global crises of authoritarianism" which left the shores of Africa with varied nature and outcomes of political transitions.

Essentially, the end of the Cold War presented a partial, but more stable environment for the spread of liberal ideas. Hence, democratization processes and a drive to a stable democracy was inevitable in Africa and other parts of the world. As noted by Gyimah-Boadi (2004) & Bratton and Van de Walle (1997) the breakdown of previous repressive

regimes cemented a new era for democratic institutionalization and thus, the return to multiparty politics was inevitable. In a like manner (Gyekye-Jandoh, 2006) contended that the African environment was promising as the time was "tinged with, and shaped by, past experiences of the pitfalls and in-competencies of military and authoritarian civilian rule".

Ghana could not escape the heat of the 'second liberation' therefore, the 1992 constitution ushered in a new republic (The Fourth Republic of Ghana) which aimed at restoring Ghana's democratic governance (multi-party democracy). Thus, for the first time in eleven (11) years after the suspension of the 1979 constitution of the Provisional National Defence Council (PNDC) led by Flt. Lt. Jerry John Rawlings and his cronies, the founding elections were organized. The conduct of the elections necessitated the appointment of a 'four-man' interim election management body called the Interim National Electoral Commission (INEC) by the PNDC to oversee 'the founding election' of 1992 (Frempong, 2012). Other functions of INEC included the regulation of political party activities, demarcation of the country into constituencies, preparation of voters' register, and the registration of voters.

Unfortunately, the 1992 transitional presidential elections, according to Frempong (2012:36) were "partly flawed and hotly disputed" leading to the boycott of subsequent legislative election by the opposition for reasons of electoral fraud, rigging, and ballot stuffing, among others. This later became known as the "Stolen Verdict" spearheaded by the opposition New Patriotic Party (NPP) in the aftermath of the 1992 elections though decisions to seek redress in Court fell flat to the ground.

Available literature shows that ‘Democracy’ is incomplete without ‘Elections’ [Sandbrook (2000); Diamond, Linz & Lipset (1989); and Sorensen (1993)]. According to these scholars, liberal democracy refers to a political system that guarantees a range of political and civil rights—allowing for regular and free elections by essentially all adult populations of a country who wield the right to vote and be voted for. In a similar fashion, elections cannot be deemed credible and fair without an independent and impartial referee (Election Management Body).

Thus, the coming into force of the 1992 Constitution necessitated provisions for the establishment of the office of the Electoral Commission (EC) by an Act of Parliament in 1993, as the mandated independent and autonomous body with the exclusive powers of overseeing elections in the Republic of Ghana. The mandate of the EC was to ensure that there is fair play in the competition for people's votes. Perhaps, its inception signalled the hope that some reform measures would be undertaken to prevent the features of fraudulent elections under the office of INEC-Ghana from repeating itself, in the process of consolidating elections and democracy in Ghana.

Since its inception, the literature shows that the EC has made considerable effort to progressively accentuate the need for consolidating democracy by organizing periodic free and fair elections, carrying out public education, expanding voters register, creating new constituencies among others. For instance, the Electoral Commission (EC) has contributed to Ghana's impressive achievements in building the foundations for democratic governance which has resulted in six successive general elections. As noted by Gyimah-Boadi (2009), the objectivity, independence and administrative capability

of the Ghanaian (EC) has gradually improved election by election, whilst levels of public interest in the general elections remain high¹.

It is crucial to establish at this point that the study uses “elections” as a proxy for democratic consolidation since is the only means by which Ghana can claim the status of democratic consolidation as implied by Samuel Huntington’s ‘Two-turnover Test’. In the scholarly works of Dahl, (2005), Merkel, (2004), & Bogaards, (2009), electoral regimes are indispensable fundamentals in democratic regimes. But, can there be an electoral regime without an existing Election Management Bodies (EMBs)? Certainly no, the institution of EMBs is central and important elements of electoral regimes even though they are not the only variables that matter in the conduct of elections in democratic regimes (Merkel 2004; Schmitter 1995). Furthermore, Frempong (2015: 266) observed that “election administration is the thin line that separates the success and failure of transitional elections and that the character, competence, and composition of the electoral management body can determine whether an election becomes a source of peaceful change or cause of serious instability.”²

Invariably, Democratic Consolidation is thought to be the quest of making, democracy, an alien concept, acceptable and fully integrated into the Ghanaian culture and norms, such that the means of changing governments will no longer be through the barrel of the gun but rather free and fair elections. This feat cannot be achieved without the pivotal role of the Electoral Commission.³

¹ Gyimah-Boadi (2009) observed that voter turnout has consistently exceeded 70% after the founding election of 1992.

² Pastor (1999: 1, 5) also acknowledges this fact about elections and EMBs.

³ The nature of the current multi-party system in emerging or transitioned democracies places the role of Election Management Bodies in areas of democracy-building and democratic consolidation without any equivocation or ambiguity.

Additionally, Almami Cyllah observed that “electoral cycle and conflict cycle” makes the role of EMBs very critical. That is, without EMBs, reliable elections could not be organized, nor a secure electoral environment established. Consequently, the most valued quality of any EMB, according to him, is credibility, which can significantly increase election security, increased the legitimacy of electoral outcomes, and reduce the risk of “political turmoil” (Cyllah, 2014: 19).

The observations above imply that the consolidation of democracy in Ghana's Fourth Republic through electoralism would be an impregnable goal without the existence of credible, and a highly effective, Electoral Commission (EC).

1.2 Statement of the problem

The Electoral Commission of Ghana is mandated by the constitution to oversee elections, among other roles, which are critical to the consolidation of elections and democracy in Ghana. The effective and efficient performance of these roles will ensure the absence of electoral fraud and electoral violence and by extension democratic reversal. The essence is to ensure that political parties accept the processes as free and fair. Recent studies conducted in the field focused on challenges regarding electoral reforms, election management in Ghana from 1993 to 2008, democracy and citizens' participation, and the implication of electoral violence in Africa.⁴ However, these studies, for instance, left out equally important factors that could mar the role the EC plays in the democratic consolidation of Ghana. These factors include the implication of the seemingly bloated voter register, the ineffective voter education and the low

⁴ Okrah, J. K. (2015) “Electoral Reforms and Democratic Deepening in Ghana’s Fourth Republic”; Doe, J. (2014) “Democratic Consolidation in Africa and the Problem of Electoral Violence: A Case of Cote D’Ivoire And Ghana”; Kissi, E. A. (2008) “Electoral Commission and Election Management in Ghana (1993-2008)”; and Osafo-Danso, R. (2015) “Beyond Elections: Ghana's Democracy from the Perspective of the Citizenry”

enforcement of political parties' laws⁵. Further, though the work of Osafo-Danso (2015) gives a commentary on the 2012 election petition, the pointers to the court were left out and this necessitates further research.

Also, the increasing distrust in the Electoral Commission and the electoral processes exhibited by political parties⁶ and the revelations from the 2012 Election Petition⁷ and the inconsistent presentation of facts demonstrated by Dr. Afari Gyan during the electoral petition of 2012⁸ raises concerns about the effectiveness of the EC and its ability to resist pressures or influence by the executive in overseeing the electoral game.

Ayee (1997), in his analysis of the role of the EC in the 1996 elections, delineated the source for the misgivings and mistrust associated with Electoral Commissions as due to the incessant doubt by the public and political parties about the integrity, impartiality, and independence of the EMB. Trust in an electoral system is very fundamental in the acceptance or rejection of elections. Thus, one would expect that over 20 years of conducting elections the EC should have won the trust of the people. However, evidence shows that these ills of democracy still persist in Ghana.

Additionally, the Ghanaian EC's can make and unmake democracy in the country. The increasing election irregularities as alluded to by political commentators and the media (Debrah, 2015) compounds the electoral lapses that ought to be addressed, and this calls

⁵ Asante (2008) for example, recommended the need for a study to fill the gap in the role of the EC bordering on a serious the bloated voters register and the failure of political parties to comply with the political party code of the laws. This makes it necessary to launch a research that investigates the mechanism used by the EC is ensuring that these concerns are arrested.

⁶ The increasing declaration of election results by political parties before the certified results by the Electoral Commission is an indication of distrust in the system

⁷Widespread irregularities bordering on over voting, double registrations, voting without being verified among others.

⁸ Controversies over what should constitutes over voting and the breach of "no verification, no vote"

for further research so far as democratic consolidation and the role of the EC are concerned.

Diamond (2015) argued that there is an increasing danger of global democratic recession and this has the potential of tipping over into a much worse scenario which could see the failure of democracy, not only in poor countries (Africa), but also in the big wigs such as Indonesia and Ukraine. Additionally, he noted that the unprecedented cost of election campaigns, the heaving role of “nontransparent money” in politics, and increasing levels of voter apathy are other signs of democratic misfortunes. Thus, the consolidation of Ghana’s electoral democratic success against the worldwide democratic recession requires that further studies are undertaken to uncover how best the gaps in the role of the EC can be addressed.

The burden of the study, therefore, lay in the following roles of the Electoral Commission of Ghana:

First, the Electoral Commission has been able to manage elections and the compilation of election results successfully without generating alarming controversies over its outcome from 1993 to 2008. However, the outcome of the 2012 presidential election of Ghana had to be settled in Court. Why?

Second, the EC is constitutionally not expected to register minors and non-Ghanaians, however, political parties, as well as some Democratic think-tanks have always argued that the EC has consistently registered minors and non-Ghanaians. Why?

Third, the independence of the Ghanaian EC is essential for consolidating democracy electorally. However, there has been increasing concerns about the independence and neutrality of the EC in the discharge of its duties. Why?

Fourth, the Electoral Commission is mandated by the constitution to “educate the people on the electoral process and its purpose”⁹, but the realities are nothing to write home about.¹⁰ Why?

Finally, of about twenty-four (24) registered political parties¹¹ in Ghana, over 65% are dormant and more or less sectional political parties. Why?

1.3 Research Objectives

The principal objective of the topic under study is to highlight and explore the significant roles the Electoral Commission plays in the consolidation of democracy in Ghana’s Fourth Republic. The objectives, in a more specific sense, are as follows:

- a) To find out how well the EC has played the following roles towards democratic consolidation:
 - i. Compilation of voter’s register;
 - ii. Regulation of political party’s activities; and
 - iii. Voter education.
- b) To find out the factors that led to the disputed 2012 presidential election.
- c) To find whether informal institutions affect the independence and neutrality of the EC.
- d) To bring to light the factors that obstruct the Electoral Commission from performing its roles effectively.

⁹ Chapter Seven of the 1992 Constitution, Article 45, section (d)

¹⁰ The ignorance of Ghanaian voters on issues pertaining to the voting procedures is alarming— since it accounts largely for the continuous and increasingly high number of rejected ballots.

¹¹ <http://www.ec.gov.gh/> : date accessed—08/21/2016

1.4 Significance of the Study

The study intends to contribute to the existing body of knowledge in the discourse of democratic consolidation and the role of the Electoral Commission in Ghana. The works (of the World Bank, 2014; Debrah, 2011; Gyimah-Boadi, 2009; and CDD-Ghana, 2008) have commended the EC's commitment to making elections free and fair to the admiration of both external and domestic stakeholders. It is, therefore, imperative to launch a comprehensive study into the role of the EC in electoral democratic consolidation in Ghana since the inception of the Commission to confirm or discover otherwise of the existing literature in the space of time.

Further, a study conducted by Alemika (2007) saw that democratic deepening is significantly affected by citizens' assessment of the quality of elections in their country, particularly in societies that are transitioning and fragile democracies. Thus, it is essential to conduct a study into the role the EC plays in the consolidating democracy in Ghana's Fourth Republic. This will enable the EC and policy makers to address lapses that are potential threats to Ghana's democratic deepening. Finally, findings and recommendations of the study can help better the electoral system.

1.5 Justification of the Study

The role of the EC in the consolidation of Ghana's Fourth Republic is paramount. In this vein, the action and inactions of the EC have the potential of producing democratic stability or democratic reversal. The Commission has come under series of criticisms following the 2012 electoral dispute as to whether they are independent or otherwise. Also, the recent communication discord and the general approach of the current Electoral Commission (especially the EC Chair) of Ghana and their response to various electoral concerns has resulted in mixed feeling across the political divide.

The study is, thus, undertaken to address several unanswered questions about their independence and the ability to organize an election that will further consolidate democracy in Ghana's Fourth Republic.

Additionally, public confidence in the EC and electoral processes are vital for participation and democratic deepening. For example, the questions surrounding the neutrality and effectiveness, with respect to the performance of EC's constitutionally mandated duty, in a way that will ensure free and fair elections in Ghana cannot be left unanswered. It is for these reasons or premises that the dissertation is justified.

1.6 Organization of the Study

The study is organized into seven chapters. This enabled the researcher to give a full and detailed account of the contending issues the study discussed in a chronological order.

Chapter One provides a background and a general introduction to the study. It also covered the statement of the research problem, the theoretical framework, the research questions, and the research objectives. Again, the significance of the research, the justification of the study and a detailed organization of the research are part of the first chapter.

Chapter Two of the study is titled "Literature Review". Here, secondary data were reviewed in the following thematic areas: Democracy and Democratic Consolidation; General Studies on Election Management Bodies; Election Management Bodies in Africa; The Electoral Commission of Ghana; The Roles played by the Electoral Commission in the Consolidation of Ghana's Democracy; and an Overview of the disputed 2012 presidential election of Ghana.

Chapter Three focused on the theoretical framework. Here, the research is situated in an existing body of theories to explain the ‘how’ and the ‘why’ the Electoral Commission has a role to play in the consolidation of democracy in the Fourth Republic of Ghana.

Chapter Four is titled “Research Methodology”. In this chapter, the researcher explained the methods utilized in the data collection processes. This included: the selection of research design; sources of data collections; tools of data collection; sampling technique; ethical issues and the limitations of the study.

Chapter Five is dedicated to the presentation of primary data collected from the field through interviews. Thus, the title of the Chapter went by the caption “Presentation of Findings”.

The Chapter Six of the study is titled Discussion of Findings. Here findings from the field were discussed in tandem with existing literature (secondary data)

The final Chapter went by the caption ‘Summary, Conclusion, and Recommendations.’ The chapter highlighted the findings in Chapter Six of the study, the general conclusion of the study, and proffered likely solutions to challenges faced by the EC in the quest to consolidate democracy in Ghana’s Fourth Republic.

1.7 Chapter Summary

The Chapter illustrated the need to undertake this study. In more specific terms, the chapter discussed the background to the study, explained the problem that necessitated the study, highlighted the objectives and the significance of the study. Further, the chapter looked at the justification for the study and highlighted how the whole study is organized. The next Chapter discusses and reviews available literature and contending

debates relevant to the dissertation. The chapter will further extend the evidence on the roles played by the Electoral Commission in the consolidation of Ghana's Fourth Republic whilst highlighting the gaps in the literature.



CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter reviewed existing literature on democratic consolidation and the role of the Electoral Commission. The literature is reviewed in the following themes: Democracy and Democratic Consolidation; General Studies on Election Management Bodies; Election Management Bodies in Africa; The Electoral Commission of Ghana; The roles played by the Electoral Commission in the Consolidation of Ghana's democracy; and an Overview of the disputed 2012 presidential election in Ghana.

2.1 Democracy Defined

The etymology of the concept democracy can be traced to ancient Greece, specifically the Athenian City-State. The term is an aggregation of two Greek words, namely "Demos" and "Kratos" literally explained as the "power of the people" or the "people's power". Thus, democracy confers the sovereignty of the state on the people. This idea has been put simply by the past President of America, Abraham Lincoln (1809-1865) as "the government of the people, by the people and for the people" (Merkel, 1999:29-30). This conception is a simplified version of classical democracy¹². However, this view does not cover the rules, individual rights and how the citizens can partake in the democratic processes, making it deficient.

Gasiorowski (1996: 471) tries to fill the gap left in Lincoln's view, by defining democracy as a system which is marked by "meaningful and extensive competition" such that "barriers to participation" are removed and "political rights" are enough to

¹² This view of democracy envisioned greater citizen participation through public opinion, votes and fruitful debates

ensure competition and participation. Though this view highlights important principles of modern democracy, it is still not sufficient to cover democracy since the ‘vehicle’ (rule of law) that gives life to these rights of participation are not inclusive.

Further, Robert Dahl’s in his “Polyarchy” (1971) conceived democracy to be more or less synonymous with popular sovereignty, which embodies two main dimensions, namely Participation, and Contestation. To him, democracy should constitute the principle of legitimate opposition, enhancement of freedom expression and association, political equality, the existence of free and fair election, a stable political system (party politics), the creation of a favorable environment to contest incumbents and the existence of universal adult suffrage. On the contrary, critics have argued that Dahl has reduced democracy to a mere electioneering process and narrowed the scope of democracy to decorated set of immeasurable values. That is, there is no mechanism to track an in-depth progress of democracy. This notwithstanding, I contend that elections remain a cardinal point in democracy and Dahl cannot be crucified for pinning democracy primarily on electioneering processes because democracy always begins with the rules and elections. For instance, freedoms of expression and association are not merely for elections, but are at the heart of what democracy stands for.

From another angle, Schmitter and Karl (1991), preceded their argument on democracy with a caveat that “democracy does not consist of a single unique set of institutions” and for that reason, the practices of democracies may not necessarily be the same. Hence, they defined modern political democracy as “a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives”. By this definition, they concurred that what makes democratic rule distinct from other

forms of regimes, are the “norms” that embody the power relations between the ruler and the ruled and how power is achieved.

Additionally, Schmitter and Karl highlighted five (5) key elements that cannot be ruled out in the conceptualization of democracy¹³. However, the following elements; “Consensus, Participation, Access, Responsiveness, Majority rule, Parliamentary sovereignty, Party government, Pluralism, Federalism, Presidentialism, and Checks and Balances” build on Robert Dahl’s nine ‘procedural minimal’ features of democracy. These conditions, to a significant extent, give life to the realization of democracy.

Schmitter and Karl have, however, been criticized on the grounds of failing to distinguish between democracy and political democracy—that is, using political democracy (a subset of democracy) to generalize the entirety of democracy. But democracy is not a biological element whose part can be used to generalize the whole.

The literature reviewed under this theme shows that democracy hinges on participation, rule of law and institutions. It is worth mentioning that to enhance democratic participation on a broad scale, the role of an election management body (EMB) cannot be underestimated. For example, the EMB ensures that the platform is laid for qualified citizens, irrespective of their economic or social status, to cast their vote. The review of EMBs in subsequent themes will explore this observation further.

2.2 General Studies on Election Management Bodies (EMBs)

Globally, transitions in the direction of democracy have swept the entire continents of the world (America, Europe, Asia, Australia, and Africa) leading to the conduct and organization of multi-party elections, according to guiding principles and values as well

¹³ These elements were identified as the public realms, citizens, competition, cooperation, and representations.

as technical advances progressively shared by both ‘electoral authorities’ and ‘political actors’ (López-Pintor, 2000: 16). This confirms the fact that, the advancement of democracy or democratic consolidation in a general and narrow sense cannot be effectively treated in isolation of the roles played by EMBs in democratic development and its sustenance.

Larry Diamond, in his seminal work “Is the Third Wave Over?” noted that:

In 1974, there were only 39 democracies in the world. ... [However] the beginning of 1996, [saw a] number of countries meeting at least the requirements of electoral democracy had increased to 117. ... Perhaps the most stunning figure of the third wave is how few regimes are left in the world (only slightly over 20 percent) that do not exhibit some degree of multi-party competition, whether that level corresponds with liberal democracy, electoral democracy, or pseudo-democracy (Diamond, 1996: 26; 30).

Taking a cue from the above, Election Management Bodies (EMBs) have undoubtedly become critical to countries that have embraced democracy as a system of governance, and by implication elections as a central component of representative democracy. Stressing the importance of EMBs, Kabemba (2005:87) argued that “the cornerstone of democracy is the regular holding of free and fair elections, in which multiple political parties are able to participate”.¹⁴ In this regard, there cannot be any better representative democracy without electoral frameworks which encompass the choice of electoral system and electoral administration designed to make electoral outcomes credible.¹⁵

¹⁴Kabemba, C., (2005) “Electoral Administration: Achievements and Continuing Challenges” Chapter 5 in “*Electoral Politics in South Africa: Assessing the first democratic decade*” eds: Piombo, J., & Nijzink, L., (2005) PALGRAVE MACMILLAN: New York.

¹⁵ International Institute for Democracy and Electoral Assistance (IDEA). (2006: iii). “Preface” in The International IDEA Handbook on Electoral Management Design.

It is, however, imperative to note that having an electoral system is inadequate when the independence of EMBs which is necessary for democratic consolidation, is not guaranteed. For instance, the International IDEA Handbook on Electoral Management Design argues that “Election Management Bodies that are independent of interference by other government institutions and political interests, impartial in their decision-making and professional in their make-up are...a crucial component for conducting a free and fair election in newly democratic states” (International IDEA cited in Kerevel, 2009:3). This follows from the reasoning that biases wane the credibility of elections and this may degenerate into unpleasant situations such as unnecessary political pressure and the likelihood of electoral violence if the divergent views and interests of the parties are not addressed.

The essence of independent EMBs is further supported by Guy Goodwin-Gill¹⁶, in his scholarly work “Codes of Conduct for Elections”. According to him:

“Elections should be organized and administered by independent, impartial and trained officials, within a national election commission or other competent institution. Election administrators should be free from interference by government or parties and should be provided with sufficient funds to allow them to fulfill their responsibilities. The principles of openness and accountability, transparency and disclosure, apply equally to the electoral administration as to political parties and candidates” (Goodwin-Gill, 1998: 68).¹⁷

Apparently, Darnolf (2011:4) affirms the fact that election management bodies (EMBs) in recent times place “insufficient emphasis on combating electoral fraud”. Hence, there

¹⁶ Goodwin-Gill, G. S. (1998). “*Codes of Conduct for Elections*”. Geneva: Inter-Parliamentary Union.

¹⁷ As cited in Lopez-Pintor (2000:109-110) *Management Bodies as Institutions of Governance*. UNDP

is the need for an open “electoral fraud control plan” to enable EMBs to forestall and maintain credibility and deterrence of electoral fraud when these electoral fraud mechanisms are implemented in a way that increases electoral integrity.¹⁸ He further noted that investigations into election fraud fall generally within three major models: a “centralized model (CM)¹⁹”, a “decentralized model (DC)²⁰” and “Pass-the-buck model (PM)²¹”. These Approaches to the investigation of electoral fraud has not been really effective in eradicating the phenomena of electoral fraud since they are nothing more than reactive measures²².

Invariably, the independence of EMBs will enable it to be proactive rather than reactive in dealing with electoral fraud which most often occurs in three models stated above (Darnolf, 2011:7-8). However, Yonhyok Choe (1997) observed that the inherent and essential purpose of any audit is to measure how well a given enterprise is performing its functions. For this reason, the degree of ‘fairness’, ‘transparency’ and ‘effectiveness’ in the electoral process could reduce the level of electoral fraud (Choe, 1997). Moreover, the independence of the EMBs is a necessary condition to address electoral fraud.

¹⁸The effective implementation to him is an indication that EMBs are prepared to “honestly assess threats to the integrity of the electoral process and ready to take actions to defend its credibility” See Darnolf, (2011: 4)

¹⁹ The CM is a fraud investigation carried out by a team of EMB at the headquarters including regional and district officers (as member) to investigate serious electoral report and produce report to that effect.

²⁰ DC fraud mechanism allows lower-tier EMB offices to probe fraud allegations especially when the election body is time bound or the country too vast to be covered by the Central EMB

²¹ By this EMBs tries to invoke a restrictive interpretation of the scope of their functions when they are faced with fraud allegations. This is mainly due to their personal security and their families and the fear of their integrity if they are found culpable.

²² See more Darnolf (2011:7-8)

2.3 Democratic Consolidation Defined

The concept of democratic consolidation is contested among several scholars. No wonder Schedler (1997: 3) remarked that “the uncontrolled use of Democratic Consolidation has swept [scholars] into a state of conceptual disorder that more and more acts as a barrier to sub-disciplinary communication, theory-building, and accumulation of knowledge”. In his view, the contentions centre on the difficulty to address two main questions; first, what is the starting point of democratic consolidation and democratic deepening and where does it end? And second, what elements of consolidation distinguishes it from democratic deepening and what is the point of convergence? This has undoubtedly resulted in two major streams of democratic consolidation—the minimalist stream (Przeworski, 1991 and Huntington, 1991) and the maximalist stream (Linz & Stepan 1990, 1996; Merkel, 1999, 2004, 2008; and Gunther, Diamandouros & Puhle 1995). Thus, the subsequent paragraphs review some of the available literature on democratic consolidation.

First, Juan Linz & Alfred Stepan have argued that a country’s democracy is deemed consolidated when it becomes “behaviorally, attitudinally and constitutionally” internalized. In the behavioural aspect, a democracy is consolidated when the tendencies of ‘national, social, economic, political or institutional actors’ to create a non- democratic regime or by breaking away from the state for their own parochial interest using the available resources, is very minimal or insignificant (Linz & Stepan: 5). The attitudinal aspect of democratic consolidation as presented reflects when the people fully accept democratic tenets, principles and institutions as the most ideal and appropriate procedures to govern and be governed, despite the trending of major economic challenges and profound discontent with incumbent governments, and continue to hold the belief that ‘democratic procedures and institutions’ are the most

suitable means to administer the collective life of the citizenry (Linz & Stepan: 5). Constitutionally, a democracy is said to be consolidated when all governmental and non- governmental actors in a like manner become subject to, and fully adapted to, the resolution of antagonism, conflict or violence as defined by the rule of law as well as the various procedures and institutions sanctioned by specific laws of the state (Linz & Stepan 1996: 6).

Linz & Stepan further posited that five specific conditions must be satisfied before democratic consolidation can take place. These include conditions that allows for the following: development of a free and lively civil society; an autonomous political society (greater citizen participation, existence of political parties, legislatures, elections, electoral rules, etc.); major political actors (the government and the state apparatus) commitments to the rule of law to protect individual freedoms; existence of a state bureaucracy to safeguard citizens' rights and delivery of basic services; and finally the existence of an institutionalized economic society (to ensure economic sustenance and mixed economy).

The essence of this lies in the fact that societies are integrated and interconnected and hence, when the conditions identified are satisfied they will ensure democratic stability in the environment of every sector of state or the society in such a way that democracy becomes "the only game in town" (Linz & Stepan: 1996: 5). This conception is seemingly comprehensive since it addresses the core of democratic consolidation. On the contrary, this conception of consolidation is too prescriptive and therefore fall victims to the second criteria highlighted by (Gunther et al., 1996: 155) as taking a form that exhibits "some kind of automatic progression" toward the achievement of intended goal (consolidation of democracy) (Schedler, 1997: 5).

Secondly, Wolfgang Merkel through his ‘multilevel model of democratic consolidation’, builds on the argument espoused by Linz & Stepan (1996). Merkel commenced by differentiating positive consolidation into four levels of analysis namely; “constitutional consolidation; representative consolidation; behavioural consolidation; and democratic consolidation of the political culture” (Merkel, 2008:13-14). Here, he considered positive consolidation as the instance where the citizens of a country exhibit greater confidence in the legitimacy of democracy and it becomes evident in their patterns of ‘attitudes’, ‘values’ and ‘behaviour’ and the ‘elites’ accept the absolute legitimacy of the political system (Pridham, 1995:168; Merkel, 2008:13)

In his analysis, these basic elements (levels) guided by democratic norms “reflect a frequently observable chronological gradation of democratic consolidation” such that sustainability is dependent on the level (Merkel, 2008:13-14). That is, the level of sustainability at the first level is minimal compared to the fourth level.

The constitutional consolidation ordinarily completes the first phase and paves way for the rest. Hence, established constitutional institutions such as the three arms of government (Executive, Legislature, and the Judiciary) as well as the electoral systems tagged as the ‘macrolevel’ gives life to the ‘mesolevel’ where actors like political parties and interests groups operate. However, the positive or negative associations of these two levels determine the behaviour of the informal sectors (business owners, radical movement groups, capital, among others) which finally gives room for the ‘micro level’ (fourth level) where the culture of the citizens have fully integrated the democratic tenets, what he refers to as “sociocultural substructure of democracy” (Merkel, 2008:13-14).

This analysis demonstrates that consolidated democracy endures as long as democratic norms are functioning effectively and efficiently but it cannot be an absolute or a final antidote to democratic reversal. For instance, Emminghaus (2003: 34) confirms that the provisions which allow for the identification of weaknesses and flaws that hinder the consolidation progress are a plus to Merkel's analysis of consolidation. The challenge with Merkel's conception is that he was unable to demonstrate clearly how the efficiency and effectiveness of governmental institutions can be measured without encountering difficulties.

Thirdly, Philippe Schmitter also argues stressing on the essence of social values and political culture (Schmitter, 1992). In his view, democracy is said to be consolidated when "social relations become social values [such that the] patterns of interaction can become so regular in their occurrence, so endowed with meaning, so capable of motivating behavior that they become autonomous in their internal function and resistant to externally induced change." The emphasis placed by Schmitter on social value and social relations are very vital to democratic consolidation. I, therefore, agree with Schmitter on the grounds that for democracy to deepen, it must not conflict with the beliefs, aspirations, and sentiments of the citizens. However, the overemphasis on social factors shift attention from other relevant factors like the rule of law rule without which social relations becomes irrelevant, formless and could be a breeding grounds for lawlessness.

More so, Gunther, Diamandouros & Puhle (1995:7) see a consolidated democratic regime as one in which "all politically significant groups regard key political institutions as the only legitimate framework for political contestation, and adhere to democratic rules of the game." In other words, a country will, for instance, be considered democratically consolidated when the masses and the elite class adopt

democratic processes, values, and institutions. Even though this conception stresses and incorporates attitudinal and behavioural dimensions of democracy in its analysis, it remains vague since one cannot specifically define which categories of people make up the supposed “significant groups”—not forgetting the value-ridden “legitimacy” they place in the centre of political contestation without adequate information as to who defines what is acceptable by all and what is not.

In other contestations, Adam Przeworski, one of the minimalist democratic consolidation scholars (Przeworski, 1991), perceived democratic consolidation as the ability of losers in electoral contestations to develop the character of accepting defeat and seeking to recontest within the stipulated provision rather than acting outside the framework. To him, a “democracy is consolidated when under given political and economic conditions a particular system of institutions; becomes the only game in town; when no one can imagine acting outside the democratic institutions when all losers want to do is to try again within the same institutions under which they have just lost.”(Przeworski, 1991: 26).

The strength of this argument is that it stresses the importance of behaviour and attitudes of actors in the acceptability of electoral outcomes irrespective of the circumstances. This, to some extent, provides a universal criterion which some scholars have alluded to constitute the basic elements of democracy. However, it falls short on the grounds of vagueness and ignoring, for instance, vital aspects of democracy (such as the role of institutions and the interdependencies) as well as narrowing democratic consolidation to just elections without recourse to what transpire in-between the elections.

Finally, the influential works of Samuel Huntington seem to build on Przeworski's premise. He laid a continuous emphasis on the organization of free and competitive elections as a caveat for democratic consolidation. In his direct words, democratic consolidation is achieved on the condition that "the party or group that takes power in the initial election at the time of transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election." (Huntington, 1991:267). However, critics in the likes of (Diamond, 1996; Rose & Shin, 2001) have argued that Huntington's measure of democratic consolidation (Institutionalized Electoralism) is incomplete and insufficient in the sense that competitive elections do not bring liberty, responsiveness and the rule of law and point out that the primary goal of the World Movement for Democracy is "deepening democracy beyond its electoral form". Bratton & Van der Walle (1997) also observed that of all the countries in the continent of Africa, the signs of democratic gains other than electoral democracy (since the end of the Cold War) are eroding.

Thus, Huntington's criterion for democratic consolidation is more evident in most African countries (Ghana) where elections are very important to peace, stability and to the continuation of democratic process. That is, most African countries have fragile institutions: it is either they have witnessed democratic reversal by overthrowing constitutionally elected governments or engaged in acts of secessionist movements or, the entrenchment of elected rulers to the seat of government with the intentions of manipulating political rules to consolidate their selfish parochial interest. By dint of this, those seen to be practicing democracy are mostly caught in the web of Electoralism with little or no attention to the issue of governance. Unarguably, the basic but crucial role of an Election Management Body is to lay a platform that allows for citizens to

exercise their franchise within an institutionalized framework. These bodies become relevant when elections become a critical measure of democratic strides worldwide. This explains why Huntington's conception of democracy becomes relevant for this study in spite of the limitations identified by some scholars.

2.4 Election Management Bodies in Africa

Elections have undoubtedly become a cornerstone of democracy and the legitimate means of changing or maintaining an incumbent government in world politics. However, in Africa, elections have seemingly become a necessary evil, where there have been several records of electoral violence which are not conducive for the sustainability of democracy. In this respect, the relevance of the office of Electoral Commission (EC) or election management body (EMB) cannot be relegated to the background since an efficient and effective discharge of their roles can consolidate elections and democracy concurrently.

An independent and impartial Election Management Body (EMB) is required to ensure that the electioneering processes are transparent, free and fair to build the confidence of existing political parties and other stakeholders. This has encouraged democratizing countries in Africa to put in place constitutional provisions for the institution of election management body (EMB) to oversee the conduct of elections and other related functions.

For example, Article 76 of the 1996 constitution of Zambia established a full-time Electoral Commission; Articles 75 and 76 of the 1994 constitution of Malawi makes provision for the Electoral Commissioner; the Electoral Commission of Botswana was established through an Act of Parliament in 1998 with the passing of the Constitution (Amendment) Act, 1997; and finally an Independent National Electoral Commission

(INEC) of Nigeria came into force through the provisions made by the 1999 constitution of the Federal Republic of Nigeria, as amended specifically in Section 15, Part 1 of the Third Schedule and Section 2 of the Electoral Act 2010 respectively, to perform functions that will ensure free and fair elections.

The works of Musa (2001) & Okoh (2008) provide seven (7) general responsibilities of an Electoral Management Body. The roles of EMBs may consist of:

- (a) the management of every election as the laws or the constitution of the country prescribes;
- (b) the registration of political parties in a way that conforms to the dictates of the constitution as well as monitoring and supervising the actions of political parties together with their finances;
- (c) the “arrangement of annual examination and auditing of funds and accounts of political parties” and ensure that reports of its activities are published to enhance transparency;
- (d) the preparation, maintenance, and revision of voters register for electoral purposes as prescribed by the constitution or laws of the country;
- (e) monitoring of political campaigns and providing binding rules and regulations which shall oversee the political parties;
- (f) ensuring that all its agents which include permanent and ad hoc staff subscribe to the oath of office prescribed by law; and
- (g) to entrust its constitutionally mandated powers to the agents, representatives, and officers by way of delegation and to discharge of additional functions as may be permitted by the constitution or laws of the country.

However, the inability of the Electoral Commission to properly strategize and effect these functions may result in electoral violence. For instance, Okoh (2005:24) observed that the failure of Nigeria’s first and second Republic was partly the result of INEC’s (EC) inability to conduct a credible free and fair election in the general election years of 1964 and 1983.

He further argued that the modalities for appointing the INEC (EC) chairman and his supporting officers (the National Commissioners and State Resident Electoral Commission) and the means of funding are such that it is unlikely for INEC to be impartial and honest in the performance of their duties. For example, he contended that the chairman and his supporters are nominated and appointed by the President who is the head of the executive arm of government. Thus, the possibility of compromising or

manipulating election results to please “their master” and his party may be inevitable (Okoh, 2005:27).

However, Okoh’s analysis seems too pessimistic and tries to paint a picture that the mere nomination and appointment of the EC and supporting staff is enough to brainwash all of the Commission to respond to the whims and caprices of the president without considering their reputation and national interest. On the flip side, Okoh raises an important points such as the appointment procedure and possible impartiality. Addressing these challenges can improve the electoral system and the likelihood of violence eruption would be minimized such that the drive to democratic consolidation will be smooth.

This notwithstanding, an agreement sanctioned in Accra, Ghana (August 1998) following the meeting of the Charter of the Association of African Election Authorities (AAEA), stated extensively and comprehensively that:

“The Association shall have the following purposes: (a) the promotion of free and fair elections in Africa; (b) the promotion of independent and impartial election organizations and administrators; (c) the promotion of public confidence in election processes through open and transparent electoral procedures; (d) the promotion of participation by citizens, political contestants and non-partisan NGOs in electoral processes; (e) the development of professional election officials with high integrity, a strong sense of public service and a commitment to democracy; (f) commitment to the creation of a democratic culture and an environment in which elections can be held peacefully; (g) exchange of experiences, information, technology and literature pertaining to elections among election administrations and other organizations; h) cooperation in the improvement of electoral laws and practices; (i) the development of civic education program and systems designed to motivate citizen involvement and electoral participation; j) the development of simple and functional registers and registration procedures...” (AAEA, 1998) as cited in Lopez-Pintor (2000:109).²³

²³ The long quotation adopted here, is justified on the grounds that, every point stated is essential in the comprehensive role of the EMBs in Africa. Further, it is a general summary of the pivotal functions that all electoral management bodies can draw from in the discharge of constitutionally mandated duties of ensuring change of government or regimes without violence or intimidation.

Inferring from the literature reviewed so far, election management bodies (EMBs) are seen to be very essential to the sustenance of electoral democracy as well as other democratic institutions such as the Judiciary, the Legislature and the Executive. The reason lies in the fact that the failure of the EMBs to ensure legitimate election of citizens to fill these offices can directly or indirectly suspend democracy and replace it with dictators or military regimes. It is, therefore, incumbent on the EMBs to remain impartial and independent whilst providing an equal playing ground for democratic contestations to sustain democracy in Africa.

2.5 The Electoral Commission of Ghana

The 1992 Constitution of the Republic of Ghana, which came into force on the 7th of January, 1993, made provisions for the establishment of an electoral management body dubbed *Electoral Commission of Ghana*. Article 43, 44, 45 and 46 of the Constitution spell out the Composition of the Commission; the qualifications, terms, and conditions of service of members of Electoral Commission; the functions of the Commission; and the independence of the Commission, respectively.²⁴ For clarity and emphasis, it is worth mentioning that the Commission was promulgated and established by an Act of Parliament (Act 451, 1993) as the sole constitutionally mandated body to oversee electoral processes.

One of the most significant preconditions for successful democracy and democratic consolidation is the existence of an election management body that is impartial, independent and trustworthy in the discharge of its duties (Gyekye-Jandoh, 2013; Goodwin-Gill 1994; Ayee, 1998). Therefore, the failure of any EMB to organize free

²⁴ See Articles 47, 49, 51, 52, 53, 54, and 70 of the 1992 constitution of the Republic of Ghana for additional constitutional provisions on the Electoral Commission.

and fair elections may lead to the destruction of “public’s faith” in the idea of multi-party democracy and democratic reversal may be inevitable (Gyekye-Jandoh, 2013: 75; Smith, 1960).

The Organizational Structure of the Electoral Commission of Ghana.

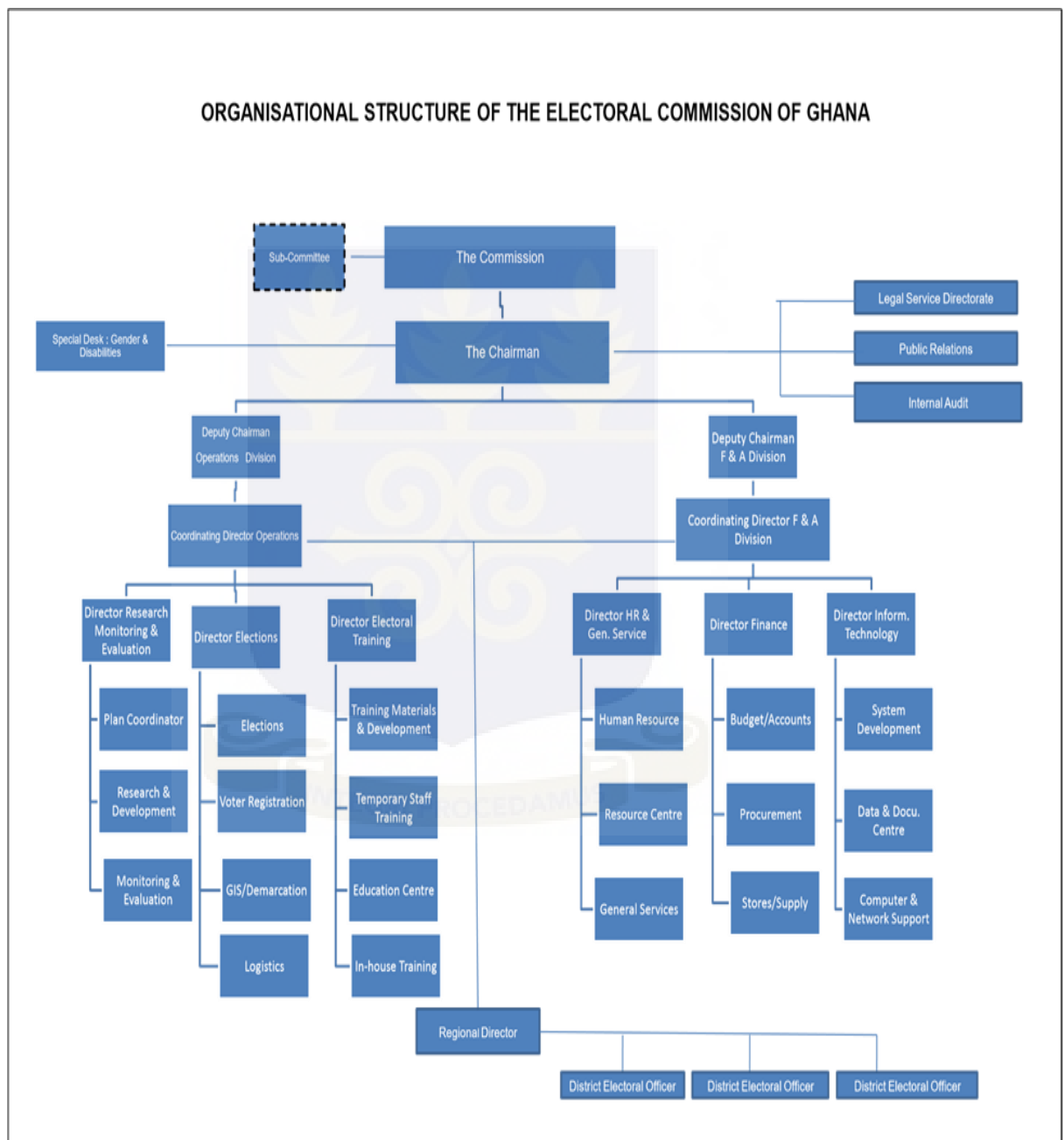


Figure 1. Sourced from the Electoral Commission of Ghana, 2017

The Electoral Commission operates a comprehensive three-tier structure made up of the Head Office, Regional Offices and District Offices with the overall boss being the Chairperson of the Commission. Notably, the functional division of the Commission consists of two main branches—the Operations and Finance on one hand and the Administration on the other, both headed by a Deputy Chairman. Directly below the two Deputy Chairmen lies two Coordinating Directors overseeing the Operations and Finance functions and Administrative functions apiece.

The next in hierarchy are seven (7) Head Office Directors responsible for Research, Monitoring & Evaluation, Elections, Electoral Training, Human Resource and General Service, Finance and Information Communication Technology including ten (10) Regional Directors. The Commission also has hundreds of District Offices supervised by District Electoral Officers who are in charge of all electoral and administrative events at the district level and report to the Regional Directors and their Deputies for accountability purposes.

The staffs of the Commission are classified into two, namely the permanent and the temporary staff. Whilst the permanent staff comprises of Electoral Officers, Administrative Officers, Secretaries, Information Technology professionals, Drivers, as well as other individuals who play relevant administrative roles of the Commission on a day to day basis, the temporary staff is made up of Returning Officers, Deputy Returning Officers, and Polling Officials.

It is worth noting that these temporary staffs become necessary in the build up to elections but after elections, their appointments are terminated. The category of persons recruited cut across people with bureaucratic experience (Retired Civil and Public Servants), Head Teachers, Lecturers, University Graduates or Students, General

Teachers, among other qualified individuals. These individuals are given training where necessary to fill in the following slots:

- a. The Returning Officer and their Deputies—collaborates with the Regional Directors and District Electoral Officers during the elections.
- b. Registration Officials—assist the Commission during voter registration exercises
- c. Polling officials—consist of Presiding Officers and Polling Assistants in charge of supervising and administering the poll at the polling stations.

The essence of these temporary staff is to complement the permanent staff of the Commission to cover all the ten regions and the districts during general elections, such that there will be effectiveness and efficiency in the conduct of the elections. Further, it enables the Commission to cover every constituency to ensure that all relevant materials for the conduct of election get to their designated destination during the general elections such that no qualified voter is disenfranchised.

2.5.1 Legal Framework for the Electoral Commission of Ghana

The Electoral Commission of Ghana is a constitutionally mandated independent and autonomous body with exclusive powers of overseeing the conduct of elections in the Republic of Ghana. The general role or function of the Commission is, however, stated clearly in the Chapter Seven of the 1992 Constitution of Ghana, Article 45, section (a) to (f), as follows:

- (a) to compile the register of voters and revise it at such periods as may be determined by law; (b) to demarcate the electoral boundaries for both national and local government elections; (c) to conduct and supervise all public elections and referenda; (d) to educate the people on the electoral process and

its purpose; (e) to undertake programs for the expansion of the registration of voters; and (f) to perform such other functions as may be prescribed by law.

This notwithstanding, the Electoral Commission's Act 451 of 1993, provides two additional roles of the Commission. These are captured in sections (d) "to undertake the preparation of identity cards" and (g) "to store properly, election material". The essence of this is most probably the need to fill in the gap or add to the provisions of the 1992 Constitution of the Republic of Ghana.

2.5.2 The Roles Played by the Electoral Commission of Ghana towards Democratic Consolidation (1993-2012)

The replacement of the Interim Election Management Body (INEC-Ghana) by an independent Electoral Commission saw significant reforms, commencing from 1994. The reforms were imperative due to past experience under INEC— where evidence of ballot stuffing, vote buying, among other electoral frauds and irregularities occurred heavily in the presidential elections of 1992.

Table 1. Electoral outcome for 1992 General Election— Presidential and Parliamentary as conducted by INEC

Election year	Political party	contesting candidates	Votes polled	% of votes polled	Presiden t-Elect	Totalled Parliamentary seats
1992	NDC	J.J. Rawlings	2,323,135	58.4	✓	189
	NPP	A. A Boahen	1,204,764	30.3	X	Boycotted
	PNC	Hilla Limann	266,710	6.7	X	0
	NIP	K Darko	133,629	2.9	X	0
	PHP	E. A. Erskine	69,827	1.8	X	0
	NCP	N/A	N/A	N/A		8
	EGLE	N/A	N/A	N/A		1
	Independent	N/A	N/A	N/A		2
	Total		3,998,065	100		200

(Sourced from the Electoral Commission: 2016)

The post 1992 election contentions occasioned series of substantial efforts by the EC to heighten the need for consolidating democracy by organizing periodic but free and fair elections, carrying out public education, expanding voters register, demarcation of electoral areas and creating new constituencies, implementing electoral reforms, among others since the inception of the 1992 Constitution of the Republic of Ghana. These contributions have yielded an unprecedented result of six successive general elections. Hence, the following sub-themes discuss the specific roles the Electoral Commission has played since it came to force.

Electoral Reforms in Ghana since 1993

The Electoral Commission since it came into force has instituted several reforms in the electoral system of Ghana. These are discussed in the thematic areas below:

The Electoral Reforms ahead of the 1996 Elections

The EC instituted some electoral reforms following the limitations recorded in the 1992 elections. Prominent among these was the initiation of the Inter-Party Advisory Committee (IPAC). The purpose of this committee was to bring representatives of political parties under one umbrella to deliberate and dialogue on the best ways to deal with political party challenges and contending issues that needs to be addressed for peaceful and transparent elections. In the view of Frempong (2012: 62), Ninsin (2006:64) and Ayee (1997: 10), the idea of IPAC was a significant move to institute trust, credibility and transparency in the discharge of the EC's duties and also provided an avenue to build political party's confidence in the electoral system. Ayee (1997:10) added that the EC was able to co-opt political parties in the election management processes through the IPAC initiative, actively from March 1994.

Additionally, the EC in collaboration with IPAC deliberated critical issues regarding opaque ballot boxes, photo ID brouhaha and the different dates for parliamentary and presidential elections. The final resolution led to the adoption of one date for both Presidential and Parliamentary election, the use of photo ID to vote, the use of transparent ballot boxes²⁵ and further made provisions that allow for the active participation of party agents in the registration processes as “observers” (Frempong, 2012: 63).

According to the 1996 report of the Commonwealth Observers, the following developments helped to improve the 1996 elections of Ghana:

- a. “the new Constitution, which provided the basis for a revamped Electoral Commission (EC) and electoral process;
- b. steps were taken by the EC to instil widespread confidence that the electoral procedures would be open and fair; and
- c. the concurrent holding of elections for the Presidency and Parliament.”

Deductively from the above observations, the political values and the level of consensus building portrayed by the IPAC and other stakeholders depict that the EC of Ghana has worked and is still working towards the institutionalization of democracy and the drive to democratic consolidation through quality reforms that are necessary for quality elections.

²⁵ Against the use of opaque ballot boxes in the 1992 elections which resulted in several allegations among which was pre-stuffed ballot boxes with already thumb-printed ballots before normal voting began (Ayee, 1997).

Table 2. Electoral outcome for 1996 General Election— Presidential and Parliamentary

Election year	Political party	Contesting candidates	Votes polled	% of votes polled	President-Elect	Totalled Parliamentary seats
1996	NDC	J. J Rawlings	4,094,758	57.4	✓	133
	NPP	J. A. Kufuor	2,834,878	39.7	X	61 ²⁶
	PNC	E. Mahama	211,136	3.0	X	1
	PCP	N/A				5
	Total		7,140,772	100		200

(Sourced from the Electoral Commission: 2016)

In essence, the success story of Ghana's 1996 Presidential and Parliamentary Elections which defied deductions made by scholars like (Cowen and Laakso 2002; Diamond and Plattner 1999; and Bratton 1998) that second elections in African are of less quality than the first elections, gave hope to a brighter future for the Electoral Commission and electoral democracy in Ghana.

Electoral Reforms in the 2000 Elections

Having organized the second election of Ghana in 1996 with some success, the EC has to put in place more to ensure that there is a build-up on the previous achievements and also to see to it there is no democratic reversal. This reason necessitated the need for additional reforms to correct some challenges that were faced in the 1996 elections.

The 2000 election was anticipated to be a crucial moment for Ghana's Democratic history. As prescribed by Article 66 (1) and (2) of the 1992 Constitution of Ghana, "(1) A person elected as President shall, ...hold office for a term of four years beginning from the date on which he is sworn in as President. [And] (2) A person shall not be

²⁶ Initially, the NPP won 60 seats but a victory for NPP through a by-election of June 1997 after legal dispute concerning eligibility of candidate in one of the constituencies in Ashanti region was resolved increased the number to 61.

elected to hold office as President of Ghana for more than two terms”. This generated several hypotheses among scholars and political pundits as to whether the incumbent President Flt Lt. Jerry John Rawlings will hand over power following his “coup-making antecedent” and “Self-succession” track record in 1992 (Frempong, 2012: 81; Frempong, 2007b: 152; Agyemang-Duah, 2005:18). However, the 2000 elections resulted in a peaceful alternation of power to the surprise of many. The subsequent paragraphs discuss the reforms made by the EC, among other roles, before and during the 2000 election.

Of most significance among the reforms made by the Electoral Commission, was the passing into law of the Political Parties Bill, which became known as the Political Parties Act 2000 (Act 574). This Act allowed for the removal of some stringent provision in the previous laws that did not allow free association of individuals with certain parties. The removal of these “structures” by the new law (Political Parties Act 2000) according to Frempong (2012:83) brought it into conformity with the 1992 Constitution of Ghana and allowed some political parties who could not use their original names or symbols, especially the People’s Convention Party (PCP) to take up its original name and symbol—to become Convention People’s Party (CPP).

The EC further restructured and enthusiastically stimulated the presence of party agents at the polling stations such that their operations were open and free from intimidations and restrictions (Frempong, 2012: 83; Gyimah-Boadi 2001a: 58). In the same vein, the high accessibility of polling stations encouraged the media and NGOs (Civil Society Organizations), primarily those undertaking the independent election monitoring to cooperate with the EC in the discharge of its responsibilities (Gyimah-Boadi 2001a: 58). This adds to the efforts made by the EC to consolidate democracy electorally.

Again, the EC improved the mechanisms used to determine the order in which Presidential candidates or political parties are arranged (which party comes first or last) on the ballot paper by introducing a new lottery system to replace the previous manual arrangement which was done in accordance with the order in which the political parties' nominations are filed (Frempong 2008a: 198; Frempong 2012: 83). This initiative was very important because it erased the "unnecessary rush" on the day of submitting nomination forms ((Frempong 2008a: 198; Frempong 2012: 83))

Moreover, the expansion of IPAC to regional and district levels helped to widen the scope of the EC's interaction with political parties to deal or manage electoral conflicts at all levels through dialogue and consensus building. This move further enhances democracy due to the increase in participation and broad consultation of stakeholders. Additionally, the decision of the EC to cooperate with political parties in the recruitment of election officials, according to (Debrah, 2000:78) was essential since it gave the parties opportunities to provide pertinent background information about the pool of election officials the EC sought to recruit.

Finally, the Code of Conduct which was accepted by all parties in May 2000 through the instrumentality of IPAC's 21-member cross-party committee, bounded the candidates and their parties in the direction of nonviolence, clean, and peaceful elections (Agyemang-Duah 2005: 19). The EC similarly teamed up with the National Media Commission (NMC) and the Ghana Journalist Association (GJA) to structure their programmes such that there would be fair reportage and broadcast of political parties' programmes and activities to create a level ground for contesting candidates. For instance, the state-owned media carried messages of all the contesting parties, particularly during the last month of the election campaigns—and this in the opinion of

Debrah (2001:77, 78) & Oquaye: 1999:1, 2) was very significant for Ghana's democracy.

The key challenges and controversies surrounding the selection of election date; issues pertaining to the new voter's register; the photo ID cards issues; and the last hour decision of the Supreme Court concerning the photo ID cards as perceived (by Gyimah-Boadi 2001b:111; Agyemang-Duah 2005: 19-25) had the potential of attracting opposition violence and boycott.²⁷ But the EC was able to manage the situation to ensure that there was peaceful and free and fair election in both rounds. By and large, the contribution of the EC led to the alternation of power for the first time in the history of Ghana and thus the role of the EC in the consolidation of Ghana's democracy through elections can therefore not be overruled.

The Tables '3a and 3b' below, depict the outcome of both the first and the second round of elections

Table 3a. Electoral outcome for 2000 General Election— Presidential and Parliamentary (Round 1)

Election Year	Political party	Contesting candidates	Votes polled	% of the votes polled	President-Elect	Totalled Parliamentary seats
	NPP	J. A Kufuor	3,131,739	48.17	J. A. Kufuor led	100
	NDC	J.E. A Mills	2,895,575	44.45		89
	PNC	Edward Mahama	189,659	2.92	X	3
	CPP	George Hagan	115,641	1.78	X	1

²⁷ The change of election voting date due to incumbent dissatisfaction, the bloated voter register—out of about 18.4 million population of Ghana, the EC registered 10.7 million representing about 58% of the entire population and this was deemed unacceptable or unrealistic. Finally, the unclear posture as to whether those without photo voter ID will be disenfranchise or not came late ahead of the elections from the Supreme and this did not go down well with the opposition party though the incumbent government was happy and satisfied.

2000	NRP	Augustus Tanoh	78,629	1.21	X	0
	GCPP	Daniel Lartey	67,504	1.04	X	0
	UGM	Charles Brobbey	22,123	0.34	X	0
	Independent	N/A	N/A	N/A	N/A	4
	Total		6,433,366	100		230

Table 3b. Electoral outcome for 2000 General Election— Presidential run-off

Election Year	Political party	Contesting candidates	Votes polled	% of the votes polled	President-Elect
2000	NPP	J.A. Kufuor	3,631,263	56.90	✓
	NDC	J.E. A Mills	2,750,124	43.10	X
	Total		6,381,387	100	

(Sourced from the Electoral Commission: 2016)

The Electoral Reforms from 2001 to 2008

Electoral Reforms continued, whilst reforms that were already in existence were sustained and deepened after the first alternation of power in the history of Ghana. The period between 2001 and 2008 produced less robust electoral reforms as compared to the period between the years 1994 and 2001. However, a significant electoral reform made by the EC was the embossment of voters' photos on the electoral register in addition to the voter IDs. This, to a large extent, has increased the integrity of the system; a recipe for democratic consolidation.

In the opinion of (Frempong, 2012: 104 & Agyemang-Duah, 2005: 31), this enabled the EC to come around all the 'demons' surrounding the electoral register and the issues with the voter ID. The issues included but were not limited to delayed start of

registration and electoral processes, inadequate logistics, and controversies over the accuracy and alleged disenfranchisement²⁸.

The build-up to the 2008 general election presented the EC with another opportunity to make additional reforms. By dint of this, the Commission designed some mechanisms to review and update the voter's register²⁹. The report further noted that the Electoral Commission “targeted the 18–24-year-old demographic and estimated that the exercise would involve between 800,000 to 1,000,000 new registrants, the equivalent of 10 percent of the existing voters roll”

This exercise was not without challenges because of the delays and procurement problems. It was observed by the Carter Election Observers Group that “a vendor that was to provide the Electoral Commission with all-in-one digital workstations for registering voters and producing voter ID cards did not deliver these materials on time” (Carter Election Observers Report, 2008/2009:15). This, to some extent, created levels of tension and reduced public confidence in the EC to deliver.

All in all, the EC was able to manage the situation for a successful election and declaration of results. Frempong (2015: 262) sums it all up by asserting that, “the EC managed the hotly-contested elections of [2008] with dexterity, drawing on its accumulated experience and learning from past mistakes and good practices.”

Table 4 and 5 (a & b) below illustrates the results of the general elections 2004 and 2008 (first round and Run-off)

²⁸ Agyeman-Duah (2005: 31) further observed that, the NDC allegedly contended that, the photo-taking processes was manipulated to disenfranchised about 70, 000 voters in the Volta region (their World Bank) to the advantage of the incumbent government.

²⁹ Carter Election Observers Report, 2008/2009

Table 4. Electoral outcome for 2004 General Election— Presidential and Parliamentary

Election Year	Political Parties	Contesting candidates	Votes polled	% of the votes polled	President-Elect	Totalled Parliamentary seats
2004	NPP	J. A. Kufuor	4,524,047	52.45	✓	129
	NDC	J.E. A. Mills	3,850,268	44.64	X	94
	PNC-GC merged	Edward Mahama	165,375	1.92	X	N/A
	CPP	George Aggudey	85,968	1.0	X	3
	PNC	N/A	N/A	N/A		4
	Independent	N/A	N/A	N/A		1
	Total		8,625,658	100		230

Table 5a. Electoral outcome for 2008 General Election— Presidential and Parliamentary (Round 1)

Election Year	Political Parties	Contesting candidates	Votes polled	% of the votes polled	President-Elect	Totalled Parliamentary seats
2008	NPP	N. Akuffo-Addo	4,159,439	49.13	N. Akufo-Addo led	107
	NDC	J.E.A. Mills	4,056,634	47.13		114
	CPP	Kwesi Nduom	113,494	1.34	X	1
	PNC	Edward Mahama	73,494	0.87	X	2
	DFP	Emmanuel Antwi	27,889	0.33	X	0
	DPP	Thomas Ward-	8,653	0.10	X	0
	RPD	Brew Kwabena Adjei	6889	0.08	X	0
	Independent	Kwesi Yeboah	19342	0.23	X	4
	Total		8,446,492	100		228 ³⁰

³⁰ Two (2) seats were vacant as a result of an electoral dispute. Eventually the 2 seats were shared by NPP and NDC bring their seats to 108 and 115 respectively.

Table 5b. Electoral outcome for 2008 General Election— Presidential run-off

Election Year	Political parties	Contesting candidates	Votes polled	% of the votes polled	President-Elect
2008	NPP	N. Akuffo-Addo	4,478,411	49.87	X
	NDC	J. E. A Mills	4,501,466	50.13	✓
	Total		8,979,877	100	✓

(Sourced from the Electoral Commission, 2016)**The Electoral Reforms in election 2012**

The Electoral Commission continued to remain independent and impartial in dealing with electoral processes. Constitutionally, the EC by way of improving voting and election quality, pushed for the enactment of C.I 72, C.I 75 and C.I 78 in 2012³¹. This allowed the EC to introduce some reforms, the most prominent was the introduction of biometric registration of voters for voting (Electoral Commission, 2012; Frempong 2015:216). The initiative aimed at erasing all manner of multiple registrations, impersonation and prevention of over-voting to ensure fairness and credibility of the electoral outcome.³² Further, Seidu (2014:1460) noted that "apart from being a novel reform in Ghana's electoral history, the biometric voter register was aimed at addressing these anomalies that had made the country's voters' register unholy" This notwithstanding, previous reforms, such as IPAC, photo IDs, preparation of new voters register among others were continued.

³¹ The Parliamentary (Constituency) Instruments C.I 72 and C.I. 75 replaced C.I 12 and C.I. 15 respectively.

³² The other significant reform is captured under another theme. See the second paragraph of section 2.5.2.2

Demarcation of Constituencies

The Electoral Commission, based on the provisions of Article 47(5), of the 1992 Constitution³³ is required to demarcate the country into constituencies and electoral boundaries. The year 2000 became a significant moment for the EC to carry out such an assignment. Thus, the Commission announced re-demarcation of constituencies in November 2003 following the 2000 population census. This exercise increased the constituencies from 200 to 230 (Frempong, 2012: 104). Though this generated a lot of controversies, the EC was firm on its position. Boafo-Arthur (2008: 38) noted that the EC was vindicated when the issue was finally settled by a Supreme Court decision³⁴.

Also, prior to the 2012 general elections, the EC re-demarcated based on the 2010 population census and the provisions of the 1992 Constitution. By this, the number of constituencies shot up from 230 in 2003 to 275 in 2012 (Frempong, 2015: 216). There again, the decision of the EC was criticized and perceived as controversial, though all efforts to convince the EC to rescind its decision fell flat to the ground. Critics argued that the timing was wrong since it could not leave much time for the political parties to prepare adequately for those new constituencies due to ‘logistical challenges’ (Kuruk, 2012). Frempong (2015), further noted that the entrenched position held by the EC with considering valid objections was different from the experiences in previous elections especially with regard to re-demarcation of Constituencies.

However, the re-demarcations helped the EC cut-down population of constituencies which have grown in numbers for effective and efficient supervision of elections,

³³ This provision states that, “The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result, alter the constituencies.

³⁴ The Court ruled that the EC has the constitutional mandate to perform such roles and it is not a misplaced priority to carry out the function especially when the population dynamics have changed.

community interests, and minority representation. This exercise is imperative because the appropriate constituency demarcation improves relatively the quality of voting power, primarily in that of rural voters (Debrah, 1998: 15). Essentially, Goodwin-Gill (1994:33) alluded to this fact by stating that, “representation by population is as central to the concept of democracy as is the notion of equality of voting power”. Hence, the EC of Ghana has contributed to democratic consolidation by increasing the voting power of the people through the demarcation of constituencies and electoral areas. The role of the Commission has made it easier for leaders to interact with the citizens in the constituencies they represent whilst encouraging grassroots participation.

Regulation of Political Parties Activities

There cannot be a representative democracy and effective participation without the existence of political parties. Thus, the 1992 Constitution of Ghana in Article 21 (3) provides that, “All citizens shall have the right and freedom to form or join political parties and to participate in political activities subject to such qualifications and laws as are necessary for a free and democratic society and are consistent with this Constitution.”³⁵ Further, Article 55(3), subject to its provisions, upholds that “a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for elections to any public office other than to District Assemblies or lower local government units.”

As provided by the Political Parties Act 574, 9 sections (a-f) the Commission shall not register a political party under this Act unless:

³⁵ The Political Parties Act of 2000 (ACT 574) in a like manner also guarantees the right to form political parties and allows any Ghanaian citizen who has attained age 18 to establish a political party for the ‘purposes inter alia of sponsoring candidates for any public election’.

(a) the internal organization of the party conforms with democratic principles and its actions and purposes are not contrary to or inconsistent with the Constitution; (b) the party has on its national executive committee, one member from each region; (c) the party has branches in all the regions and is, in addition, organized in not less than two-thirds of the districts in each region; (d) there is in each district, at least one founding member of the party who is ordinarily resident in the district, or is a registered voter in the district; (e) the party's name, emblem, colours, motto or any other symbol has not ethnic, gender, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to part of the country; and (f) the party is not in breach of any of the provisions of this Act. **(Political Parties Law, 2000)**

For this reason, the EC has made considerable effort to register several political parties since its inception. Currently, the Commission has registered about twenty-four (24) political parties which are in operation, though only sixteen (16) filed their nominations to contest the 2016 polls (Electoral Commission, 2016).³⁶ The essence of this development is that it has created a multiplicity of parties (plurality) and widened the choice of voters.

Additionally, political parties through the performance of their roles and campaigns create vibrancy within the political atmosphere of a multiparty democracy. These range of function includes but not limited to aggregation of interests, the creation of social mobility, acting as a pool from which most leaders in the country are selected from, act as grounds for building the foundation of future politicians, and helps in linking the general citizens to the political system. The life of political parties have, therefore, becomes the lifeline for Ghana's multiparty democracy and the role of the EC is this

³⁶ Of the 16, 13 were disqualified. However, the Progressive People's Party (PPP) which was among the disqualified candidates (parties) might have a slot following the victory in Court on the 28th October 2016, bidding the EC to give the party the chance to make some corrections. All in after the Supreme Court ruling on the matter, only three (3) qualified to join the race. Making a total of six political parties NPP, NDC, CPP, PPP, PNC and NDP.

vein is indispensable. Furthermore, the EC's role of registering political parties has ensured that democracy continues to persist in Ghana: since political parties the 'gateway' to the sustenance of every multi-party democracy. The formation of representative government becomes difficult without political parties.

However, the gap in the discharge of this role has been whether the EC is able to crack the whip on political parties when they fail to go by the rules and political party codes. Also, the proliferation of dormant political parties raises a lot of question marks about the role of the EC in the registration process and regulation of political parties' activities. Thus, the study will extend the discussion in this regard whilst authenticating or nullifying the numerous media report in this regard.

Voter Education

Voter Education is essential to reducing the number of invalid votes or spoilt ballots and also to enlighten the citizens politically by making them aware of the electoral processes. Thus, the EC has made considerable effort to educate the general citizens on the processes and the procedures. The EC has liaised with the National Commission for Civic Education (NCCE) the Mass Media, Civil Society Organization (CSOs) and Commission on Human Rights and Administrative Justice (CHRAJ) to educate citizens on their right to vote as well as electoral procedures.

However, available literature has argued that the performance of this role has not been effective. The two state institutions, CHRAJ and NCCE, whose mandate prescribed by the 1992 Constitution of Ghana, Articles 218 (f) and 233 (d) is "to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia" and "to formulate, implement and oversee programs intended to inculcate in the citizens of Ghana awareness of their civic

responsibilities and an appreciation of their rights and obligations as free people”³⁷ respectively, are under-resourced (Carter Election Observers Report, 2008/2009).

Hence, the full capacity needed to assist the EC in educating citizens on the voting processes and NCCE on civic and political rights and how they are exercised (in procedural democracies and voting) have not been fully realized. The Carter Election Observers Report (2008/2009: 5) observed that, the Electoral Commission made partial efforts to educate the public through the use of “hanging posters, airing public service announcements, and using advertisements, the EC lacked the funding and materials to adequately disseminate information (since evidence from) the registration exercise (revealed) the electorate’s general lack of awareness and knowledge about the process resulted in some confusion”.

Another evidence lies in the increasingly invalid votes which have been recorded in the six (6) elections that have been organized. For example, the 2012 presidential election recorded 251,720 invalid votes, which exceeded the total votes of the six candidates who contested by 80,117 votes (Electoral Commission, 2014; Electoral Commission (Press Release), 2016; Ghanaweb.com, 2016). Also, the total of the invalid votes in the 2012 election was about 74,143 votes more than the gap between the valid votes recorded by the candidates of the major opposition party NPP and incumbent NDC’s candidate (Ghanaweb.com, 2016; Graphiconline.com.gh, 2016).³⁸

Thus the gap created by the evidence provided in the paragraphs above necessitate the researcher to contribute to existing literature by finding the underlying factors that have

³⁷ The 1992 Constitution of the Republic of Ghana, Chapters 18 and 19.

³⁸ See <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/EC-launches-voter-education-on-rejected-ballots-466753>, 1 September 2016

taken the shine out of the voter education role of EC. This as a matter of need can help address the incessant spoilt ballots or invalid votes.

2.6 Declaration of 2012 Elections and Controversies: An Overview

The build up to the declaration of the 2012 election results created tension in the strong-room, since the major opposition party, NPP hinted the Electoral Commission on certain pertinent concerns, alleging that there were some irregularities and the votes they recorded in some constituencies did not tally with ones that have been recorded at the EC's Strong-room. On the contrary, the EC went ahead to declare the results after holding a meeting with the major political parties (NPP and NDC) and other stakeholders claiming that the evidence provided by the NPP in support of their claim were not credible and adequate to merit a delay of the declaration or overturn the electoral results (Electoral Commission of Ghana, 2014).

Table 6. Electoral outcome for 2012 General Election— Presidential and Parliamentary

Election year	Political party	Contesting candidates	Votes polled	% of votes polled	President-Elect	Totalled Parliamentary seats
2012	NDC	J. D. Mahama	5,574,761	50.70	✓	148
	NPP	N. Akuffo-Addo	5,248,898	47.74	X	123
	PPP	Kwesi Nduom	64,362	0.59	X	0
	GCPP	Henry Lartey	38,223	0.35	X	0
	PNC	Hassan Ayariga	24,617	0.22	X	1
	CPP	Michael Foster	20,323	0.18	X	0
	UFP	Kwasi Odike	8,877	0.08	X	0
	Independent	Jacob O. Yeboah	15,201	0.14	X	3
	Total		10,995,262	100		275

(Sourced from the Electoral Commission: 2016)

Evident from Table 6 above, Mr John Dramani Mahama (polled 5,574, 761 of the total valid vote cast, representing 50.70%) was declared president-elect against Mr. Nana Addo Dankwa Akufo-Addo's (5,248,898 representing 47.74% of the total valid vote cast) and was expected to be sworn in by the Chief Justice of the Republic of Ghana in the early days of 2013, specifically January 7th, 2013.

However, the New Patriotic Party (NPP) still had the conviction that they had a case. For this reason, the party petitioned the Supreme Court of the Republic of Ghana to contest the legitimacy and the validity of the president-elect, Mr. John Dramani Mahama. (British Broadcasting Corporation, 2012). The names and positions of the petitioners were: The first petitioner was Nana Addo Dankwa Akufo-Addo, the presidential candidate major opposition, NPP; the second petitioner was the Vice-presidential candidate of the NPP, Dr. Mahamudu Bawumia; and the third petitioner was the national chairperson of the NPP, the late Mr. Jake Otanka Obetsebi-Lampsey. The respondents as filed by New Patriotic Party (NPP) were Mr. John Dramani Mahama (president-elect) as the first respondent; the second respondent was the EC of the Republic of Ghana and the third respondent was the National Democratic Congress after filing a rejoinder³⁹.

It is, however, worth noting that the 1992 Constitution of the Republic Ghana permits any citizen of Ghana to appeal to the Supreme Court to contest the validity of the election of a president. This provision is stated clearly in Article 64 (1) that “the validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the result of the election in respect of which the petition is

³⁹ Supreme Court of the Republic of Ghana, 2012.

presented.”⁴⁰ Thus, most political scientists, analysts, constitutional scholars, and lawyers, among others, perceived this move (Petitioning the Supreme Court) as a real test of the legal framework (the Constitution) and the Judicial arm of government of the Republic of Ghana.

The disputed 2012 presidential election in the arena of law

The application of the NPP (petitioners) required the Court to annul the results that are purported to have had Mr. John Dramani Mahama elected as president awaiting swearing-in citing several reasons. These according to the Presidential Election Petition (2012) include issues of over-voting, the absence of presiding officers’ signatures on the ‘collation forms’⁴¹, voting without biometric verification, duplicate serial numbers, among others to support their case. Additionally, the petitioners counted on the occurrence of duplicate polling station codes⁴² and unknown polling stations⁴³.

The petitioners, therefore, suspected the irregularities (technical and otherwise) all put together overturned the actual results in favor of the first petitioner (Mr. John Dramani Mahama)⁴⁴. This was clearly stated by the petitioners’ Counsel in the second amendment of the petition⁴⁵ that;

(1) John Dramani Mahama, the 1st respondent herein, was not validly elected President of the Republic of Ghana;

(2) Nana Addo Dankwa Akufo-Addo, the 1st petitioner herein, rather was validly elected President of the Republic of Ghana;

⁴⁰ Chapter Eight, Article 64 (1) of the 1992 constitution of the Republic of Ghana.p.50

⁴¹ Popularly known as the pink sheet

⁴² Instances of different results or pink sheets for polling stations with same polling codes.

⁴³ That is, results recorded for polling stations which falls outside the 26,002 polling stations provided by the Electoral Commission (2nd respondent) (Presidential Election Petition, 2012; Supreme Court of Ghana, 2012).

⁴⁴ Presidential Election Petition, 2012

⁴⁵ Dated 8th February, 2013

(3) Consequential orders as to this Court may seem to meet. **(Written Address of Petitioners' Counsel, 2013: 9).**

The onus now laid on the court to determine the veracity of the evidence presented by the petitioners in order to pronounce their judgment on the Electoral Dispute. In this regard, the Chief Justice of the Republic of Ghana, in accordance with law, empaneled nine (9) Supreme Court Justices for hearing of the of the case. These Justices were: Justice Atuguba (Presiding Judge), Justice Ansah, Justice Adinyira (Mrs.), Justice Owusu (Ms.), Justice Dotse, Justice Anin-Yeboah, Justice Baffoe-Bonnie, Justice Gbadegbe, and Justice Akoto-Bamfo (Mrs.).

However, the petitioners were uncomfortable with the presiding judge and requested for change due to his brother's association with the NDC (the party in which the first respondent contested). Moreover, this decision was rescinded by the petition for the fear of delay. Hence, the hearing was set to commence on 16th April 2013.

Attorneys for the petitioners and respondents called witnesses to strengthen their case through cross-examination. For instance, Dr. Bawumia, the second petitioner was the lead witness of the petitioners, Dr. Kwadwo Afari Gyan, the 2nd respondent (also the chairman of the E C) was invited into the witness box to testify while the General Secretary of the NDC, Mr. Johnson Asiedu Nketiah was invited to attest to issues raised on behalf of the 1st and 3rd respondents. (Supreme Court of Ghana, 2012). After months of pulling the strings of law in the courtroom, the final verdict on the petition was set to given on August 29th, 2013 by the presiding judge, Justice Raymond Atuguba.

The Supreme Court Verdict on the Presidential Election Petition of 2012.

The Supreme Court made a judgment based on the happenings in the courtroom and the evidence provided by the petitioners and the respondents. However, the chronology

of the judgment flowed from the summarized allegations made by the petitioners as follows:

I. Over-voting

II. Voting without biometric verification

III. The absence of the signature of a presiding officer

IV. Duplicate serial numbers i.e. occurrence of the same serial number on pink sheets for two different polling stations

V. duplicate polling station codes, i.e. occurrence of different results/pink sheets for polling stations with the same polling station codes

VI. Unknown polling stations i.e. results recorded for polling stations which are not part of the list of 26,002 polling stations provided by the 2nd respondent for the election.” **(Written Address of petitioner’s counsel, 2013: 129) as cited by Justice Atuguba in (Presidential Election Petition Verdict, 2013: 4, 5)**

First, on the interrogation of “over-voting”, the majority of the Justices held the view that regardless of the possibility that there were cases of over-voting; the gravity of the blunders was not so significant to impact on the final election results. For instance, the Electoral Commissioner testified that, once there is confirmation of over-voting, regardless of the possibility that it is by one vote, the validity of the election result is deemed compromised, and should be annulled. But the majority of the Justices could not help contradicting this essential guideline in electoral processes and held that over-voting ought to never be a base for abrogating any election result unless it appears to have had an impact on the electoral results.

However, the minority especially Justice Anin Yeboah argued that the votes should be annulled as prescribed by the electoral guidelines and the Constitution of Ghana. He opined that,

any attempt to endorse a clear illegality in the nature of over-voting which is contrary to and inconsistent with our constitution and the constitutional instrument made thereunder would itself be unconstitutional in the sense that it would defeat the principle of Universal Adult Suffrage stated in our constitution. [Further, he argued that] “no matter the number of votes involved that may constitute over-voting; it is a clear illegality and should not be endorsed by a court of law, more so by the highest court of the land. I will, therefore, proceed to annul all votes which were proved by the petitioners to be so. **(Justice Anin Yeboah (2013: 472)).**

This notwithstanding, the majority view as prescribed by democratic principles was applied. Accordingly, the opinions of the majority had its way on the issue of Over-voting.

Secondly, the majority of the Justices dismissed the Petitioners’ claim of “voting without biometric registration”. Even though the Electoral Commission (Chairman) and all the contesting Parties in both the Presidential and Parliamentary elections had built consensus on biometric verification as obligatory for all voters⁴⁶, the Court (majority) considered it as a non-violation of an electoral requirement (laws) for a valid election. For example, Justice Baffoe-Bonnie, as part of the minority held the claim of voting without biometric verification and recommended the cancellation of votes and a re-run of affected area. He argued that:

the petitioners have discharged the burden of proof on them that voting took place in some polling stations without prior biometric verification. This was discriminatory since other persons had been turned away for their inability to be verified. All those stations affected by this phenomenon should have their votes canceled and the voters

⁴⁶ Regulation 30 (2) of the Constitutional Instrument (C. I.) 75

gave a second chance to vote again. **(Presidential Petition: Supreme Court Verdict: 2013:497).**

Thirdly, on the issue of the absence of signatures on pink sheets by the Presiding Officers, Justices W. Atuguba, S. Adinyira (Ms.), N. S. Gbadegbe, P. Baffoe-Bonnie and Akoto-Bamfo (Mrs.) rejected the appeal on the ground that the failure of Presiding Officers to sign the pink sheets was basically the consequence of administrative blunders, and that could not have affected the legitimacy or the validity of the electoral outcome⁴⁷. In the conclusion of the majority, it was not just the Presiding officers whose signatures were essential, as there were polling agents at the polling stations and their signatures were of high significance as those of the presiding officers.

To illustrate, Justice Sophia Adinyira emphatically and fiercely argued that, Presiding Officers ought to be put on a similar level in the discussion of the absence of signatures. That is, the anomalies grumbled about were as an aftereffect of failures with respect to both Presiding Officers and Polling agents. To wit, it would be unfair for the petitioners to focus on and rate the endorsement of the Presiding Officer as paramount over that of polling agent and seek for annulment of election results (Presidential petition (2013), Justice Adinyira 2013: 139-141). Likely, Justice Atuguba tends to agree with this opinion and noted that "it would be unfair and fraudulent for the petitioners to authenticate the results through their polling agents' signatures and turn around to seek to invalidate on the purely technical ground of absence of the presiding officer's signature." (Presidential petition (2013) Justice Atuguba: 16).

⁴⁷ despite the fact the provisions of article 49 (3) of the Constitution of the Republic of Ghana and Regulation 36 (2) of Constitutional Instrument (C. I.) 75 state this clearly.

Finally, on the issue relating to ‘duplicate serial numbers’, ‘duplicate polling station codes’, and ‘unknown polling stations’ the Justices (the Court) unanimously dismissed the claims.

In spite of that fact that the Court vindicated the EC and upheld that President John Dramani Mahama was validly elected in 2012, it revealed several infractions and irregularities that could have destabilized the peace and stability of Ghana⁴⁸. The numerous administrative errors as shown in Court and alluded to by some of the Justices indicated the gap in the role the Electoral Commission plays in the election management of Ghana. However, Seidu (2014) in his article *“Party Politics and Electoral Malpractice in Ghana’s Election 2012”* found that the infractions that befell the conduct of the 2012 elections were not “outcome-determinative”. This notwithstanding, the attribution of the disputed 2012 election to administrative and in most instances misguided decisions by electoral officials is counter-democratic. The study therefore focuses on the underlining pointers to the Court to confirm or add to existing literature.

Implications of the Court for Democratic Consolidation

From the observations of the researcher, the disputed 2012 presidential election which was settled in Court contributed immensely to the democratic consolidation of Ghana’s Fourth Republic by exposing and interpreting certain key element of the electoral process that were ambiguous i.e. over voting. The court also revealed that the sustainability of democracy is guaranteed by the collective interest of the election stakeholders. The pinning of electoral offense by the Court as ‘criminal and punishable by law’, to some extent can deter people from engaging in such act.

⁴⁸ The EC in some instances did not apply the laws as were agreed by the political parties and other stakeholders. However it is the laws that give life to democracy.

The evidence brought before the court revealed some essential challenges and defects in the election administration of Ghana. For instance, the question of what constitutes over-voting especially generated a lot of controversies in the court room but the Court finally clarified over voting to constitute an instance where the number of ballots exceeds the number of voters registered at a polling station. Related to this challenge included voting without biometric registration, inadequate training and retraining of presiding officers, and unsigned pink sheets following the negligence of presiding officers and polling agents where appropriate recommendations were given.

More so, the Court helped to provide the understanding that, irregularities happen in every election and not just in Ghana. For example, “no verification no vote” anything contrary to this is an irregularity. This is intended to aid the EC to thread the path of conducting elections well to avoid any electoral violence.

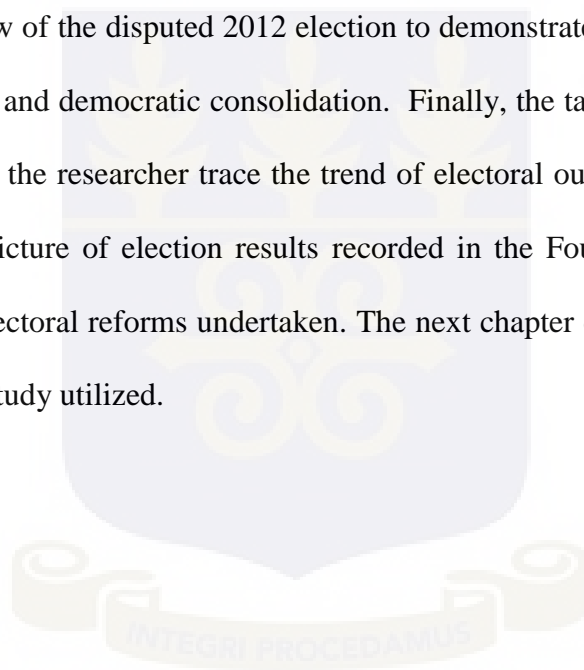
Similarly, the Election Petition was an eye-opener to the entire citizenry. That is, it conscientized the general citizenry to believe that the way to resolve conflicts is through the judiciary or the court system. In the same vein, it exposed citizens directly or indirectly to some legal proceedings due to the live broadcast by radio and television stations. Finally, the quotation, “elections are won or lost at the polling station” suggested that political party agents have to be vigilant and ensure that results pink sheet that is inaccurate are not signed and the relevant notes taken to produce as an empirical evidence should the results be challenged.

2.7 Chapter Summary

This chapter discussed and reviewed some existing literature on Democracy and Democratic Consolidation; General Studies on Election Management Bodies; Election Management Bodies in Africa; Election Management Body in Ghana and the

comprehensive roles played by the EC; and an Overview of the disputed 2012 presidential election in Ghana. The discussions in this chapter showed that the electoral reforms carried out by the EC over the years have contributed immensely to the democratic gains of Ghana through deliberative IPAC, transparency, and openness. Also, other roles such as demarcation of constituencies, voter education, and political party registration have increased political participation.

Invariably, a review of the literature revealed gaps in the role played by the EC in election management and the drive to democratic consolidation. The chapter further gave an overview of the disputed 2012 election to demonstrate some lapses that could mar the election and democratic consolidation. Finally, the tables shown in this chapter are intended to help the researcher trace the trend of electoral outcome whilst giving the reader a clear picture of election results recorded in the Fourth Republic of Ghana following the electoral reforms undertaken. The next chapter discusses the theoretical framework the study utilized.



CHAPTER THREE

THEORETICAL FRAMEWORK

3.0 Introduction

Theories are very important in every research since they aid the researcher to give a detailed explanation of the study. Some scholars have argued that theories “give researchers different ‘lenses’ through which to look at complicated problems and social issues, focusing their attention on different aspects of the data and providing a framework within which to conduct their analysis” (Reeves, Albert, Kupe, & Hodges, 2008: 631). In the understanding of Grant & Osanloo (2014), theoretical framework showcases the foundation from ‘which all knowledge is constructed’ for a research work by providing “a grounding base, or an anchor, for the literature review, and most importantly, the methods and analysis” (Grant & Osanloo, 2014:12). This in their opinion, shapes the structure and helps to justify the rationale for the entire research, being it the problem statement, the purpose, the significance, and the research questions. Several theories for that matter exist to explain happenings and phenomena. The models (theories) that apply to this study include; Electoral Governance theory, Institutional Theory, and the Neo-Institutional theory.

With regard to the topic under study, some scholars have found that most of the electoral irregularities in Africa are due to historical factors and ethnic factors. However, no critical analysis can be undertaken when the institutional dynamics are ignored. Granted that “democratization involves the construction of participatory and competitive institutions” (Bratton and Van de Walle, 1997:194; Lipset, 1959; Dahl, 1996), it follows that Electoral Management Bodies (EMBs) are important institutions for democracy-

building due to their pivotal role in the organization and conduct of elections in a multiparty democracy.

Also, the role of EC has a direct bearing on governance and other democratic institutions whilst the application of the procedural legal frameworks (Legislative Instruments (LIs) and Constitutional Instruments (CIs)) which largely constitute “the rules of the game” (North, 1990:3).

3.1 Neo-Institutional Approach

The theoretical framework the study utilized is the Neo-Institutional Theory which enabled the researcher to analyse the role of the Electoral Commissioner in the consolidation of democracy. Institutions basically constitute the various norms that guide patterns of interaction within the well-defined framework of operation. Thus, to be able to analyse any area of politics such as the Electoral Commission, Party Systems, the Judiciary, the Legislature, the Executive, the Police, and the Bureaucracies, one cannot rule out the theory of institutions.

This approach thrives on the works of John Meyer and Brian Rowan (1977), Lynne Zucker (1977) and Richard Scott (1983), DiMaggio & Powell (1983). The theory is built on the premise that the formal organizational structure is not solely driven by “technical demands and resource dependencies but [they are also influenced by some] institutional forces, including rational myths, knowledge legitimized through the educational system and by the professionals, public opinion, and the law” (Powell, 2007).

Scott (2001) and DiMaggio & Powell (1983) stress the need to critically distinguish whether an organization complies out of expedience, from a moral obligation, or because its membership cannot conceive and decipher alternative method to their actions. In a like manner, Meyer, Boli, & Thomas (1987:13) briefly conceptualize

institutionalism as a set of patterns designed to achieve normative and cognitive fixity which becomes taken for granted. That is, institutions reveal not only technicalities of management procedures but underlying networks which are normally ignored. These networks tend to be more effective than the outward portrayal of rules of conformity or application. For example, the Electoral Commission of Ghana operates with the stipulated legal framework. The role of the EC in the conduct of election requires that they operate within the confines of the law whilst implementing or enforcing electoral laws and programs. However, the presence of informal networks⁴⁹ is likely to affect the effective discharge of its duties. Thus, the study adopted this theory to explain how the EC is affected by both the formal and informal institutions.

Formal and Sociological model (informal institutions)

In the works of Levi (1990: 409), institutions are “the most effective institutional arrangements that incorporate a normative system and informal and internalized rules”. In support of this assertion, North (1990) observed that essential factors of institutions lie in the informal aspect. That is, the informal aspects of institutions help to gain deeper insight into how institutions work. Schotter (1981:155) throws more light on the simple argument that the concept of an institution should not be skewed to ‘rule of the game’ but it should be more concerned with the behaviours that follow the rules. Additionally, Helmke and Levitsky (2006) have shown that the interactions between the formal and informal rules have several effects on the political outcomes drawing from their tetra approach to institutions made up of the following elements; ‘complementary, competing, substitutive and accommodating’. This presupposes that in the discharge of the EC’s role, both formal and informal institutions cannot be ruled out in the

⁴⁹ Such as influential lobbyists, kinship ties, social relation, traditional leaders, religious leaders, financiers, friendship, among others.

understanding of the factors that shape the decisions and the likely behaviour of the Electoral Commission.

The reason for the choice of Neo-Institutional Approach over the old Institutional Approach is that unlike the old Institutional Approach which deals mainly with the formalistic scholarship that produced descriptive accounts of institutions and law in the late 1800s and the early 1900s, the new institutional approach is more analytic and aimed at giving explanation to happenings as well as seeking to understand the roles institutions play in the “production of social phenomena (International Encyclopaedia of the Social Science: 472). The Neo-Institutional approach, therefore, provides a productive framework for understanding and interpreting how the role of the EC is shaped by its environment.

The Neo-Institutional Approach has, however, been criticized on the grounds of failing to address the question of how to account for divergence, resistance and coercion in composition and role of the EC as well as institutional expansion and organizational change. Powell & DiMaggio (1991:13) argued against this background that the neo-institutional approach offers a framework for understanding the enactment of seemingly irrational decisions and structures as well as emphasizing “the unreflective, routine, taken-for-granted nature of most human behaviour”. This helps to understand interests and actors since they are part of the institutional embodiment and the institutional culture.

3.2 Operationalization of Concepts

The discourse of democracy, elections, democratic consolidation and Electoral Commission (Election Management Bodies) should be understood as explained in the thematic captions below:

3.2.1 Democracy

Democracy is an ideal system of government most countries in the world today endeavour to achieve. For this reason, the concept has undergone several surgeries and explorations by diverse scholars to come out with the best components and elements that constitute democracy, though the basic principles are the same. It is in the light of this that Buhlmann et al., (2008:3) and Kekic, (2007:1) have argued that literature relating to democratic theory and what democracy is abounded and this has led to the lack of consensus on how to measure democracy since the concept is contested and situated in an “ongoing lively debate”. In like manner, Schmitter & Karl (1991: 95) have also argued that the “word democracy has been circulating as a debased currency in the political marketplace [where] politicians with a wide range of convictions and practices strove to appropriate the label and attach it to their actions...because of the ambiguity that surrounds”.

However, the study will dwell on the popular notion of democracy explained by Abraham Lincoln as “government of the people, by the people and for the people” as well as Robert Dahl’s conception of democracy in his *Polyarchy* (1971). This is important because the very essence of democracy is the people. Thus, the broad participation of citizens requires electoral competition to elect their own leaders. For instance, Dahl’s view encapsulates the rule of law and the need for institutions to play their roles; stressing on competitive elections as the primary route and ticket to manage the affairs of the state, whilst allowing for broader citizen participation as well as the guarantee of civil liberties, freedom, and protection of minority rights as necessary to consolidate democracies even though the real governance business may be lacking. Finally, Dahl’s situate election as the heart of democracy and this makes it an appropriate concept to employ in this study.

3.2.2 Elections

Democracy is believed to be incomplete without elections. O'Donnell (2007:7) has argued that one of the basic two components of democracy is elections and that it should be in such a way that they are “reasonably fair so that the opposition has a reasonable chance of winning”. He further argued that the elections should be decisive to ensure that “whoever wins may occupy the offices for which they have competed, and endure in their tenure as constitutionally prescribed” (O'Donnell, 2007:7). Ninsin (2006:61) & Ayee (1998:1) also acknowledge elections as the experiential exercise of the liberty of the citizenry (“freedom of speech and assembly”; “freedom of choice and association”; and “freedom of movement”) such that it offers an opportunity for democratic participation through voter education, monitoring of elections, research, and policy advocacy.

Elections can, therefore, be defined “as a means for citizens to exercise their right of participation...based on the assumption that each voter possesses the ability to make free and rational decisions or choices” (Frempong, 2012: 11). This definition forms a basic understanding of elections and confirms the sovereignty of the state on the general citizenry through the power of their thumbs. However, elections in this study will encompass the mechanisms and institutional capacities that allow free participation of citizens in exercising their constitutionally mandated right to vote through a procedural vote cast to select their respective candidates to represent and manage affairs without any fear or intimidation or threats of violence.

This is necessary because the quality of an election guarantees the kind of democracy a nation is likely to have. As held by the scholars of minimalists stream, elections in basic terms are “the means and the ends” of democratic governance and hence the

ability of the EMB to produce an effective and neutral electoral system will make power alternation a reality without unnecessary controversies (Diamond, 2008; Moller & Skaaning, 2013). This explains why the study uses elections as a proxy to measure democratic consolidation in Ghana's Fourth Republic.

3.2.3 Democratic Consolidation

Several scholars have identified what it takes for a democracy to be consolidated. According to Schmitter (1985:20), democratic consolidation refers to a condition where “the rules and resources of basic democratic institutions are sufficiently entrenched—sufficiently protected by their own and other vested interests and sufficiently endowed with symbolic significance and narrative approval—that they can withstand foreseeable changes in their environments”

In this study, the operational definition of democratic consolidation that the study seeks to utilize will be Samuel Huntington's conception which posit that, a country's democracy can be said to have been consolidated when “the party or group that takes power in the initial election at the time of transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election” (Huntington 1991: 267). The motive behind the adoption of this concept is that Ghana's democracy is deemed consolidated electorally— which falls in the minimalists' strand. For instance, Ghana has achieved three successive turnovers which go beyond Huntington's two turnover test.

3.2.4 Election Management Bodies (EMBs)

The captions given to an EMB differs from one country to another. In some jurisdictions it is called ‘Electoral Commission (Ghana), others call it ‘Electoral Council (Zambia)’, or ‘Election Unit’ (Republic of Macedonia), or ‘Electoral Board’ (Singapore, India, and Virginia), though their roles, in general, are the same. Election management bodies can, therefore, be narrowly conceived as the institutions established to oversee electoral processes. However, in this study, the definition of an election management body (EMB) as provided by International IDEA’s Handbook on Electoral Management Design (2006) is adopted.

Here, EMBs are described as organizations or bodies “which have the sole purpose of, and are legally responsible for, managing some or all of the elements that are essential for the conduct of elections and of direct democracy instruments – such as referendums, citizens’ initiatives and recall votes – if those are part of the legal framework” (IIDEA Handbook on Electoral Management Design, 2006:5). Among the vital features which must constitute the role of the EMBs are: the determination of who are eligible to exercise their franchise; the collection, review, and validation of nominations of electoral participants; the conduct of polls; votes counting; and tabulation of votes cast (IIDEA Handbook on Electoral Management Design, 2006:5).

3.3 Research Questions

The central question this study seeks to answer is to find out whether the Electoral Commission of Ghana plays any role at all in the consolidation of the Fourth Republic of Ghana? To do this, the following sub-question will be used as a guide and a pillar of navigation in the course of the study:

- a) How well has the EC played its roles as an election management body, especially in the following:
 - i. Compilation of voter's register;
 - ii. Regulation of political party's activities; and
 - iii. Voter education?
- b) What were the factors that led to the disputed 2012 presidential election?
- c) How does informal institutions affect the independence and neutrality of the EC?
- d) Are there any factors that impede the Electoral Commission from performing its roles?

3.4 Chapter Summary

This chapter centred on discussions of the theoretical framework which guides the study. It also explained how formal and informal aspects of the neo-institutional approach are linked to the role of the EC in the consolidation of democracy in Ghana's Fourth Republic through elections and the possible influence of informal institutions on the EC and democratic consolidation. Finally, the chapter highlighted the strength and weaknesses of the neo-institutional approach citing relevant scholars and literature to support the claims. The theoretical framework adopted here enabled the researcher to explain that informal institutions in most cases are more effective than the formal institution. That is the laid down rules (formal legal) become mere shadows of informal institutions. Finally, the chapter discussed how key concepts like Elections, EMBs, Democratic Consolidation and democracy meant in this study. The next chapter discusses and explains the methodology employed for the conduct of the study.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.0 Introduction

This part of the study discussed the appropriate research design that was used in the collection, collation, and analysis of data for the study. It also defined the data and sources, study population, sampling techniques and size, research instruments, fieldwork, data analysis, ethical issues and the limitations of the study. Data gathered were used to answer the research questions stated in Chapter Three (3) of the study.

4. 1. Research Design

The study utilized qualitative research methodology of inquiry to gather the relevant data for the discussions and analysis. This approach is employed as against quantitative approach and other research designs because the study sought to elicit information to enable the researcher to explore and understand the role of the EC in consolidating democracy in the Fourth Republic of Ghana. Here, it must be understood that democratic consolidation is the dependent variable whilst the Electoral Commission is the independent variable.

Notably, Creswell (2013) explained that the core of qualitative study lies in its analytical assessment of phenomena to enable the researcher to create an all-inclusive and a vivid picture of that phenomenon such that the processes and outcomes provide deeper insight into that phenomena and how it reflects the “outside world”. In this vein, a qualitative approach was more suited for this study since it allowed the researcher more room to operate. Further, it helped the researcher to distil objectivity from subjectivity through logical inferences rather than to follow narrow measurements and rigid impositions of quantitative methods (Morse, 1991; Engel & Schutt, 2009).

Moreover, data derived from the use of the qualitative approach gave life to the research question and objectives of the study.

Qualitative research has, however, been criticized in some circles that, the analysis of its findings cannot be extended to wider populations with the same degree of certainty since the conclusions of the research are not verified to ascertain whether or not it is statistically significant or the findings are just coincidental (Atieno, 2009). Again, it has been criticized that the collection of data and its analysis is time-consuming and sometimes very expensive (Griffin, n.d: 9). Nevertheless, Willig (2001) has cautioned that these (sampling errors and unverified fact and validity issues) are avoidable when the researcher is careful in the selection, such that the challenges would not lead to the incorporation of biases into the study.

It must be stated that the nature of the research problem bears the semblance of perceptions rather than factual statements. Granted that these are even perceptions, the works of Mendez and Osborn, (2010); Ogungbamila, (2013); and Akanbi and Ofoegbu, (2013) have shown that perceptions can be used as a caveat to measure the certainty of phenomena or otherwise. Thus, the methodology adopted enabled the researcher to get to the core of the necessary information needed to complete the research. For instance, the electoral officials I interviewed made informed input into the work. That is, the methodology enabled the researcher to get access to credible information and objective facts.

4.2 Sources of Data and Data Collection Instruments

Qualitative data collection can take several forms. According to Heaton (2004: 37) data collection procedures may include but are not limited to ‘interviews, taped social interaction or questionnaires, focus groups, surveys, and field-notes’.

Nonetheless, it has been observed that it is not an easy task to collect information but it must not be taken for granted that one method of data supersedes the other in terms of worth or relevance (O’Leary, 2004: 150).

The study employed both primary and secondary data to analyse, interpret and discuss relevant findings. Whilst the primary data were collected from the sampled respondents through an interview, the secondary data were sourced from the following: books (published and unpublished), journals articles, newspapers and reviews as well as encyclopaedias, UG space, J-stor, Other types of secondary materials such as reference materials, online electronic sources and magazines were utilized in this study to analyse and restate the work of others. Finally, the Political Science Library and the Balme Library, Knowledge Commons were extensively used to get the necessary materials for the study.

4.2.1 Interviews

The interview method has proven to be one of the efficient tools to gather data though it has its own limitations. Kvale (1983: 174) cited in Opdenakker (2006:1) defines the qualitative research interview as "an interview, whose purpose is to gather descriptions of the life-world of the interviewee with respect to the interpretation of the meaning of the described phenomena"⁵⁰. Kvale (1996: 14) elaborated this definition by perceiving it as "... an interchange of views between two or more people on a topic of mutual interest, sees the centrality of human interaction for knowledge production, and emphasizes the social situatedness of research data."⁵¹ This could be face to face or through technological means of communication.

⁵⁰ Opdenakker, R. (2006). Advantages and disadvantages of four interview techniques in qualitative research. In *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research* (Vol. 7, No. 4).

⁵¹ Kvale, D. (1996:14). *Interviews*. London: SAGE Publications.

The importance of employing face to face interviews approach is that the responses from the interviewees are much more spontaneous whilst the use of technology (Skype and Phone calls) saves time and money (Mann & Stewart, 2000)⁵². It must clearly be stated here, that the researcher used only face to face interviews to elicit response from the sampled experts.

Notably, an interview can take an unstructured, semi-structured or structured form, this study employs semi-structured-interview as a data collection tool. Corbetta (2003:270) clarifies semi-structured interviews to mean:

“The order in which the various topics are dealt with and the wording of the questions are left to the interviewer’s discretion. Within each topic, the interviewer is free to conduct the conversation as he thinks fit, to ask the questions he deems appropriate in the words he considers best, to give explanation and ask for clarification if the answer is not clear, to prompt the respondent to elucidate further if necessary, and to establish his own style of conversation.”

Hancock, Windridge & Ockleford (2007:16) also opined that semi-structured interviews involve “a number of open-ended questions based on the topic areas that the researcher wants to cover [such that] the questions posed define the topic under investigation and provides opportunities for both interviewer and interviewee to discuss some topics in more detail.”

The justification for this choice is that semi-structured interviews allow the researcher to explore into other areas that may have been overlooked and also provides assistance to the interviewee in terms of difficulties. Thus, in instances where the interviewee is struggling to answers a question or giving responses limited in scope, the interviewer can make use of clues or hints to encourage the interviewee to explain further on an earlier or original response (Hancock, Windridge & Ockleford, 2007). As Hoyle,

⁵² Mann, C. & Stewart, F. (2000). *Internet Communication and Qualitative Research: A Handbook for Researching Online*. London: Sage.

Harris & Judd (2002: 144) noted, interrogations have two major goals— “motivating the respondent to give full and precise replies while avoiding biases stemming from social desirability, conformity, or other constructs of disinterest.” This enhances the objectivity of the study as a whole.

However, it has been argued by some scholars that semi-structured interviews are time-consuming, difficult to analyse and generalize and above all, it is very difficult to test for the reliability and validity.⁵³ But Creswell (2009:190) contended that in qualitative study validity must not be confused with quantitative validity since it is based on the accuracy of information from the standpoint of the researcher or participant. He further stated that the challenge of validity and reliability can be curbed by acceptance of biases, discrepant information, use of peer debriefing, use of an external auditor (Creswell, 2009: 190). Reliability can be addressed through the setting up of a detailed protocol (Creswell, 2009:191).⁵⁴

4.2.2 Interview Guide

Interview guides have proven to be very useful in qualitative semi-structured interviews. According to Kajornboon (n.d: 3), “an interview guide is the list of questions, topics, and issues that the researcher wants to cover during the interview [however the question should be crafted in a way that it is] ...clear and avoids ambiguity”. Lofland & Lofland (1995) opine that an interview guide is a comprehensive list of questions on the topic the interviewer (researcher) anticipates to explore in an interview.

⁵³ It very difficult for the researcher to ascertain whether the interviewee is lying or telling the truth and thus validity of most qualitative research is not given much credit by some scholars.

⁵⁴ This may include checking transcripts for obvious mistakes as well as crosschecking codes with different researchers by comparing results that are independently derived.

For this reason, an interview guide was developed for this study. However, variations in the questions were contingent on the type of respondent the researcher sought to interview. The researcher developed a guide for the following category of experts; Electoral Commission, Political Party Officials, Political Scientists, Civil Society Organizations, and the Media.⁵⁵

4.3 Target Population

The target population was made up of experts and experienced respondents who are endowed with the capacity to give a well-informed contribution (commentary) to the study, stemming from historical to contemporary issues bordering on the EC and the role it plays in the consolidation of democracy especially, in Ghana's Fourth Republic.

4.4 Sample and Sampling Procedure

A sample is simply a selected subset of a population such that it reflects the totality of the population. According to Frey, Carl, & Gary (2000:125), a sample is a "subgroup of a population". Berinstein (2003: 17) saw sample as a representative 'taste' of a group, whilst Lohr (1999:3) opined that a sample must be such that a respective sample unit is a reflection of the features of a known number of units in the population.

The study employed purposive sampling against convenience sampling and quota sampling to allow the researcher use his discretionary powers to select appropriate experts in the course of the dissertation. A purposive sample, which is sometimes denoted as a judgmental or expert sample, is a form of the non-probability sample that is intended "to produce a sample that can be logically assumed to be representative of

⁵⁵ These experts were chosen to give credible information for the dissertation because of their engagements in elections either as stakeholders, active participants, active observers and deeper knowledge in the electoral system of Ghana. However, the researcher was unable to get a media representation due to the incessant difficulty encountered in reaching out to them.

the population” (Battaglia, 2011: 646). This can be achieved by applying expert knowledge of the population to select in a no random manner a sample of elements that represents a cross-section of the population (Battaglia, 2011: 646). Essentially, Flick (1998:19) asserted that “the concentration of the subject’s points of view and the meaning, they attribute to the experiences and events as well as towards the meaning of objects, activities, and viewpoints, informs a large part of qualitative research”⁵⁶. It is in the light of this that purposive sampling is adopted for this study.

In this study, a sample size of sixteen (16) respondents is utilized. The interviewees included one present-day officials from Commission (the head of Communications at the EC) and two former EC officials (the Chairman and a Deputy Chairman). The choice of these individuals is based on their attachment to the EC past and present and could provide first-hand information for the success of the study. Whilst the current EC administration was selected to provide pertinent information concerning the role of the EC in the consolidation of elections in Ghana, the former EC officials were to elaborate on the various roles played by the commission under his Chairmanship, especially to help get a deeper insight into the pointers to the 2012 election and it was managed.

Additionally, one representation from five (5) registered Political Parties namely: the New Patriotic Party (NPP), the National Democratic Congress (NDC), the Peoples National Congress (PNC), the Convention Peoples Party (CPP), and the Progressive Peoples Party were selected. The choice of the first three parties is as a result of their representation in parliament. The inclusion of CPP is because it is one of the maiden political parties dating back to 1949 whilst the inclusion of PPP is based on their contribution to the reformative electoral policies and their relentless vociferous

⁵⁶ Flick, U. (ed) (1998) *Psychology of the Social*. Cambridge: Cambridge University.

activeness in politics of Ghana. These officials are also important due to their close engagement with the work of the Electoral Commission of Ghana.

Aside the above, two Political Scientists from the Political Science Department of the University of Ghana and one representative from each of the following were chosen to be interviewed; Centre for Democratic Development (CDD), the Coalition for Democratic Election Observers (CODEO), Institute for Democratic Governance (IDEG), and ABANTU for Development-Ghana ⁵⁷ and the Media. The selection here is based on their research expertise and broad knowledge on the role and composition of the Electoral Commission, as well as their contributions toward democratic governance.

4.5 Data Analysis

In every qualitative study, data management is key because of the quantum of data usually gathered at the data collection stage (Creswell, 2009). Hence, the researcher systematized the data under clear and well-defined themes (the use of named files) for effectiveness and efficiency purposes and easy access to the information gathered during the period of the data analysis.

Data collected were transcribed, analysed and interpreted using the qualitative approach to tease out meanings and insinuation of the interview contents and juxtapose it with stated thematic topics. This ensures coherence and chronological flow of thoughts and reasoning. Also, data gathered were scrutinized in a way that does not change the meanings and positions of the respondents for reasons of accuracy and avoidance of

⁵⁷ Their inclusion helps to give the study a fair feminine representation

biases. It must be stated that various digressions from the respondents were distilled, leaving the information that conformed to the objectives of the study.

4.6 Ethical Issues

Ethics in research work is very essential. For this reason, Creswell (2013) suggested that issues of ethics should be expected prior to the commencement of the study [data collection and data analysis] and during the study so that efforts could be made by the researcher to identify them at each phase of the research process. Thus, the researcher sought the permission and approval from all respondents who were interviewed. Further, all respondent in this regard received a copy of the interview guide ahead of time so that they were not taken by surprise. The intent of the study was clearly stated and the confidentiality of the respondents was strictly upheld. Finally, opinions and statements expressed by the interviewees were not suppressed neither were quotations and evidence falsified or invented.

4.7 Limitations of the study.

The researcher was faced with series of difficulties in trying to get the selected respondents for the study. 2016 was an election year, thus all major stakeholder were engrossed in election-related activities, such as campaigns, IPAC meetings, and other engagements and this pushed the data collection to 2017. The research was reduced to “yo-yoing machine” going up and down. Eventually, the researcher was unable to interview the Current EC Chair, the representative from the CPP, the representative from the ABANTU and a representation from the media. Thus, the study was biased towards men since the researcher was unable to interview respondents who were women despite the relentless effort to get to them.

As noted by Bryan (2008), interviewing is a strenuous activity of extracting information especially when the interviewee is unwilling to talk may create elements of frustrations and confusion. Further, the study was biased towards the presidential election since parliamentary elections were not given much attention. This is due to the operational definition of democratic consolidation the study adopted. The paper did not include the opinions of Members of Parliament who contested as independent candidates as well as independent presidential candidates due the limited time for the study. Finally, due to the sensitive nature of the 2012 election, some key respondent were not too comfortable to go deeper into the issues. The website of the EC was down for more than a month before the 2016 elections and has since been down from the middle of March 2017. Thus, making it difficult to access quick information and official documents from the EC's website.

4.8 Chapter Summary

This chapter highlighted and explained the methodology the study utilized. The research design, sources of data collection, sampling procedures, target population research ethics, nature of data analysis and the limitations of the study were discussed. This method proved very effective in accessing the authentic and first-hand information the researcher needed to complete the study. The next chapter presents the results gathered on the field and discusses them highlighting those in-line with available literature and those that can be categorized as new revelations, drawing from the responses of interviewees.

CHAPTER FIVE

PRESENTATION OF FINDINGS

5. 0 Introduction

This chapter focuses on the presentation of results and findings generated during the data collection process. The data collected through semi-structured interviews with experts such as Officials from the Electoral Commission of Ghana; past and present, Political Scientists, Political Parties, and Civil Society Organizations were transcribed for accuracy and precision. Thus, the themes and sub-themes presented in this chapter were drawn from the research questions the study sought to answer.

The research questions were as follows:

- a) RQ1: How well has the EC played its roles as an election management body, especially the following:
 - i. Compilation of voter's register;
 - ii. Management of political parties; and
 - iii. Voter education?
- b) RQ2: What were the factors that led to the disputed 2012 presidential election?
- c) RQ3: How independent and neutral is the EC against informal institutions?
- d) RQ4: Are there any factors that impede the Electoral Commission from performing its roles?

5.1. Research Question 1

How well has the EC played its roles as an election management body, especially the in following: Compilation of voters' register; regulation of political party activities; and voter education?

Introduction

This question was intended to find out from various experts and electoral officials how the Electoral Commission of Ghana has played its role in election management with a specific look at the compilation of voters register, regulations of political party activities and voter education, and the implications these roles have for democratic consolidation. The respondents' views connoted elements of success and failures on how well the EC has played its role over the years.

Pertinent roles of the EC in the Fourth Republic of Ghana

It is instructive to note that all respondents made reference to the 1992 Constitution of the Republic of Ghana and by extension, the Electoral Commission Act 451. From these legal provisions, respondents noted that the EC organizes public elections: presidential elections, parliamentary elections, referendum and by-elections including statutory elections such as Council of State elections (regional representatives), District assembly membership elections (local government) and the National House of Chiefs, as well as any other elections that the EC is not bound but could assist for exercise of prudence⁵⁸. For instance, in the opinion of the former EC-Chair of Ghana, *“the EC is a full management body with basic role of engaging in everything that is related to the*

⁵⁸ Political Parties' elections (primaries), TUC elections, Ghana Bar Association, Ghana Medical and Dental Council, Students Elections (SRC, NUGS, GRASAG, etc.), Second-Hand Clothing Association election, Churches elections, among others.

conduct of elections and its management". This position was convergently held by all respondents.

Notably, a Senior Lecturer at the Political Science department of the University of Ghana observed that the core mandate of the Electoral Commission is to organize elections. To him, "the EC has the mandate to ensure that the processes leading to the elections are known to everybody and as a matter of necessity must determine and exhaust the following procedures:

(1) Spell out the rules of the game; (2) Demarcate the country into constituencies; (3) When voter registration will be opened; (4) When limited registration will take place; (5) When the EC opens party nominations; (6) When political parties have to file their nominations (presidential and parliamentary) and approve or disapprove; and then (7) When the Election will be conducted and the declaration of the election results. **(Field interview, 2017)**

Thus, from the aggregated views and opinions of all respondents, the role of the EC is to deliver electoral mandate and to regulate the activities of political parties in the electoral cycle: set the electoral rules, demarcation of the country into constituencies, creation of polling stations, voter registration, exhibition of the voter's register, vote transfer, preparation of special voters list, public education, recruitment and training of electoral official, logistics management, register political parties, filing of nominations and regulation of political parties' activities such as funds management and ensure that their internal conducts conform to democratic principle, the actual conduct of the polls, the declaration of the results and the institution of electoral reforms where necessary.

Enforcement of Electoral Laws

The data collected revealed a wide range of laws instituted by the Commission aside the provision of the Constitution. These laws are captured in constitutional instruments (CIs), for instance, CI 1 (Council of State Elections), CI. 71 Registration of Voters, CI 75 (Public Elections Regulation, 2012), C.I. 91 Public Elections [Registration of Voters, Regulations, 2016] and CI 94 (for the conducts of elections). According to the Head of Communications at the EC, the laws are enacted in a deliberative and well composed legal committee made up of political parties, civil society, other stakeholders and the EC. The content of every law is discussed before the Commission proceeds to parliament for approval. This in his opinion enhances transparency in the ‘rules of games’, a very important fibre in every democracy.

In contrast, about seven (7) of the respondents, especially the IDEG official, expressed discontent regarding how the EC has implemented these laws. He observed that the EC over the year has tried to implement the laws of elections, however, a major flaw is that since its inception, there has been the failure to create an effective legal department despite the concerns raised by IDEG and other think tanks. This, according to him, is the result of the many slippages as far as the EC and implementation of laws are concerned. The National Chairman for PPP and PNC alike expressed that the EC is engaged in selective application and implementation of the laws. In their view, the decisions of the EC more often than not seem to favour the two dominant political parties (NPP and NDC) but not the other political parties and this to some extent make the playing ground uneven.

By way of salvaging the EC from falling into the pit of electoral crisis, the IDEG official and two other respondents from the political parties argued for the creation of an

effective and efficient legal department to free the EC Chair, and the two Deputies to enable them to channel their energy towards other relevant aspect of their roles. Thus, the legal department will concentrate on anything legal regarding the role of the Commission in order to mitigate the gaps that could hinder democratic consolidation.

Electoral Reforms

The aggregated views of all respondents rated the EC very high for making a constant effort to reduce irregularities election after elections through several reforms. These reforms included but were not limited to: the introduction of political party agents at every step of the way, embossment of voters photo on the voter register, photo ID cards, increased number of polling stations, the introduction of biometric verification and registration, manual and electronic collation of results, and embossment of coloured pictures of contesting candidates on the ballot papers against their respective party symbols, and transparent ballot boxes. Aside these, number seal on ballot boxes and ballot papers, counting and collation of results at the polling stations, training sessions for political party agents, the use of different inks for thumb printing and finger marking, the creation of IPAC, among other reforms have been undertaken by the EC. The numerous reforms above were found to have held the Ghanaian democracy till date.

The EC officials alongside political parties and civil society groups sampled argued that the collapse of the “Strong Room” and “Central Collation Centres”, as it were, has helped to increase transparency in the system. For example, vote casts are counted at the polling stations and anomalies are rectified before being transferred. This limits the possibility of tampering with results without it being noticed. The electoral reforms, therefore, against instances in other jurisdictions have improved tremendously. They observed.

To illustrate further, the NDC General Secretary cited that,

...there have been instances in other African countries where contesting candidates' pictures are posted on the ballot boxes. Now when you lift the box and one is heavier than the others, you can quickly interchange the pictures and that will be all. The electoral outcome will be overturned. But this is not the case in Ghana... the introduction of candidate's picture on ballot papers and transparent ballot boxes add to the transparency in the process, which is a recipe for democratic deepening (**Field Interview, 2017**)

In addition, about seven (7) other respondents expressed their views that electoral reforms have an implication for democracy claiming they build credibility and a sense of ownership into the system. The Director of Protocol for the NPP noted that the mere fact that various reforms adopted by the EC are discussed at IPAC meetings creates a sense of ownership over the system.

Again, the official from IDEG and CODEO/CDD agreed with the two political parties and a former deputy EC Chair on the ground that electoral reforms enhance democracy for reasons of opening up the entire process to produce verifiable results. Citing an instance in Lesotho, the former deputy EC recounted that controversies over election results erupted and almost generated into electoral violence because the system had no room for verification. Though Deloitte & Touché in South Africa were hired to audit the results, they could not audit the results because it was impossible to trace the results to specific polling stations. Eventually, some reforms in Ghana had to be exported to Lesotho.

Most of the respondents agree that the EC has in recent past put, and is still putting, in place measure to ensure that the system is open and transparent. The Head of Communications and other electoral officials, including the former EC Chair, noted that with the exception of the founding elections of 1992 and most probably the 1996

elections, there has been a full representation of political party agents at every stage of the process. Also political parties are made aware of, for instance, the number of ballot papers that are going to be printed for all polling stations whilst allowing for political party agents' presence in the printing house and they know how many ballots are being printed, and how they are going to be transported to their various destinations. Though two political party officials, NPP and PPP faulted the EC on the grounds of effective communication⁵⁹, they acknowledged that the system to a very large extent is *transparent and legitimate* leaving an insignificant gap for biases and undue influence of the elections by parties or the EC.

Demarcation of Constituencies and Electoral Boundaries

When respondents were asked how well the EC has played this role, an overwhelming majority responded that the EC has played these roles well but the challenge pertains to the visible or invisible hands of the government in the creation of new districts which forces the EC to create new constituencies and electoral areas. According to them, the EC is unable to stop political gerrymandering since the central government has the power to create the districts with the EC being a consultative agent. The EC may advise against it but because it is a political decision and the government may have vested interest, the districts will be created. This is suspected to have affected the independence of the EC and democratic consolidation by extension. For this reason, a senior research fellow at IDEG stated that a new law called the Consolidated Local Government Act (2016) has been enacted with the intention of taking the district creation function from the government to the EC. This, in his opinion, will ensure that the invisible hands that force the EC to create constituencies are removed.

⁵⁹ The communications of the EC has been inconsistent: the chairmen's communication and posturing sometimes contradict the decision and deliberation at IPAC meetings

Furthermore, it was revealed that the EC has created more polling stations to enable a higher number of qualified voters to participate in the selection of their preferred conditions through voting. The electoral officials pointed out that the Commission has managed the process of creating constituencies very well due to the complexity of the role. These complexities are explained by the former EC Chair in the quotation below:

There are problems everywhere but there is a formula and that dates back to the 1960s:

- A. ...Demarcations of the country into constituencies can be explained both **technically and theoretically**. The constituency must represent the same quota of the population, which means people in each constituency must be more or less the same as the district. However, in the same constituency certain major factors must be taken into consideration: the means of communication or linguistic so that one cannot mathematically divide the country into for instance 275 constituencies irrespective of wherever they are and this is where the difficulty lies... **(Field Interview, 2017)**.
- B. We have interpreted in practical terms that there must be a difference between **an Urban Constituency and a Rural Constituency**. If you don't do that Greater Accra will, for instance, have double the number of MPs than the Northern region, but the Northern region is 10 times the size of Greater Accra. So, it is not just about the mere distance and size, for example, the average size of the constituencies in Kumasi is 18square meters, but in the Northern region, some constituencies are about a 1000square meters. Thus, we introduce the formula of Urban and Rural constituencies to mitigate the huge imbalances **(Field Interview, 2017)**.

Following from this, it was revealed that the Commission has been taken to court on a number of occasions but the Court has consistently decided that the principle is fair. The difficulty lay in, for instance, Greater Accra having 34 constituencies while the Northern region has 31 constituencies though the Greater Accra region is the smallest region in Ghana. This notwithstanding, the Commission has created 275 constituencies and about 29000 polling stations since its inception. This to some extent was revealed

to have increased representation and political participation which is essential for democratic deepening.

5.1.1 Compilation of voter's register and voter's registration

The EC is constitutionally mandated to compile a comprehensive and inclusive voter's register such that all who qualify to vote are registered to allow them to exercise their franchise. Further, the EC revises at intervals (every year) the voter's register and is required by law to create a new register after every 10 years. The intent is to get dead people off the register and the inclusion of qualified citizens who may have turned 18 years. *When respondents were asked how well the EC has played this role, they all accepted that the EC has done creditably well, but said there was more room for improvement since there are more challenges that have to be addressed in this regard.*

For instance, the General Secretary of the National Democratic Congress (NDC) contended that the lack of a national database exposes the Commission to several errors since the EC has to compile the voter's register through "fieldwork": a cumbersome task of trying to decipher who has attained a voting age and who has not.

However, the response by the electoral officials indicated that the system of registration has improved over the years. The concept of "*where you register is where you vote*" has gradually been accepted and for this reason, nobody can miss the register or move from one polling station to the other to register. Further, the Head of Communications at the EC explained and expressed confidence that the increase of polling stations to about 29,000 is targeted at reducing errors, duplications and improving the credibility of the voter's register.

In line with the above paragraph, the former Chairman of the EC indicated that the Commission has been apt in the creation of polling stations at any time provided the Commission is convinced that the concerns raised are genuine. Moreover, this cannot be done without considering the provisions highlighted in the PNDC Law 284, Section 4 clause (3), which explains that

Whenever the Commission divides a constituency into polling divisions or alters the number or area of polling divisions within a constituency, it shall, by legislative instrument, specify the polling divisions into which the constituency has been divided or the alteration which has been made. **(PNDC Law 284, Ghana) the former EC noted.**

Against this backdrop, the National Coordinator for CODEO/CDD and a former deputy EC Chairman stated that the voter compilation and registration role can be more effective if the required funds needed are provided. According to him, because resources are limited in the country, the EC has been “too sympathetic and does not present the true budget to government”. Unfortunately, the government cut it further and renders the Commission handicapped in terms of providing the adequate logistics for the registration. The CODEO official advised that the EC must exhibit boldness and confidence so that the monies needed from the central government for effective registration processes at various stages are retrieved to avoid “cutting corners” to get things done.

Registration of Minors and Foreigners

According to the Director of Protocol of the NPP, the claim of over bloated register has been lingering on the shoulders of the EC for a very long time. He further noted that the EC seemed to have failed to implement the recommendations put forward by a Panel

of five (5)⁶⁰ constituted by the Chairperson of the Electoral Commission in October, 2015 that, the revised and updated register was bloated to a number that is unacceptable, higher than the total estimate of citizens qualified to register and vote in Ghana. Thus, deliberation and stakeholder engagement necessitated the EC's call for an audit of the register since it could not give in to the appeals to create a new voter register: limited finances and the likelihood of political parties to influence more minors to register and the purpose of the new register (a clean register) would be lost.

This notwithstanding, a Senior Research Fellow at IDEG contended that the voter's register is still bloated because the ratio of voters on the register to the total population of Ghana is abnormal when it is compared to other African countries. He further remarked that,

in a country with a population of a little over 27,500,000, it is so impractical to have over 15,700,000 especially when the population dynamics is described as very youthful with about half of the population being below 15 years by various statistics that have been conducted (**Field interview, 2017**).

Admitting the concerns raised by the IDEG official, the former EC Chair emphatically stated that minors and foreigners do get on the register due to *the dishonesty of the local people (parents)*. He cited his encounter in the Kejebi area with a young girl during his monitoring role that he suspected to be a minor, but the young girl insisted she was 19 with her father in support of the claim. Eventually, the checks from her school indicated that she was 14. In another instance, where a suspected minor was requested to produce her birth certificate as evidence of her purported age, the father hissed arguing that *"it was not a paper that gave birth to the girl but he was the one and so if he says she is 18, no paper or anyone can say otherwise."*

⁶⁰ His Lordship Justice VCRAC Crabbe (as chairman of the Panel), Dr Mrs Grace Bediako, and a renowned ICT expert, Dr Nii Narku Quaynor, and two other prominent religious leaders.

On the registration of the foreigners, the EC Chair (former) accepted that the task is a heavy and difficult one for the Commission alone to handle, since it is very challenging to know who is a foreigner and who is not.

He explained that

.... (1) the Electoral Commission has no magic to know who is a Ghanaian and who is not. (2) There is no machine that can distinguish between a Burkinabe fingerprint and that of a Ghanaian or that of a Togolese from a Ghanaian. (3) Some officials may be compromised at the blind sight of the EC: political parties push in people during recruitment processes of the EC. **(Field Interview, 2017)**

Thus, he concluded that there are genuine problems but it takes the collective responsibility of the Commission and sincerity of the local people to put a long lasting solution to the problem, which is widespread especially in the part that borders our neighbouring countries namely, the Aflao border, the Elubo border and the Paga border.

Relatedly, the Head of EC communication expressed that the EC has a comprehensive challenge mechanism that has traditionally been used to check the registration of minors and foreigners. The “challenge mechanism” as explained in his direct words were:

...the challenge mechanism is a strategy that allows EC officials and election stakeholders (political parties) through their agents to scrutinize and challenge the eligibility of a registrant or applicant who comes to register on grounds of either being a minor or a foreigner...Another round of the challenge mechanism is expected during voter exhibition. Here the EC officials, the political parties, and citizens could still object to some of the names on the register they believe might have eluded everyone.

...there is also a Registration Review Committee (RRC) in place to address issues of challenged applicants. The RRC is made up of political parties,

traditional leaders, representatives from the Ministry of Education, security officials (police and the military), and an EC official who are there mainly for adjudication purposes. ...these committees are set up in all the districts and are endowed with the powers of a high court judge and so they gather evidence, investigate the issues and then give their verdict.the Registration Review Officers in most cases are district magistrates **(Field Interview, 2017)**.

The CODEO/CDD official, however, opined that the EC has not been up and doing in the area of registration of minors. Explaining this, he affirmed that the Commission has failed to publish the list of all minors in the register with their pictures embossed on it in the dailies and on television. The publication of such names could lead to the arrest of parents whose wards have been registered to serve as a deterrence to others in future. For the lack of prosecution, the trend is always on the rise.

Aside from the above, the PPP official argued for an effective and efficient National Database System that will capture the information about every individual in the country to provide long-lasting solutions not only to registration of minors but also other public institutions like the police and the military. Here, all the respondents admitted that the lack of a proper National Identity Card is a contributive factor to the registration of minors and the higher number of citizens on the voter's register. Adding icing to the cake, the PNC official cited the former Majority Leader in Parliament as saying that *"the people of his constituency look small because they are malnourished not because they are minor"*. This, in the official's view is an admission that minors are registered but the former Majority Leader had to put it in a different way.

A typical revelation by the former deputy EC Chairman was that most of the Ghanaian citizens residing close to the borders could have their businesses in other countries such as Cote d'Ivoire, Togo and Burkina Faso, and most of these countries require

registration as citizens of that land to be able to carry out their business. Thus, the people may be true Ghanaians with dual citizenship.

In his words:

...some of the people either work in Ghana and sleeps in the other neighboring countries or work in the neighboring countries and sleep in Ghana. Hence those who see themselves more as Ghanaian would attempt to register and vote. The challenge, however, is to distinguish between who is a true Ghanaian and who is an intruder...the issue is more technical than the sweeping statements that are mostly put in the open **(Field interview, 2017)**.

The political party officials interviewed convergently admitted that the EC has no control over the registration of minors and foreigners. For example, the PPP official argued:

...It is almost impossible for the EC to manage the voters register effectively from an incorrect data especially when there is no national database to crosscheck generated data against. Thus, our voter's register since 1992 is nothing more than 'kwashiorkor voters register' leaving a lot of loopholes for us (political parties) to exploit to our advantage—political parties are not angels and can't be trusted.**(Field interview, 2017)**

Concluding from the various opinions, it is evident that that EC has made effort to resolve the registration of minors and foreigners issues, but the EC has not been apt enough to surmount this challenge. This is, because, the *challenge mechanism* has failed to yield the desired results and yet the EC still rely on this mechanism to check the registration of minors. The failure of the EC to produce a cleaner voter's register over 24 years of its inception is an indication of the commission not being apt.

5.1.2 Regulation of Political Party's Activities

When respondents were asked how well the EC has played this role, the former deputy EC chairman indicated that the political parties try as much as possible to comply with all the statutory requirement or regulations on “paper”. He argued that the Ghanaian society is polarized and the landmarks are not clear, so it is difficult for the EC to do in-depth checks to ascertain the credibility of such information, though the Commission has been doing its best to address this challenge.

Elaborating further, he noted:

... The political parties do all kinds of crazy things to get both the preliminary certificate and the final certificate, but after getting it, they go to sleep as if nothing is at stake **(Field interview, 2017)**.

For example, the parties manage to get two people to sign for them in every constituency and also from every district. Hence the EC is unable to say it will not give them the certificate, having met the requirements.

The CODEO/CDD official expressed displeasure in how the EC has handled the issues of political party registrations. He argued that most of the political parties are sectional parties and do not have a national character. He emphasized that individuals or applicants who want to form political parties lay their hands on the Electoral Commission's register (voter register) and then select names from the various constituencies and districts, then get people to append their signatures to it. This results in duplication, but most often the commission ignores these technicalities. *“If I were the EC I will cancel the certificate of all other political parties with the exception of NPP, NDC AND PPP”*, he noted **(Field interview, 2017)**.

Again, it was revealed that the EC has not been able to punish political parties or withdraw their certificates though they engage in a wide range of electoral malpractices⁶¹. According to a former deputy EC Chair, he has caught several political parties forging signatures; some were disqualified, others were left to go. Citing an instance, he recounted:

... I caught the Late Dan Lartey (Great Consolidated Popular Party-GCPP) at the Electoral Commission's toilet filling party nominations because they had not finished with the process and so he was in the toilet signing.... Just signing anybody at all but not the very people who have put their names down. But he was disqualified accordingly (**Field interview, 2017**).

The evidence provided here is an indication that, the EC has not been vigilant enough to scrutinize political party applications and information provided at the registration stage. The challenge has however been what to crosscheck the data with and how to detect a forged signature. In addition, since the voter's register is a public document, the EC is unable to restrict its access and so the candidates always have access to carry out their illegal agenda.

Furthermore, the Political Parties Law necessitates that in instances of a merge between two political parties or more, the Commission must ensure that the registration of each party before the merge must immediately be revoked for a new registration for the new party (the merged) as required by Law. However, parties such as Every Ghanaian Living Everywhere (EGLE Party), Democratic Freedom Party (DFP), United Ghana Movement, UGM and the National Reform Party (NRP), National Convention Party (NCP), National Independence Party (NIP), among others exist as independent political

⁶¹ These electoral offences will be discussed extensively in the next chapter

parties, which is not the case in practice. The EC again is found to have failed to pass the test of cracking the whip.

Life of Political Parties beyond registration

For effective monitoring and maintenance of political parties, the law requires political parties to have offices in two-thirds of the districts. The EC however, has not been able to ensure that this comes to a realization. In an aggregated view of the electoral officials, the maintenance of political parties has been a difficulty for the EC because the Commission does not use spot checks in monitoring party offices across the country, and also because the EC needs access to inspect the offices. For example, when an EC monitoring officer identifies a party office that is locked during his rounds, the only report will be that “when I went the office was closed”. The EC, therefore, finds it difficult to sanction political parties since it can become a court case—an event which might take a longer time for the EC to get it off its sleeves to focus on their core mandate.

Interestingly, the electoral officials noted that as soon as the EC announces a time for the inspection of party offices, a lot of “magic” happens. For instance, a kiosk for selling cement could turn into a painted party office with people seated working just to meet the requirement but after a week or two, that same kiosk is used for commercial purposes. Again, political parties rent places for the purposes of registration and the EC finds it very difficult to crack down on them. Affirming these premises, some political party officials highlighted the fact that the political parties could cut corners and rent a place temporally for the registration processes because (1) the EC doesn’t do adequate background checks, (2) political parties are not angels to do the right things without supervision, and (3) political parties are not funded by the state.

One of the political scientists interviewed from the Political Science department of the University of Ghana noted that the EC has failed to implement the reports produced by the monitoring officers, and this has given the political parties too much luxury to break the rules knowing very well that, the laws will not be applied. In agreement with the political scientist, the former EC chairman and two other deputies of the Commission concurred that the EC is sometimes reluctant to enforce the laws because some of the parties are young and have not yet consolidated their base. Thus, there is the need to give them some time to get their balance. Unfortunately, after several years, these parties still remains dormant, at the bottom and reappear during election time and never come up as the EC expects.

Importantly, the political party officials argued that it is very difficult to maintain offices across the country because of financial constraints. Some argued that the political party's work is mostly on the field but not in the offices and seeking to cancel political parties on this basis is unfortunate. They, therefore, argued for a review of an aspect of the law that mandates political parties to file their financial statements. In the opinion of the PNC official, the EC has not been able to define what a functional office entails. The PNC official stated categorically that,

...for us as a party, we take an office to mean where you sit and have your meetings and the meetings can be documented: sometimes we sit under trees to hold meetings and to rally our party members. It is therefore not the small structures that constitute our office. The notion of the functional office is nebulous especially when we spend much time on the field than in the offices.

(Field interview, April 2017)

Additionally, it was argued by the official from IDEG that some of the political parties are not vibrant because their existence is not to win elections but to build credibility for themselves internationally and also to enhance their resume or curriculum vitae.

For this reason, maintenance of district offices is not part of their agenda and thus they exist in name but not in practice. It is therefore not surprising that another political scientist from the University of Ghana who was interviewed noted that, “Ghana’s multiparty democracy is an illusion— existing in theory but never in practice.”

The Filing of Political Party Audited Account

The former EC Chair during the interview session emphasized that the Commission is working hard to enforce this law. He, however, expressed difficulty in cracking the whip without being tagged as biased. He indicated that the Commission sometimes has been lenient to a political party because going strictly by the law will mean that all the political parties would have to be canceled, and this could create tension within the political environment and put to death multiparty democracy which hinges primarily on political parties⁶². For instance, the sort of accounting done is a mere indication of a number of candidates they sponsored in the elections and the amount each candidate received for their campaign without giving details like how the money was used or distributed.

However, a major argument against the filing of audited accounts of a political party as expressed by the political officials interviewed was the definition or the connotations of *audited accounts*. According to them, “the EC or the state has contributed nothing to the political parties and so of what need is the request for audited accounts? What is the EC measuring or comparing the audited account with? Nothing because the political parties, are not financed by the state.” Hence, they are not convinced or motivated to give much credence to it, some opined with the NPP official being very much vociferous in this regard.

⁶² political parties do not submit their financial statement and if they do, it very “shoddy and readable

The PNC and the PPP officials noted that the EC has not been fair to the smaller political parties. They argued that the EC is caught in the web of selective enforcement. That is the EC seems too hard on the smaller political parties and relaxes the rules for the major political parties because they have the numbers. On these grounds, they believe the EC has been a bad referee. To sum it all up, the political party law on the financial account is argued to be irrelevant when the political parties remain self-funded.

5.1.3 The Voter Education Role

When respondents were asked how well the EC has played this role, the former EC Chair indicated that the role goes beyond the traditional voter education to engage in extensive electoral education. Elaborating further, he distinguished between voter education and electoral education. In the direct words of the former EC chairman:

Everybody in the country needs voter education but the work is too big for the commission alone to handle, though the civic aspect has been given to NCCE by the constitution.... that is why we always say that election-related civil society organization must aid in this role but unfortunately in Africa, some of these organizations are party related and so it is difficult to trust them to do genuine education.... Partly the government has contributed to the low voter education since it doesn't resource the Commission to perform this role on a continuing basis. **(Field Interview 2017).**

The issue of role duplication has also been argued to have contributed to the ineffective performance of the EC in the area of voter education in Ghana. The contention of respondents, however, lies in whether (1) the EC should continue to perform the voter education role by creating a special department for it or (2) the voter education function should be transferred to the National Commission for Civic Education (NCCE); an institution mandated by law to play a civic voter education function.

For example, the respondent from IDEG argued for the transfer of the EC's voter education role to the NCCE, stating that the two roles are not widely apart but closely related. Hence, the NCCE should be resourced so that the voter education function of the EC can be completely handed over to the NCCE for the effective discharge of the voter education role. In a similar fashion, the political party official of the NDC acknowledges that the related function of the two institutions lead to indecisiveness and must be handed over to one entity.

On the contrary, the CODEO/CDD official observed that the EC could play the role by creating a department solely for voter education or an effective collaboration between the EC and NCCE. This in his view will help remove the ineffectiveness of the EC in voter education. He recounted that when he joined the commission, the EC and the NCCE used to mount platforms together: whilst the EC performs the voter education, the NCCE performs the civic education. This complementary role was very effective. Hence he concluded that,

the EC has not been playing this role well for some time now because some of the past traditions have been halted, but we need more education since there are some people who have been to school but do not know how to handle a ballot paper, this results in the increase in spoilt ballots in the several elections the commission has conducted. **(Field interview, 2017).**

Other respondents espoused the argument of high illiteracy rate has contributed to the ineffectiveness of voter education. Though the literacy level of Ghana is argued to be improving, the evidence on the ground is nothing to write home about. Thus, the PPP official maintained that the voter education has not reflected deeply in our electoral system because of the national challenge of low literacy.

He discoursed that:

...in an environment where the literacy rate is low, voter education will have a low impact. It is, therefore, incumbent on the government to carry out reformative measures and build the foundation for the EC to effectively play its voter education role. **(Field interview, 2017).**

The political party officials who were interviewed also observed that voter education in practical terms is not the exclusive role of the EC but all political actors: the EC does the education on the terms of engagement and how to vote, but that is not sufficient.

The PNC official noted that;

...the EC most often than not comes out very late trying to sensitize the people only at the critical moment of the electoral period. This to a large extent has harmed the full participation of societies and has impeded the full awareness of the general citizens to some extent. **(Field interview, 2017).**

The respondents further noted that the political parties that are supposed to help the EC to propagate this voter education are handicapped because of their financial predicaments and so they are unable to assist.

The finding expressed under this objective will be discussed in the next chapter (chapter six) of the study.

5.2. Research Question 2

What were the factors that led to the disputed 2012 presidential election?

Introduction

The 2012 election is argued to be one of the Ghanaian elections that recorded a lot of infractions aside the 1992 and the 1996 elections. Though irregularities are bound to happen in every election, it is generally accepted that it should not be recurring or the discrepancies should not be huge such that it could overturn an electoral outcome.

This question sought respondents' views on the pointers or the events leading to the 2012 presidential election petition and the implications for democratic consolidation. The nature of the findings necessitated categorization of the results for effective representation of facts.

When respondents were asked, what were the factors that led to the disputed 2012 presidential election? It was found that the journey to the Supreme Court did not begin on the day of the declaration of the election results, but rather it began with the silent but resilient and reinforcing discords within the political landscape.

In the opinion of the IDEG official, CODEO/CCD official and the National Chairman of the PNC, the little-little fermentations that started election after election, that were not properly addressed, and the lack of trust in the system escalated in 2012 and the court was inevitable. Further, they noted two major Presidential Petition instances in 2004 and 2008 in which petitioners were dissatisfied with the rulings.

The first example pointed to 2004, where key members of the National Democratic Congress, namely, Rojo Mettle-Nunoo, Kofi Portuphy and Clend Sowu filed a petition contesting the declaration of the 2004 presidential election challenging the EC on how it gazetted the election results. However, the court ruled and brought a closure to the matter in August 2008 that the public announcement of the result constituted the gazette and the issue was quashed. Petitioners were still dissatisfied.

In the second example, the then Chairman of the New Patriotic Party (NPP), Peter Mac Manu (plaintiffs) in 2008 filed an injunction on the declaration of the December 28 presidential run-off elections, seeking for EX PARTE motion until the court decided that the issue could be heard. The matter was finally quashed after some deliberations with the conflicting parties.

Relatedly, the CDD/CODEO official, the NPP official and the political scientists who were interviewed indicated that the quest for answers to unanswered questions led to the courtroom. In the observation of one political scientist:

...the Commission had become complacent following the praise it had received over the years from both internal and external observers and got carried away such that, they overlooked certain bad precedents because they were not being questioned. **(Field Interview, 2017).**

All respondents agreed that patterns of over voting, no presiding officers' signature, polling stations that did not exist, and wrong wording of figures, persisted before the 2012 election. However, the CODEO/CDD official opined that:

...the participating parties ignored these, thinking it could not affect them, but they seemingly came to a realization in 2012 and therefore decided to put an end to such phenomena. **(Field Interview, 2012).**

In support of this, the official from the NPP articulated that the electoral system prior to the 2012 election was sitting on a time bomb due to trending irregularities. And so if the petitioners had decided to settle their displeasure on the streets in 2012, for reasons of distrust in the court system, the story of Ghana's democracy would have been a thing of the past. Therefore, he asserted that the inability of the EC to reduce or eliminate irregularities and further build trust in the electoral system can destabilize Ghana's democracy when the people decide to take the law into their own hands.

Another trigger to court or the electoral dispute was found to be the attitude of the EC towards the request put forward by the opposition party to delay the declaration of the 2012 polls. Nine (9) of the respondents representing (69%) perceived that the EC was not fair in the declaration of the results: From the perspective of one political scientist from the University of Ghana, the Court became inescapable because the EC did not give the ample time needed for the opposition NPP to provide the evidence they had

but rather told them to go to court and challenge the results. In other words, the court could have been avoided if the EC had delayed the declaration for some time to enable them to settle the confusion amicably.

Moreover, a higher proportion of the respondents recounted that the EC's refusal to take sound advice and ignoring the protestations of the introduction of the biometric verification machine created doubt about the efficacy of the system and hence the Court became the only option.

Nine (9) of the twelve (12) respondents contended that the introduction of biometric registration and verification brought about the confusion which paves way for an election dispute. That is, whilst some voters were allowed to vote without verification others were not. This development was the “trumpet” the EC Chair continually played during all IPAC meetings—“*no verification, no vote*”. The move made by the EC to allow voters to vote without being verified at the peak of the election seemingly portrayed a political control at play. This is because, the communication came from the incumbent president but not the EC⁶³. In the opinion of the former deputy EC Chair, the absolute law of “*no verification, no vote*” was problematic because no matter how efficient a machine is, one cannot guarantee 100% accuracy.

Contrary to the above paragraph, the former EC Chair insisted in an interview that,

...nobody voted without being verified in spite of the breakdown of the devices...the problem was that we intended to do a manual registration for people who had difficulty with the fingerprint and at the last minutes when the forms had been printed, the parties disagreed with the initiative and so it was aborted.(Field interview, 2017).

⁶³ The failure of the EC to bring the president to order by issuing a statement or holding a press conference to halt voting without being biometrically verified raised questions about who was in charge of the election management body at the time of voting.

He further argued that there have been instances in Nigeria, Malawi, Kenya and even South Africa, where the biometric verification was suspended and people were allowed to vote without being verified and this created a lot of controversies. But this did not happen in the 2012 elections in Ghana. And thus, the court was unnecessary, especially when it was the first time the technology was introduced.

In contrast, professional deficiency and lack of trials of the biometric devices, according to one of the political scientists who was interviewed were to blame. In his view, the technical staff needed to manage the machines were unavailable due to the technological deficiency the country has. Thus, getting people to train for such a venture and the limited time the EC had resulted in the breakdown of the biometric machines.

He further explained that:

... The deficiencies of the machines were due to lack of repetitive trials. Meanwhile, machines are properly managed when they have been tried and observed to ascertain whether the conditions needed to function effectively are satisfied. The gravity of the infractions was difficult for the main opposition parties and other parties, but the winning party, to swallow **(Field Interview, 2017)**.

This notwithstanding, almost all respondents who were sampled discoursed that, the personnel which handled the devices were not adequately or properly trained on how to operate it efficiently (Battery changes were not done at the right time). Most of the polling stations across the country did not have adequate backup for the biometric machines. For this reason, the machines that broke down could not have a replacement leading to unnecessary delays and tensions. For example, the machines could not withstand the tropical climate, thus most of the scanners, for example, broke down.

Of major concern, the PPP official claimed was the EC forcefully implementing the usage of biometric technology against all odds because of their fraudulent and rigging

agenda and hence the results of the 2012 polls did not replicate the will of the people.

It, therefore, had to be settled in court:

... The figures released by the EC are inaccurate and, in demonstrable cases, fraudulent. If we continue to focus our attention on the outcome of the elections as opposed to the integrity of the process of running elections, the will of the people will continue to be perverted. The very essence of our fragile democracy will remain at serious risk of collapse, if the EC was not taken to court **(Field Interview, 2017)**

Still on the pointers to the Court, the IDEG official and four other respondents suggested that the NPP, led by then-presidential candidate Nana Addo Dankwa Akufo-Addo went to court partly to secure his ticket for 2016. According to them, going to court meant, he actually won but the EC “stole it” and gave it to another candidate. Explaining further, the IDEG official argued that the NPP did not win the election on technicalities and that it was very difficult for the election result to go the other way around.

The General Secretary of the NDC, the former EC Chairman and the head of EC’s communications converge on the premise that in every democracy, it is not the winners’ attitude that matters but the losers’ attitude. Thus, if a loser of an election proclaims himself the winner, then there is a problem because democracy better guaranteed by the willingness of the losers to accept defeat. Here, the NDC official concluded that:

...the 2012 polls had to be settled in court because of the insistence of people who are poor losers....with the exception of the 1996 elections, in the fourth republic the NPP has always had problems with the election results when they lose.. **(Field interview, 2017).**

Last but not the least, two of the EC officials observed that going to court is the right of every political party and this helps to strengthen the electoral system in order to make it more credible. But the “cry” over losing as expressed by the petitioners was self-

inflicted, indicating that, “elections are won at the polling stations” and so the political parties should have exercised more vigilance through their agents. The former EC Chair added that “nobody is too big to be a polling agent and the work of a polling agent is ‘a ‘brain work’ not a ‘muscle work’”. Political parties, however, are mostly likely to ask irrelevant questions like “*Wo ho y3 den?* (are you very strong) when they are selecting polling agents although the polling station is not a fighting ground for muscular men”. Thus the 2012 election had to be settled in court because the NPP failed to do their work well but not any fault of the Commission.

All in all, this research question covered the pointers to the 2012 presidential election petition. Whereas some respondents attributed it to disgruntled petitioners, others pegged it on the poor attitude of the Electoral Commission (especially the Chair) and its failure to heed to sound advice towards the use of biometric technology. Some respondents attributed the going to court to poor loser’s attitudes, with others ascribing it to quest for presidential ticket for Nana Akufo-Addo to contest in 2016, among others.

5.3. Research Question 3

How does informal institutions affect the independence and neutrality of the EC?

Introduction

This question was intended to elicit views of respondents on how informal institutions⁶⁴ influence or affect the role and position of the EC. The intent, however, is to find out whether the EC is truly independent and neutral in the discharge of its administrative role.

⁶⁴ The underlying factors that leads to the appointments of the Chairperson and other members of the Election Management Body by the executive arm of government (the case of Ghana)—actions by influential lobbyists, kinship, social relation, financiers, among others.

The Independence and Neutrality of the EC vs Informal Institutions

When respondents were asked whether the EC is neutral and independent, an overwhelming majority alluded to the fact the EC has enough legal guarantees to secure its independence, but this does not erase the encroachment of the executive to influence the actions of the Electoral Commission. The former EC Chairman during the interview revealed that the executive directly or indirectly tries to encroach upon their powers, but it depends on the person in charge— “if you want to go strictly by the law, you can resist whatever the encroachments that will be attempted by the executives”.

He adduced that several attempts have been made over the years to influence the role of the EC, citing two instances:

First, I was in Serra Leone to help reconstruct their electoral system and I spent two years there. Then my deputy wrote me that Paa Kwesi Nduom (then a minister) had set up a committee to undertake National Identification and that a representative should be sent to the committee. But I blatantly refused, because the law gives only the Electoral Commission the jurisdiction to do so and until the intent is clarified we cannot send a representative. I then instructed my deputy to write to the Attorney General and that the EC should adopt the committees, but when the EC’s committee report was not favourable to them, they changed the law and set-up the NIA so that they can get the opportunity to do their own thing. Secondly, for some time past, I received a letter from the Castle that cabinet at a meeting decided that the government has set up a committee for us. Then I asked, have we asked the government to set up a committee for us? So, I said, I will behave as if I did not receive that letter and later they withdrew. **(Field Interview, 2017).**

The former EC further explained that, even though the constitution grants security and independence of the commission assumes that the role of the commission is subject to the influence of informal institutions since the government the government will try to knock gradually at the authority of the EC. In spite of these attempts the EC has not

fallen under the sway of the executive. The former EC Chair noted that sometimes the government gets angry and says,

You think you are an island and so forth, but you just look at your independence and security and say so be it—after all he cannot sack you... but the position is a very challenging one and if you don't value your principles and integrity you will fall for it, **(Field interview, 2017).**

Another electoral official, added that in Kenya, the members of the EMB have to go through an electoral college, parliamentary vetting and other processes before the EC is set to work. However, six months into the discharge of the commission's role, people started pointing accusing fingers and exhibiting distrust in the EMB because of purported biases. Thus, in his opinion,

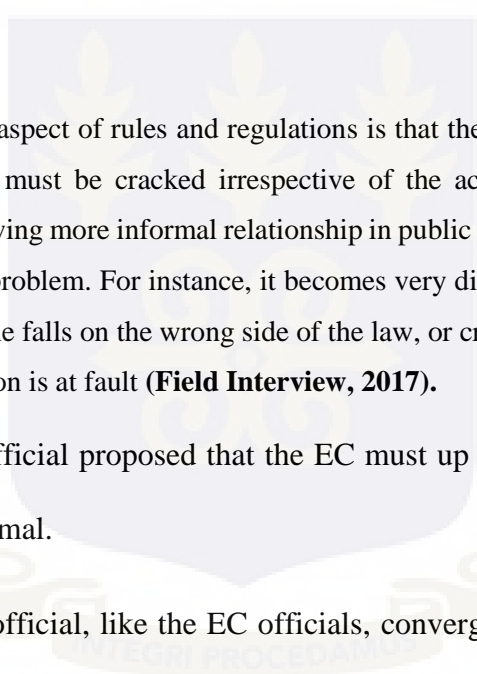
...the issue is not about who appoints who or how the EC is constituted, it is about what happens after the appointment. That is, whether whoever is appointed is prepared to work with the principles of the institution he or she is going to ignore them and kowtow to their demands in order to show gratitude.... **(Field Interview, 2017).**

For example, in 1995 the Minister for Information under Former President Rawlings' administration announced a date for the 1996 elections, but the EC came out forcefully to rebut arguing that the Minister has no say in the fixing of the date for the elections and the issue fell flat to the ground after it finally got to the presidency. This happened despite the fact that the Commission at the time was appointed by the incumbent government.

In the provision of finance for the discharge of the EC's duties, the Senior Research Fellow at IDEG observed that there is a certain informality about the relationship between the president's appointment of the EC Chair or the persons occupying any of the two key Deputy Commissioners, and this affects the budgets of the EC. According to him, the informal relationship between the executive and either EC chairperson or

the two deputies has resulted in the high budget slashing by the central government without any fear.

For instance, in 2016, the EC needed GHS1.5 billion to run the elections, but government slashed it to GHS826.8 million and the posture of the EC makes it obvious it was expected. The implication of this is therefore not on rigging, but rather putting important duties of the EC to rest for the lack of adequate funds. There is, however, the need for an improved financial independence, as it is in South Africa and Nigeria, so as to reduce the undue informal influence the IDEG official expressed. He further noted that



An important aspect of rules and regulations is that they must be enforceable and the whip must be cracked irrespective of the actors involved. On the contrary, allowing more informal relationship in public offices to influence the formal is the problem. For instance, it becomes very difficult to prosecute the person if he/she falls on the wrong side of the law, or criticize the person even when the person is at fault **(Field Interview, 2017)**.

Hence, the IDEG official proposed that the EC must up its game and put the formal legal above the informal.

The CODEO/CDD official, like the EC officials, converged that it is difficult for the Commission to rig elections in favour of a candidate. He argued that the chairperson of the EC is the last person who can influence the outcome of the election because they are the last to see the results after it has been seen at the polling stations, constituency level, district level, and the regional level for which all parties have representation.

In a like manner, the NDC official argued that, it is difficult for the Commission to overturn the results, especially when the system makes it possible to track from the polling stations to the constituency and the national level. However, the PNC official

questioned the neutrality of the EC to create a level ground for political party operations. In his view, the posturing of the EC in recent times is far from being neutral sometimes.

. The political official for the NPP argued that:

each member of the Commission has a civic right to vote on the political equation, and the mere fact that they vote means they have preferences and would vote in the direction of their preference. So, if the Chairperson votes for somebody in spite of the fact that they vote in secret, he or she cannot be neutral.

(Field Interview, 2017).

One of the political scientists observed that informal institutions are very powerful in shaping the behaviour of any political institution, and not only the EC. He emphasized that the EC's role is not subject to the direction of any political actor or authority making reference to Article 46, 1992 Constitution of Ghana. However, he noted:

No one would appoint someone he cannot talk to or confide in...besides, human beings have a conscience and human behaviours are not constant, the Commission's Chair or any of the top notch are likely to compromise certain decisions in favour of their masters. **(Field Interview, 2017).**

He further argued for a system that allows key distinguished men in the area of Statistics, Political Science, Legal Fraternities, Educationist, Auditors, among others to be vetted and approved by parliament. The Seven-member commission chosen will then elect one person to be the Chairman. This, he believes, would limit the interference by the executive and allow for impartiality whilst adhering to the principles of openness, accountability, and transparency, without fear or favour to any political party or candidate. This is expected to aid in the consolidation of democracy in Ghana.

The combined thought of 8 representing (67%) of the respondents revealed that the patronage system within the Ghanaian society makes it possible to meet people easily in the context of "whom you know and who knows you". Thus, it is easier to

recommend and lobby for a family member or tribesman or even a friend to take up important positions because of personal contact. In this regard, the power of informal relations which has become institutionalized cannot be underestimated since it could even be more effective than the laid down rules that have to be followed.

Another Political Scientist interviewed opined that:

... The Council of State is to advise the President on the appointment of the Chairperson of the EC and other Commissioners. But how does he get the names to begin with, especially when the constitution does not state where he should get these names? The names, therefore, go to the president in a very informal way... It may be chiefs, senior party officials, influential and resourceful persons in the country, trusted friends and other relevant group of people... as such, by the time it gets to the formal stage (which expects the Council of State's approval and subsequent announcement and inauguration) the decision has already been made. **(Field Interview, 2017)**

The findings presented in this chapter will, however, be discussed in the next chapter.

5.4 Research Question 4

Are there any factors that impede the Electoral Commission from performing its roles?

Introduction

No institution is problem-free. The Electoral Commission, like any other public institution, is faced with several challenges that hinder the effective discharge of its role as an Election Management Body (EMB). Thus, this question sought to find out from the respondents some of the challenges that have affected the capacity of the EC to perform its roles effectively towards the consolidation of democracy.

Factors militating against the role of the EC

First, it was revealed that the Electoral Commission is constrained by the epileptic supply of funds by the government to carry out its duties. For example, in 2016, the Commission needed 1.5 billion Ghana Cedis but the EC received GHS826, 000 funding from the government in tranches. The IDEG official noted that getting the money released on time is a big challenge. The failure to release money on time interrupts the programs laid down by the Commission, which most often leads to a revision of timetable by the EC. The Head of EC's Communication, in support of the above observation, described the activities of the EC as systematic, and so a delay in one activity affects the rest of the activities and pile up pressure on the Commission. This financial constraint was found to be one of the factors responsible for the EC's inability to manage offices in all the districts. This also makes it difficult to track and penalize political parties that do not have offices across the district in the country.

Secondly, the results showed that the increasing trend of results declaration by political parties before the Commission announces the certified election results is seen as not just a threat to the institution but a threat to the entire process of democracy and democratic consolidation. The Head of EC Communications expressed worry that

....the increasing culture of declaring the election results before the certified results from the commission put undue pressure on the EC, creates unnecessary tension in the political environment and has the tendency of destabilizing the country... assuming the final results declared by the EC do not conform to what political parties have declared, what would be the implication on the country? It will surely turn upside down and not only will the Commission suffer the consequences, but the entire population” the electoral officials explained. **(Field Interview, 2017).**

Thirdly, the results exposed the EC's lack of an effective legal department. The work of the EC is based on the 1992 constitution and other laws, and so a breach of any provision is sure to be settled in court holding all other things constant. However, the aggregated views of 5 respondents showed that till date, the Commission does not have a legal department to take up the litigation role of the EC. Hence the EC will, for example, be tied-up in court whilst other equally important roles are put on hold.

Fourthly, effective communication was found to be a major challenge the EC faced especially the management of its website. Though the EC tries to put basic information online, it is sometimes difficult to access information because of temporal shut down of the site. The former EC Chair argued that the voter register, for example, should be uploaded online, however the lack of effective IT specialists solely for the management of the website. Still, on communication, respondents expressed the lack of coordination in the information put out by the Commission through their communicators and the EC Chairperson, and this creates suspicions and reduction of people's trust in the system.

Another problem the study found is the challenge of recruitment of credible and objective EC officials, especially the temporal staff. The Commission is consistently challenged with the difficulty of recruiting honest, efficient, neutral, and impartial temporal staff. For example, in Kumasi, one of the presiding officers at a polling station in 2012 was caught sitting on 5 ballot papers waiting to thumbprint and add to the votes cast, the IDEG official noted. The EC tries as much as possible to recruit people who are likely to be impartial or have limited political party affiliations, but this challenge still lingers on the neck of the EC.

Furthermore, from the perspective of some political parties, the overreliance of the EC on its independence is a challenge to its own existence because it creates room for

suspicion and mistrust. They argued that since the EC is not bound by the outcome of IPAC meetings, it decides to go ahead to do whatever it feels is best though it could adopt better and relevant approaches from the concerns raised by civil society organizations, media, the citizens and even the IPAC. This arbitrariness most often results in mistakes, and affects the quality of elections.

Additionally, the rising suspicion of the Commission (especially the Chairperson) is a serious problem, according to the head of EC's Communications. The credibility of electoral officials is deemed essential to building public confidence in the electoral system. However, political parties over the years have tried to paint a picture of partiality in the discharge of the EC's role.

Finally, it was evident that the EC overworks itself by hiding the truth and this results in shoddy work. According to a former deputy EC official, the Commission was not truthful about the deletion of the over 56,000 NHIS registrants. The reason was that it was almost next to an impossibility to trace them. The EC does not have a proper database and the paper is sometimes destroyed because of heat and termites due to the volumes of document piled up at the offices of the Commission, the former deputy EC Chair added.

5.5. Keynotes on 2016 Polls

Democracy provides that the only door through which a government can come in and exit is through elections. This denotes that at regular intervals the citizens are presented with the opportunity to cast their votes. The year 2016 therefore, presented another opportunity for Ghana to go to the polls. When respondents were asked to comment of the 2016 elections, several issues were raised as presented in the paragraphs below:

To start with, the build-up to the 2016 elections was found to have recorded several lawsuits on issues such as new voter's register and NHIS registrants, filing of nomination fees, special voting, controversies over C.I.94, and the disqualification of presidential candidates. In their opinion, testing democratic institution such as the court is relevant to address the gap in the role of the EC. Here, respondents argued that democracy prevails when all the rules governing the process of elections are well understood to create more room for democratic sustenance. Therefore, the series of court suits help to strengthen democracy.

In the words of the EC Head of communications,

...the numerous court cases, though a nuisance, in the beginning, helped to clear issues that could have formed the basis of electoral petition or violence in the 2016 elections...it also created political awareness of the way the electoral system operates **(Field Interview, 2017)**.

On the flip side, respondents expressed the view that an unregulated trooping into the court to seek redress may reduce the reverence given to the judiciary. The reason being that the Supreme Court, as the highest of all the courts in Ghana, should not be treated as a “dumping site” for issues that could be settled by dialogue between the EC and the necessary stakeholders. Indeed, the spontaneous trooping to the court nearly affected the stipulated time for polls and other timelines the EC provided on its timetable. This according to 8 (67%) respondents would have given the 2016 elections a new look if the issues were not addressed. Thus, 10, representing 83% of the respondents expressed that a special court is set aside to deal with all electoral dispute such that it does not always have to spill over to the apex court of the land.

Constitutionally, some respondents (5 representing 42%), especially the former EC Chair, explained that the numerous court cases in our body politic are a product of the electoral system adopted, is more adversarial. For example, he noted:

...if you have problems with voter registration (and limited registration) go to the Registration Review Committee (RRC), problems of eligibility go the Court, if it is a demarcation of constituency issues go to a community tribunal, if it is about the interpretation of electoral laws go to court, if you have a challenge with electoral results go to court and so everything is about the court... **(Field interview, 2017).**

Deductively, the process aids democratic consolidation-once all contending issues are resolved, a peaceful transition of power from one government to another or to itself will be guaranteed and its legitimacy will not be brought into disrepute. On the contrary, if the process is unmanaged properly to address disgruntled parties the outcome could be undesirable.

Also, according to the PPP and PNC officials, the overwhelming increase of the filing of nomination fees according to political parties and other stakeholders was woefully unfair because, in the end, the two major political parties get their money back. On the contrary, the smaller parties do not, since the two parties-NPP and NDC have consistently recorded over 95% putting their percentage of votes together. It must be our cardinal rule that whatever the choice is, let the people choose the PNC official expressed. The PPP official added that

...the high filing fees can reduce competition by psychologically knocking out the smaller political parties, a development which is an affront to democracy and its consolidation. **(Field Interview, 2017).**

Additionally, the posturing of the EC has implications for democratic consolidation: the arbitrariness with which they exercise their role and independence has implications. It was observed that democracy is not a system for the rich but for poor persons with

capable minds must be able to participate in the democratic process. For example, the filing fees moved from GHS1, 000 to GHS10, 000 for parliamentary candidates and GHS5, 000 to GHS50, 000 for presidential candidates.

The PNC Chairman expressed that:

The 10000 Ghana Cedis the EC demanded to file parliamentary nomination can secure 4 motorbikes and the operations of these motorbikes are sufficient for a candidate to win a parliamentary election but the EC requires such an amount as a deposit **(Field interview, 2017)**.

Further, the other respondents (officials from IDEG and CODEO/CDD) recalled that the announcement of the increment came very late—after the parties had already budgeted for their candidates. The sudden increase necessitated dropping some of the candidates for lack of funds: who do you drop and who must the party support? This development brought division into some of the parties and further reduced competition. Additionally, some respondents argued that the capricious exercise of the EC's role can inhibit the poor but capable minds from contesting parliamentary or presidential elections. According to the National Chairman of the PNC, it could make “democracy as an auction” where the highest bidder gains but frowns on those with laudable ideas because of financial inhibitions. Quoting him extensively, he noted that:

We need to be very careful because if we continue this way, it will be like we are auctioning democracy and this can create avenues for money launderers, drug barons, and terrorist groups to hijack our democracy because they have the money to cross the finish line. The monetization will further give tickets to people with radical ideas to parliament, the result is the laws that are made will be radical, they people may rebel and the country will be destabilized **(Field Interview, 2017)**

9 of the 12 respondents, representing 75%, including some EC officials noted that these challenges could have marred the outcome of the 2016 election and led to a possible

electoral dispute if the gap between the two major political parties had been close. Citing that, the bloated electoral register, the overwhelming increase in filing fees, and several discords in the communication of the EC, especially, the compromised electronic system of collating votes could have given the outcome a different color.

More so, all respondents agreed that there were petty election related violence in certain hotspots, but this did not affect the validity of the outcome of the 2016 polls. This notwithstanding, they recommended more civic education to arrest the growing trend.

Last but not least, it was revealed that the lack of clarity on the popular quote: “elections are won at the polling station” led to the proliferation of political vigilante groups. The encouragement of these vigilante groups in future or years to come can harm democracy and its existence since the resolution of the electoral dispute would no longer be resolved in court or the appropriate institutions but rather the actions of the vigilante groups.

Finally, the respondents cited several reforms that aided in the success of the 2016 general elections, especially the presidential election. These reforms were found to be the increase in polling stations; double verification device at each station; use of different kinds of ink for finger marking and thumb printing; and manual and electronic collation of results. This in the view of the Head of Communications at the EC helped to reduce the number of spoilt ballots to over 150,000 against the over 250,000 invalid votes in 2012.

Drawing from the above, it is clear that the conduct of the 2016 elections, was not as clean as being projected. There are still elements of violence, monetization, ineffective communication, issues of uncompromising EC, and high invalid votes, which could pose a threat to democratic consolidation if not addressed and allowed to accumulate

over time. Interestingly, the basic way of deepening Ghana's democracy is through elections and it is therefore not the best that people's choice does not count in an election.

5.6 Chapter Summary

The chapter presented the diverse responses of 12 interviewees out of the 16 expected respondents sampled. To ensure coherence in the presentation of findings, several transitional words were utilized by the researcher to connect arguments and opinions expressed by respondents. Hence, opinions generated from the question posed to the respondents covered the general role played by the EC; issues of voter education; issues pertaining to the regulation of political parties activities, Compilation of voter's register (registration of minors and foreigners); informal institution and its effects on the independence of the EC; Contending factors that led to the disputed 2012 presidential election?; Challenges that militate against the role of the EC; and pertinent keynotes on the recent 2016 elections.

The next chapter discusses the contending issues (findings) revealed in this chapter. Hence, the chapter will draw from the findings presented in this chapter and highlight where it confirms the literature, where it contradicts and when it adds to existing body of knowledge.

CHAPTER SIX

DISCUSSION OF FINDINGS

6.0 Introduction

This chapter is dedicated to the discussion of the findings in the previous chapter⁶⁵. Various insinuations and conclusions drawn in the previous chapter will be discussed in this chapter whilst comparing and contrasting existing body of literature. The discussions in this regard will be done in line with the research objectives the study sought to achieve. In a quick reminder, the principal objective of the topic under study was to highlight and explore the significant role the Electoral Commission (EC) of Ghana has played in the consolidation of democracy in Ghana's Fourth Republic. It is crucial to establish that the EC is an institution established by law. Thus, the discussion will demonstrate how the EC fared going by the letter of the constitution and the influence of informal institutions—the neo-institutional approach is the framework within which the discussion flows in the quest of EC to consolidate democracy in Ghana.

The objectives in a more specific sense were:

- a) To find out how well the EC has played the following roles towards democratic consolidation:
 - i. Compilation of voter's register
 - ii. Political Party Registration
 - iii. Voter education
- b) To find out the pointers to the 2012 election petition;

⁶⁵ Previous chapter as referred to in this chapter will specifically imply chapter five (the chapter that presented the findings)

- c) To find out whether informal institutions affect the independence and neutrality of the EC in the discharge of its roles.
- d) To bring to light the factors that obstruct the Electoral Commission from performing its roles effectively.

6.1.0 Research Objective 1

To find out how well the EC has played the following roles towards democratic consolidation:

- i. Compilation of voter's register;
- ii. Management of political parties; and
- iii. Voter education.

In the previous chapter it was found that the EC has played a wide range of roles towards the consolidation of democracy in the Republic of Ghana. These roles include: setting the electoral rules, demarcation of constituencies, the creation of polling stations, voter registration, an exhibition of the voter's register, vote transfer, preparation of the special voters list, public education, recruitment and training of electoral officials, and logistics management. Further, the EC registers political parties and regulation of political parties' activities such as funds management, and ensures that their internal conducts conform to democratic principles, the actual conduct of the polls, the declaration of the results and electoral reforms where necessary.

However, the following roles dominated the opinions of respondents: Demarcation of constituencies and electoral boundaries; implementation of electoral laws: instituting electoral reforms; compilation of the voter's register and voter registration; regulation of political party activities; and voter education.

The role of the EC in the consolidation of democracy in Ghana's Fourth Republic.

The Electoral Commission of Ghana is a political institution mandated and established by the 1992 Constitution of Ghana. The role the EC plays is centred on elections and the electorates because there are a number of very important positions in the Republic that must be contested for. Evidence from the data indicated that the Electoral Commission of Ghana has made considerable effort to conduct six successful elections, which is a commendable move towards democratic deepening, electorally. In this regard, the findings confirm the observations of Merkel (2004), Schmitter (1995) and Cyllah (2014) that the centrality and survival of electoral regimes are contingent on the role of election management bodies (EMBs). This means that when the Electoral Commission fails, electoral regimes and by extension democracies are bound to fail or collapse.

Further, the data revealed that the EC is caught in the web of selective implementation of the law due to time constraints and election-year pressures—a development that has the potential of gradually eroding the bedrocks⁶⁶ on which democracy stands. By and large, the EC is perceived to have enhanced democracy by making a substantial effort towards the implementation of some electoral laws⁶⁷. This means that a full enforcement of the election laws and other legal provisions will further consolidate the democratic successes Ghana has achieved so far. The revelation, therefore, confirms the fact that the ability of an election management body (EMB) to incorporate legislative and constitutional provisions in the discharge of its duties will ensure

⁶⁶ i.e. the Constitution and Electoral Laws

⁶⁷ Demarcation of constituencies, voter registration, registration of political parties and the conduct of periodic elections as required by law.

legitimacy, which is the bedrock of unquestionable free, fair and periodic democratic elections⁶⁸.

With reference to electoral reforms, it was found that the Electoral Commission has undertaken more than forty (40) electoral reforms which are indispensable for transparency, credibility, and sustainability of the electoral system. The electoral reforms instituted over the years have created a mechanism for verifiability and “an inbuilt integrity” which makes it easier for verifiability of the electoral processes. Verifiability in this regard is defined as the ability to trace mistakes to the specific point it occurred. Also, a chain of accountability built into the system was found to have contributed to the consolidation of Ghana’s democracy so far.

In contrast, the evidence revealed that the Representation of the People's Amendment Law (2006) has not been implemented since it was passed 10 years ago. This law was targeted at enabling Ghanaians living abroad to participate in local elections (politics). The reason was found to be the lack of political will of the EC. The lack of monitoring strategy and fear of elections being compromised have also been a contributing factor to the failure of implementation.

Realistically, no system is fool proof, however, the EC is found to have performed creditably well by undertaking some reforms that aim at meeting international standards. This to a large extent has resulted in the export of some electoral reforms in other neighboring countries. Thus, the level of the reforms undertaken by the EC cannot be underestimated in the success story of Ghana’s democracy. This is primarily due to the level of transparency and verifiability as well as the integrity the reforms have brought to the electoral process. Thus, the findings agree with the observation that electoral

⁶⁸ International IDEA, International Electoral Standards, 14

reforms deepen democracy by introducing fairness, exactitude, representativeness in voter registration, openness and transparency in the balloting and scrutinizing of the electoral result (International IDEA, 2006).

The evidence shows that though the IPAC remains a broad avenue for political parties' engagement, it has failed to instil trust, transparency and confidence of political parties. This means that the observation by Frempong, (2012: 62); Ninsin (2006:64); and Ayee (1997: 10) that the IPAC was instituted to instil trust, credibility, and transparency in the discharge of the EC's duties has not materialized. The underlining factor was found to be the inconsistent communications of the EC in recent times and the unbinding IPAC meeting suggestions made to the EC.

Another important function the EC performs based on the results is the demarcation of the country into constituencies and electoral areas. The data found that the EC has made a considerable effort to increase political participation through the creation of constituencies, electoral areas, and polling stations. Overall, the demarcation of the constituencies appropriately remains an important fibre in democratic consolidation since it improves relatively the quality of voting power, primarily in that of the rural areas and has made it possible for the adult population to participate in a free and fair electoral process that defines administration governance (Debrah, 1998; Snodderly, 2008). This means that the mere inclusion of citizens in political participation through the creation of constituencies increases the likelihood of the people's acceptance of democratic principles and drive to further democratic governance would be inevitable.

6.1.1 Compilation of Voter's Register and Voters' Registration

Voter's registration was found to be a major component of the electoral process which defines more or less the success of an election (Courtney, 1991; Herskovits, 2007; Fall et al. 2011). The findings revealed that the quality or the blamelessness of a voter's register is just as good as the election. That is, if the electoral register is good, the election is likely to be good. But if the electoral register is bloated with multiple names and/or filled with many ineligible voters, it is not good and it may affect the quality of elections. Also, when the compilation of the voter's register is done properly and well presented, the process of voting becomes smooth and peaceful. The peaceful environment created by a *bloated-free register* was found to enrich democratic culture and further consolidate democracy.

Additionally, the Electoral Commission over two decades has compiled, revised and created new voter registers. This has produced six elections and three electoral turnovers. The data, therefore, shows that the Commission is on course to deliver to the people and the country a stable and a peaceful country as Ghana prides itself with. The EC has employed deduplication, reduplication and internal audit strategies aimed at producing clean voter's register—one of the pillars for quality election. This is because voter registration and the voter register are the mainstay of election administration since the registration lists are used to: establish the eligibility of voters, determine where to vote, and aids in the validation and audit of election results where necessary (Ansolabehere & Hersh, 2010).

Legally, minors and foreigners are not supposed to be on the Ghanaian voter's register. The EC over the years has instituted systems and mechanisms at the point of registration to ensure that minors and foreigner do not get onto the final register. Thus, a formula is

employed in this regard: the Challenge Mechanism and the Registration Review Committee. However, the pictorial view of the discrepancies in voter's registration as shown by the results for the theme *registration of minors and foreigners* has the potential to degenerate into a disagreement, chaos or electoral violence, eroding democratic elements, reducing election quality and destabilization of democratic gains.

One major contributing factor to this menace of the bloated voters register is the lack of an effective National ID or a well managed national database. For example, because there is no proper National ID system in Ghana, people register for the Voter ID for transaction purposes but not exclusively for voting. In addition, minors and foreigners get registered because of the inability of the EC to distinguish who is technically a true Ghanaian and otherwise. Another contributing factor is argued to be the hypocrisy of political parties during the registration period: political parties seem not to trust the electoral processes, and so they employ dubious means to get minors on to the register especially in the strongholds with the hope of winning. Also, the ineffective Challenge Mechanism is a related factor: this was attributed to the dishonesty of the local people who fail to expose the minors and foreigners; and failure of the EC to publish and prosecute all offenders in this regard to serve as a deterrence to potential offenders.

This follows Ansolabehere & Hersh (2010) who maintained that voter registration is a tedious exercise to go through without imperfections and inaccuracies.

The diverse but factual opinions expressed by the respondents presuppose that the national ID or database is imperative to repel the double registration, registration of minors and foreigners progressively since that will be a reference point for accuracy and genuine source of citizen's data and qualified individuals who are qualified to vote.

In conclusion, though the EC has won the admiration of many for organizing successful elections over the years, the road to democratic consolidation is still not smooth since the voter's register is bloated. The persistence of the challenges discussed above could have a negative implication for democratic consolidation. The simple fact is that the proliferation of unqualified citizens (minors and foreigners) can consolidate electoral fraud and vote buying which is an affront to democratic deepening. A well-managed national database is therefore needed to arrest the *protruding kwashiorkor register* eroding the electoral success so far.

6.1.2 Regulation of Political Party Activities

The Electoral Commission of Ghana is mandated by law to register political parties and give them accreditation, certification, and credibility to operate in the republic. Article 5 of the Political Parties Law (ACT 574, 2000) states that: “*the Commission (Electoral Commission), shall register all political parties, in accordance with this Act.*” The 1992 Constitution (Article 55/4-7) and by extension the Political Parties Act under Articles 9 and 15 provides the conditions under which these parties are to be registered (The 1992 Constitution; Electoral Laws of Ghana).

Guarding multiparty democracy necessitates that the EC ensure that political parties in the state abide by the rules and regulations and their obligations to enhance pluralism. No wonder political parties are found to be the gateway to multiparty democracy. This means that without the existence of political parties, no state can enter into the realms of multiparty democracy.

The Electoral Commission since its birth has registered about twenty-four (24) political parties⁶⁹ in the Fourth Republic of Ghana. To this end, the EC is hailed for making

⁶⁹ <http://www.ec.gov.gh/>: date accessed—08/21/2016

efforts to enhance electoral competition among political parties and contesting candidates. Indeed, the study revealed that the existence of well-functioning, vibrant and competitive political parties in electoral politics is projected to deepen and consolidate the democracy (Jinadu, 2013; Dode 2010; Adetula & Adeyi, 2013). Thus, the constant registration of political parties over the years by the EC has helped to sustain the current democratic status of Ghana. Invariably, the evidence shows several lapses in the discharge of this role, especially in the enforcement of the laws. Actually, only about 30% of the political parties in Ghana seem to be vibrant in the race of parliamentary and presidential elections when the time comes. Currently, all the parliamentary seat are shared between two (2) parties (NPP and NDC) leaving nothing to the other twenty-two (22).

From the results, the EC has put in place certain code of conduct, political parties are expected to adhere to. This is intended to regulate the activities of political parties. On the contrary, the evidence shows the failure on the part of the Commission to enforce these codes. Political parties were found to be culpable in three levels of electoral offenses, namely: procedural electoral offenses, campaigning offenses and voting day offenses. The procedural electoral offenses comprised of multiple registrations, impersonations, registration of minors, false information, circulation of destructive notices, wrongful challenge and unlawful possession of voter ID Cards. Additionally, the campaign violations were found to encompass the use of fake identity, unnecessary provocation, character assassinations, intimidation and the use of violence, carrying of arms, and the use of political vigilante groups ('macho men').

The third category, which is the voting day offenses included: a deliberate attempt not to endorse ballot papers, unlawful attempts to tamper with valid ballot papers, the use of their vigilante groups to smuggle ballot boxes and instigate petty violence, conscious

negligence, deliberate wrong capturing of votes cast and annexation of voting rights. Unfortunately, the EC has not been able to enforce the Political Parties' Code of Conducts and to prosecute perpetrators and offenders who are arrested in this regard and hence, the tradition goes on. The data also revealed that political parties are not 'angels' and will explore every avenue and loophole created by the EC to their advantage.

No doubt Adolfo et al. (2012:4) concluded that:

"The increasing reliance on elections as a means to distribute and regulate political power in society, (makes) the stakes of such elections often high. (That is) the socioeconomic realities of losing power in societies where almost all political power and economic resources of the state are placed in the hands of the incumbent, coupled with exclusive electoral systems and weak or biased electoral institutions, risk turning elections into a do-or-die affair".⁷⁰

This explains that the winner takes all syndrome is a contributing factor to the engagement of political parties in electoral malpractices and the incessant distrust in the electoral system of Ghana. The onus, therefore, lies on the EC to institute more robust and extensive strategies to reduce, if not to eliminate, the canker of political parties' engagement in electoral offenses to build a formidable front for a continued drive to consolidate democracy⁷¹, especially, when the engagement of political parties in electoral malpractices have threatening and devastating implication for democracy⁷².

⁷⁰ Adolfo, E. V., Söderberg K. M., Nyström, D. and Utas, M (2012). Electoral Violence in Africa. [pdf] Uppsala: Nordiska Afrikainstitutet. Available at: <http://nai.divaportal.org/smash/get/diva2:556709/FULLTEXT01.pdf>

⁷¹ The political parties must be admonished not to perceive the codes as a bunch of mechanical rules, rather it should be understood as a set of principles and guidelines to be honored in spirit and in letter (Political Party Codes of Conduct —ACE Electoral Knowledge Network <https://aceproject.org/ace-en/topics/pc/pcc/pcc01/default>)

⁷² Yusif, M. (2015) Party Politics Electoral Crisis and Democratic Consolidation in Nigeria. *International Journal of Academic Research and Reflection*. Vol 3, No. 1.

As explained by the Political Party Laws 2000⁷³, political parties are expected to provide certain particulars regarding their national, regional, district and constituency office and officers. The penalty for refusal or non-compliance is that the law mandates the EC to cancel their certificates, if it may. However, the evidence shows that the EC has failed to enforce the laws, especially with respect to two major legal obligations: *maintenance of offices in two-third of every district and the filing of their financial statements.*

The findings indicated that first, the EC refused to sanction a political party for fear of litigation which could last longer than expected. Second, political parties fail to comply with the requirement because the EC has poor monitoring and evaluation mechanisms. Third, the definition of offices as prescribed by the law is vague and nebulous. Fourth, not all political parties exist to win political power, but for the candidate's credibility and business transactions. Fifth, the EC lacks the moral ground to sanction political parties since the EC is unable to manage its own offices in the districts. Sixth, political parties are not funded by the state and therefore do not see the relevance for filing their financial statements: that is, the EC has nothing to compare the financial statement with. This means the success of the EC in regulating this provision effectively will depend on having the laws reviewed or the activation of the Political Parties' Fund.

However, the six (6) itemized reasons above cannot be enough justifications for setting aside legal requirements and condonement of illegalities. The sustenance of democracy is not a fulcrum on convenience, but rather the rules and regulations that spell out what actors in the electoral landscape (politics) are obliged to conform to, both in theory and in practice. Political parties' behaviour and conduct have consequences for the "nature

⁷³ Article 15 sections 1-3

of governance (democratic consolidation), integration, stability, and security” (Akubo & Yakubu, 2014: 80). Thus, the neglect of rule application to regulate political parties could lead to lawlessness and break down political parties which serve as the pool from which leaders are selected. For instance, when political parties fall, the rise of dictators and military coups become inevitable and democracy will crumble⁷⁴.

This notwithstanding, the arguments pressed by the political parties call for reorientation and in-depth education of the very essence of democracy. Finally, the provisions on the filing of the political party financial statements have to be reviewed and better shaped if and only if the state is not ready to activate a Political Party Fund. The drive to further consolidate Ghana’s democracy is, therefore, contingent on the commitment of the EC to enforce political party laws and code of conduct.

6.1.3 The Voter Education Role

The constitution of Ghana mandates the Electoral Commission to educate the citizens on the electoral procedures and processes. As specified in Article 45 section (d) of the Constitution, the EC shall “... *educate the people on the electoral process and its purpose.*” (The 1992 Constitution of Ghana). In a representative democracy, citizen participation is crucial to confer on elected leaders a higher level of legitimacy. But an election cannot be all-inclusive without electoral literacy. Thus, the engagement of the EC in voter education is estimated to build the confidence of the electorate, make their votes count and discourage citizen apathy. The fact remains that knowledge on the procedure of voting can motivate citizens to exercise their franchise and could also

⁷⁴Frempong (2012:15) argued “The necessary element in an assessment of democratic quality is regime survival; that electoral cycles continue”

reduce spoilt ballots. It is by this measure that the study found voter education as essential for democratic consolidation.

The results revealed that the voter education role is executed in two-folds: the first answers the question— where and how do you register, where should you vote, and how do you vote? And the second aspect of electoral education is targeted at some specific groups of people in the country that play a critical role during elections. For example, what is the role of the security officials, the media, the civil society organizations, and election observers?

The majority of respondents agreed that the EC has made efforts to reach out to citizens through the notice of polls, flyers and booklets, and radio and televised adverts to bring citizens up to speed with the processes of voting: where to vote and how to vote. However, almost all respondents agreed that the EC has not been effective in the discharge of this very important role (Frempong: 2015). That is the Commission was found to make efforts only in election years⁷⁵, and go to sleep after elections, leaving the electoral illiteracy unattended to.

Relatedly, the EC has failed to meet the pass mark for voter education due to lateness of budgetary allocations. That is, at the time the EC receives its budgetary allocation for voter education, the period for voter registration and limited registration, more often than not, may have passed and the circulation of educative materials, therefore, happens at a time when the elections are almost due. Thus, the Commission is forced to work under pressure: a venture that produces abysmal or undesirable results. In this regard, the financial independence of the EC is necessary to surmount this problem.

⁷⁵ At a point where the EC is overstretched by the actual conduct of the polls.

Another revelation was that the voters' education role is beyond the capacity of the EC and should, therefore, be transferred to the NCCE to ensure effectiveness against the ineffectiveness of the almost-duplicated-role shared between the two institutions. Further, the lack of collaboration between the two institutions, contrary to previous years, necessitates that a single institution take full charge of the voters' education role with adequate funding. The fusion of the civic and voter education would enable citizens to access full political education, the findings revealed.

More so, data collected found that voter education helps to create political awareness, increase citizen participation in democratic processes, reduce the traditionally high spoilt ballots and takes away the fear that characterizes elections and voting. But the EC has been inefficient in this regard, resulting in the widening of citizen's illiteracy on the procedures of voting and an increase in invalid votes (Frempong, 2015: 273). Thus, if unresolved could increase voter apathy, a development which would not be good for the consolidation of Ghana's Fourth Republic.

The findings, finally, revealed that the quality of voter education equips citizens with the power to make informed choices. This confirms existing literature put forward by Antonio Spinelli. He observed that the aim of every democracy is to endow citizens with "the right to choose and this choice is usually exercised through the holding of elections" (Spinelli, 2007: no page)⁷⁶. This means that a citizen's vote can count in an election when the general information needed to cast a ballot is adequately conveyed to them to cast valid votes. Hence, for democracy to be consolidated in the minds and hearts of the general citizens, a wider voter education campaign is necessary to feed the total voter population with the right procedural knowledge on voting.

⁷⁶ Spinelli, A. (2007) Commentary on EMB responsibility to oversee and administer internal political party elections, available at: <http://aceproject.org/author/spinelli>

6.2 Research Objective 2

To find out the factors that led to the disputed 2012 presidential election? (the events leading to the court).

Introduction

The aim of this objective (theme) was to find the events that led to the infamous electoral dispute of 2012. It must be stated that the literature the researcher reviewed was silent on most of the findings under this objective. The evidence generated from the field is therefore discussed in the paragraphs below.

To start with, one of the major findings the data revealed was that the fermentations of previous court cases (disputed presidential election results or petitions) that were not properly addressed and the complacency of the EC due to the major successes it has chalked since its inception led to the 2012 election petition. Also, the EC was found to have failed to give detailed explanations to certain irregularities, arguing that it cannot overturn the total results. Thus, the 2012 electoral results had to be settled in court so that the EC can provide answers to some unanswered questions.

Another pointer the study revealed bordered on the poor attitude of the EC and the multiple breakdowns of biometric devices: the EC contrary to the agreement “no verification, no vote”, at the peak of voting allowed others to vote without being verified. The EC was also uncompromising to give the major opposition party enough time to compile their evidence, but asked them to proceed to court and so, they went to Court.

Also, it was revealed that the posture of the EC was sometimes arbitrary and undemocratic. That is, the overreliance on the EC’s security of tenure and its

independence makes the Commission act arbitrarily without considering the important inputs from credible stakeholders. The finding seemingly confirms literature that certain decisions made by the Commission in 2012 and the attitude of its Chairman against its past tradition were uncompromising to critical issues surrounding the electoral process (Frempong, 2015). This situation therefore, made the Court inescapable in 2012.

Again, the finding revealed that the NPP went to the Court because of the increasing and alarming mistrust and declining confidence in the EC to conduct elections that are not vitiated by fraud. The data showed that the 2012 election results (figures) released by the EC were inaccurate and fraudulent and this made the court the only option. Hence, the continuous attention and focus of the EC on electoral outcomes, as opposed to the integrity of the electoral processes, can create perverted people and the very essence of Ghana's friable democracy will incessantly remain at risk of collapse.

More so, political fortune and loser attitude were found to be a reason for going to Court. That is, the quest of opposition leader secure another ticket having failed on two counts, occasioned the Court. It is important therefore to state that a loser's attitude is very important to the consolidation of democracy since it testifies to the legitimacy and acceptance of electoral outcome devoid of violence (Lindberg, 2006); Whitehead, 2006; Anderson et al., 2005; and Frempong, 2012). This means that if not the Court, but the street was chosen as the final arbiter of the disputed 2012 election, the story of Ghana's democracy would have been different from today.

Finally, "the winner takes all" system in Ghana was found to be a pointer that led the NPP to Court in 2012. The quest of the opposition political parties to climb the ladder

of power and the incumbent to sustain power in an ‘*all die, be die*’⁷⁷ manner created some level of adversarialism. Thus, the NPP went to Court to undo the incumbent government due to the adversarial nature of the Ghanaian laws and the political system— the winner takes all, the data revealed. This implies that the inability to address the winner takes all challenge can hamper the democratic maturity of Ghana (Gyampo, 2015).

From the discussions under this objective, the 2012 election results had to travel for six months in Court due to the following: fermentations of unsatisfied Court rulings on presidential electoral outcome, compounding irregularities, inadequate testing for biometric devices, breach of “no verification, no vote”, ‘winner takes all’ political system, mistrust and declining confidence in the EC, pompous attitude and arbitrariness of the EC and the quest for the major opposition leader to secure the ticket to contest again.

6.3 Research Objective 3

To find whether informal institutions affect the independence and neutrality of the EC in the discharge of its roles.

The intent of this objective was to establish whether the Electoral Commission of Ghana is independent and neutral in the midst of the informal relationships that have been institutionalized or otherwise, drawing from the findings in the previous chapter.

To begin with, the findings revealed that the EC is legally independent (Gyimah-Boadi, 2009). That is, there is enough legal provision that guarantees their security of tenure and their salary, which is charged from the Consolidated Fund. Also, unlike other

⁷⁷ To do something at all cost—this term was made famous by President Nana Addo, then the major opposition leader in 2012 on his campaign tour.

country, there has not been any attempt to change the laws or evidence of persecution by the incumbent government. However, the evidence from the data depicts that several attempts have been made by the executive to encroach on the role of the EC to their advantage but the EC has stood its ground. Two of such incidents were found to be (1) the event that necessitated the institution of the National Identification Authority (NIA) and (2) the attempt to influence ‘date of 1996 elections’ under former Presidents Kufuor and Rawlings respectively.

Moreover, it was found that informal institutions⁷⁸ cripple any attempt by the EC to boldly demand the right amount of money needed for the procurement of election materials and election business. The evidence shows that the EC does not present the true budget to the government due to the informal relationship between either the Chairman or the two other deputies and the executive branch of government. Unfortunately, the government slashes it further and the EC does not complain due to the informal relationship existing between them. This to some extent affect the operational or administrative role of the Commission.

Again, the mode of appointment is found to affect the independence of the EC administratively due to the embeddedness of informal institutions. That is, the mode of appointment purely hinges on informal institutions⁷⁹ and thus the formal legal rules become a mere formality since the constitution does not define what the background of the person chosen to be the EC Chairman, the two deputies or any member of the seven (7) Commissioners should be. This explains why the EC Chair in the build-up to 2016

⁷⁸ The term informal institutions is used rather than a mere informal relationships because the informal relations have become institutionalized in the discharge of the operational role of the EC with regard to the mode of their appointment and their funding. This can be linked to the patronage system.

⁷⁹ Examples are the influence of chiefs and other influential individuals (friends, political financiers), cabals, kinship ties and social relations, networks, ties with party leaderships who may recommend, among others.

was caught in the web of murky communication just to defend and validated the position of the incumbent government (her master).

Also, the directive from the president for citizens to vote without verification in 2012 was found to be a clear example of an executive control and embedded informal institution between the incumbent government and the EC. That is if the EC at that moment was independent, the decision or the announcement made by the president should have been revoked. But the directive was not revoked but allowed to hold.

Inferring from the discussions under this theme, the total independence of the EC is crucial for democratic consolidation due to the position it holds as the “referee” in the conduct of elections. However, preferences of the Commissioners in the midst of informal institutions can bedevil democracy and true application of the law against selective law enforcement. No wonder Okoh (2005) observed that the independence of an EC ensures honesty and helps to distil the system of any informal encroachment attempted by the executive arm of government by means of funding. Evidence from the results also confirms that EMBs must be cognizant of and build integrity in the electoral process as part of a fraud strategy to deter fraud since they are not immune to political pressures, bribery, and coercion—the indirect influence of informal institutions (Darnolf, 2011).

6.4 Research Objective 4

To bring to light the factors that obstruct the Electoral Commission from performing its roles effectively.

Factors that militate against the role of the EC

First, it was revealed that the Electoral Commission is constrained by the epileptic supply of funds by the government to carry out its duties. The failure of the central government to release money on time, piles up pressure on the commission, interrupts programs and often leads to the revision of timetable by the EC. This financial constraint was found to be one of the factors responsible for the EC's inability to manage offices in all the districts and this even makes it difficult to track and penalize political parties that do not have offices across the district in the country.

Secondly, the results showed that the increasing trend of declaring results by political parties before the Commission announces the certified election results is seen as not just a threat to the institution but a threat to the entire process of democracy and democratic consolidation. This development puts undue pressure on the EC, creates unnecessary tension in the political environment and has the tendency to destabilize the country, especially, when the final results declared by the EC does not conform to what political parties have declared.

Thirdly, the results revealed that the EC lacks a legal department. The work of the EC survives on the Constitution and other laws and so, a breach of any provision is sure to be settled in court, holding all other things constant. However, till date, the Commission does not have a legal department to take up the litigation role of the EC. Thus, the EC in some cases would have to suspend equally important roles to answer some questions in court, which sometimes forces the EC to cut corners to achieve the other functions.

Fourthly, effective communication was found to be a major challenge the EC faces, especially in the management of the Electoral Commission's website. Though the EC tries to put basic information online, it is sometimes difficult to access information because of temporal shut down of the site. The study revealed the lack of coordination in the information put out by the Commission through their communicators and the EC Chairperson and this creates suspicions and reduction of people's trust in the system.

Additionally, the rising suspicion of the Commission (especially the Chairperson) is a serious problem. The credibility of electoral officials is deemed essential to building public confidence in the electoral system. However, political parties over the years have tried to paint a picture of partiality in the discharge of the EC's role.

Finally, the EC does not have a proper database. This results in the destruction of volumes of piled documents due to the moisture produced by the heat in the store room and sometimes termites. Relatedly, there is a major challenge of recruiting credible and objective EC officials, especially the temporary staff. That is, there is a difficulty in recruiting honest, efficient, effective, neutral, and impartial permanent and temporal staffs.

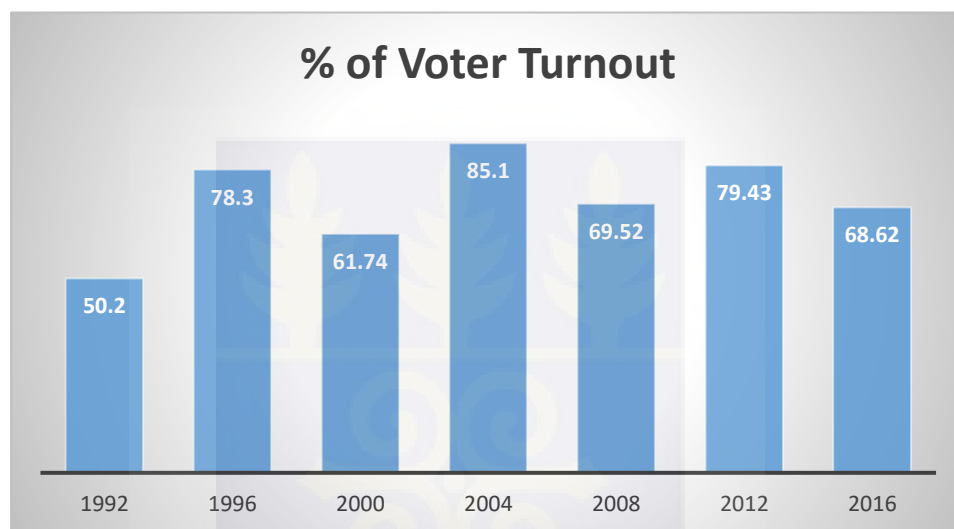
Keynotes on 2016 elections

Deductively from respondents' views on the outcome of the 2016 elections, the following conclusions were drawn:

Firstly, the increasing adversarial nature of the Ghanaian laws could be a nuisance to the program of the EC if unmanaged properly. However, resorting to the court system to address electoral concerns helps to deepen the electoral knowledge of the Justices whilst enabling them (Court) to find the best ways to handle electoral cases.

Secondly, the apathy level in the 2016 general election was high and this resulted in about 68.62% voter turnout. The findings however, validates the literature that the average voter turnout has consistently exceeded 70% as noted by Gyimah-Boadi (2009) in the Fourth Republic. Also, the voter turnout of Ghana was found to be swinging every four years as shown in the chart below:

Figure: 2. Percentage Voter turnout for Presidential elections from 1992-2016



Developed by the researcher from Data sourced from the EC 2016/2017

Additionally, it is clear from the Figure 2 above that in every 8 years voter turnout reduces and anytime the voter turnout drops (as seen in 2000, 2008 and 2016), power is alternated. This calls for a study to discover the dynamics or the factors that has accounted for the voter apathy after the second term of an incumbent government (every 8years) in Ghana's electoral politics.

Thirdly, the posture of the EC Chair on the issues of disqualified candidates following the filing of nominations (smaller political parties) without giving the parties proper hearing, questions the integrity and the neutrality of the EC to apply the laws fairly.

Fourthly, the excessive monetization denies poor persons with capable minds the opportunity to participate in the democratic process. That is the capricious exercise of the EC's role, if not checked could make democracy as an auction where the highest bidder gains, but frowns on those with laudable ideas because of financial inhibitions. Monetization also has the potential of discouraging other smaller parties from contesting thereby eroding the competitiveness of elections, which is key to democracy. Lastly, the EC's communications were not effective and were marred with inconsistencies and the communications for the increase in filing fees can reduce political contests and competition.

6.5 Chapter Summary

The chapter deduced from the insinuations of respondents and highlighted the implication that each role played by the Ghanaian EC has for democratic consolidation. The chapter further discussed the findings comparing it with existing literature and noted where the findings confirmed or contradicted the literature. The discussions in a nutshell indicated that democratic consolidation does not have a stipulated time for maturity due to the fact that democracy is procedural and needs endless engineering amidst the challenges that may confront the countries involved (Gyampo and Asare, 2015:5). Finally, the chapter showed the efforts the EC has made in the consolidation of Ghana's democracy, as well as the areas that need re-engineering to attain a full fledged electoral democracy. The next and final chapter of the study is focused on summarizing findings discussed in this chapter, a general conclusion, and recommendations that will feed into future policies of the EC to address the gaps revealed by the study.

CHAPTER SEVEN

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

7.0 Introduction

The overall objective of the study was to find out the role the Electoral Commission plays in the consolidation of democracy in Ghana's Fourth Republic. The study employed the qualitative research design and thus interviews were used to elicit opinions from key experts (12 respondents) to meet the general objective stated above. This chapter sums up the findings of the study as generated from the research questions. The general conclusion of the study and recommendations also formed part of this chapter.

7.1. Summary of findings

The study showed that the role of the EC is indispensable in the sustainability of democracy in the Fourth Republic of Ghana. The Commission is projected to have performed creditably well for organizing six (6) successful free and fair elections since its inception. The data analyzed also found that the EC has made a considerable effort to accentuate the course of consolidating democracy by building an integrity based system that is able to check internal fraud and create room for verifiability. Additionally, the study showed that the integrity of the electoral process, transparency in the application of the rules of the game, the certifying of legitimacy of the elected leaders, the stability of security elements, and the sustainability of the Constitution would not have been possible without the role of the EC. This is because the executive, the legislature and the judiciary are directly or indirectly sustained each time elections go well.

Moreover, the study found that fairness, openness, and transparency in the balloting and scrutiny of electoral results have been guaranteed by the numerous electoral reforms the EC has undertaken over the years. Further, it was revealed that political gerrymandering forced the EC to create more constituencies but this is mostly met with resistance. The passage of the Consolidated Local Government Act (2016) is however set to address this challenge.

This notwithstanding, the study revealed several gaps in the discharge of the EC's role which could have a negative implication for democracy and democratic consolidation in Ghana if they are not addressed but left to compound.

First, there are high levels of citizens' ignorance on the procedural knowledge of voting. The result is the increased invalid votes, high enough to overturn elections in Ghana given the close elections Ghana has witnessed in the 21st century with the exception of the just-ended 2016 presidential election. The causative factors found were; the duplication of roles and lack of collaboration between the EC and NCCE, the high illiteracy rate of Ghanaian voters, and the delay in the release of funds to the EC by the central government.

Second, the credibility of the voters' register guarantees a smooth and a peaceful process of voting and the quality of elections. Contrary to this, the Ghana's voters' register was found to be bloated with millions of minors and foreigners. This has heightened the level of distrust and low confidence in the EC to conduct free and fair elections. Major contributing factors were found to be the lack of a proper national database of citizens (National ID Cards), failure of the EC to prosecute offenders, the ineffectiveness of the *challenge mechanism*, the dishonesty of the local people, compromised EC registration officials and hypocrisy of political parties.

Third, political parties were found to be major holders of multiparty democracy and by extension democratic consolidation. The effective regulation of their activities is, therefore, necessary to sustain democracy. However, an alarming finding was that the EC has failed to enforce the Political Parties' laws and is engaged in the selective application of the laws. The result is the proliferation of 'unqualified political parties' which are: (1) more or less dormant and sectional political parties rather than the required national character; (2) unable to manage district offices; and (3) engaging in the use of dubious means such as forgery of signatures and impersonations to meet registration requirements. The causative factors were found to include ineffective district offices of the EC to monitor political party activities in the district, polarized Ghanaian societies with poor landmarks which makes it difficult to track individuals who endorse political parties during their registration for accuracy and credibility of signatures, the nebulous connotations of district offices, and unjustifiable reasons for the parties to file their financial accounts.

Fourth, the study found that legally, the EC is independent without executive threats to eliminate or sack any member of the Commission. However, the EC is not totally free administratively, due to the intermittent attempts by the executives to influence its role. The study also revealed that the integrity of the EC is essential to the maintenance of true independence from all forms of encroachment by the executive branch of government. Additionally, informal institutions were found to be the motive behind the Commission's sympathetic approach to the budget prepared by not presenting the right amount of money needed to organize elections, and the slashing of the EC's budget by the executive without major protests by the EC. In terms of neutrality, it was further revealed that the EC has a civic right to vote and for that matter has a preferred

candidate. This means that one cannot be assured of neutrality when the 7-member Commission and staff of the commission cast their vote during general elections.

Fifth, the complacency of the Commission, especially the Chair was found to be a major pointer to the disputed 2012 election⁸⁰. In addition, the fermentation of unsatisfied court rulings on presidential election issues and the increasing irregularities led to the 2012 election petition. The arbitrariness and unbending position of the EC in heeding to sound advice on introducing biometric technology, the lack of trained technicians to handle the devices, inadequate testing of the device leading to excessive breakdowns and voting without verification were found to be some of the pointers to the disputed 2012 elections. Furthermore, negligence on the part of the opposition NPP and the need for the major opposition leader, Nana Addo to secure a political ticket for 2016 election made the Court inevitable.

Finally, the study found an unfortunate bi-product of the 2012 Presidential Election Petition—the proliferation of political vigilante groups which takes its root in the popular quote by Dr. Afari Kwadwo Gyan that “*elections are won at the polling stations*” to ensure their political parties win at the polling stations. Moreover, the election petition was found to be very essential since it brought finality to some critical issues like over-voting, increased the political awareness of citizens, helped strengthen the judicial system and electoral system, and provided an avenue for the EC to carry out some reforms that made the 2016 elections relatively free and fair despite the petty irregularities.

⁸⁰ The EC over-relied on the successes it had on its sleeves and the admiration it has won both externally and internally, and for this reason over looked the past mistakes it had made that were pardoned.

7.2 General Conclusion

The democratic strides Ghana has achieved in the Fourth Republic places it in a comfortable drive to democratic consolidation in the minimalist sense, having alternated power on three consecutive occasions (2000, 2008 and 2016). This would not have been possible without the institution of the office of the Electoral Commission of Ghana since 1993. Despite the many successes realized by the Commission, there still remain serious gaps in the role played by the Ghanaian EC, be it constitutionally or administratively, towards the consolidation of democracy.

The common and recurring elements that seem to be taking away the shine of the Commission's success include: the inability of the EC to enforce the political party laws, the ineffective discharge of the voter education role, bloated voter's register, ineffective communication, the increasing citizen mistrust and suspicion of the electoral process, the uncompromising attitude of the EC which is almost arbitrary, and the potential threat of informal institutions.

Drawing from the findings of the study, the EC has contributed to the sustenance of electoral democracy in Ghana due to the strategic positioning and the pivotal role it plays in overseeing and managing the conduct of elections in Ghana. Arguably, the quality of elections reduces the tendencies of intractable or election-related conflict whilst facilitating peace and building citizens' confidence in the electoral process. Thus, the ability of the EC to continually ensure that Ghanaian citizens peacefully elect their leaders and actively participate in decision making in the state without any feeling of marginalization would make the agenda of complete and uncontested electoral governance and the consolidation of democracy, a reality in years to come. This notwithstanding, the success stories of Ghana's electoral democracy is impressive.

7.3 Recommendations

The following recommendations are being made to aid policy makers and the Electoral Commission in addressing the gaps the study identified.

First of all, the EC should be proactive and have a clear timetable for with all projections from 2017 to avoid the late communication of filing fees in the case of the 2016 general elections which was found to have affected political party mobilization. For example, the projected money that is required for the political parties to file their nomination should be communicated at least fifteen (15) months to the general elections to give political parties adequate time to gather their resources to avoid any form of surprises in the build-up to the 2020 general election and beyond.

Secondly, for reasons of prosecuting electoral offenders and related legal issues, there is the need for a legal department or an office of a prosecutor for the Commission to handle litigations. This will give the EC more room to focus on their core mandate of conducting elections without the fear of delays.

Thirdly, The EC should employ one or two IT specialists solely responsible for the management of the EC's website to allow free flow of information. In the same vein, the EC needs to introduce an electronic transmission of electoral results which is faster and more efficient than the manual process. This will gradually eliminate the trending declaration of results by political parties before the certified results from the EC.

Fourth, IPAC should be expanded to include civil society organizations and the media since there is no compact platform for the EC to interact with the media and the CSOs that are related to the work of the EC. This will ensure that election-related CSOs are a preview of the necessary information to avoid dissemination of inaccurate facts. Aside these, the EC must reenergize Regional Interparty Advisory Committee (RIPAC) and

District Interparty Advisory Committee (DIPAC) to further engage the political parties and CSOs and the media at both regional and district levels to build a formidable front for the dissemination of information at the grassroots.

Fifth, there is the need to put in place an upper limit to number of the constituencies the EC can create, or increase the total number of a population that should constitute a district. In this case, the EC will not be forced to create constituencies when a district is created. In order not to reduce citizen participation, more polling stations should be created to ensure the majority of citizens can vote and be voted for irrespective of their location. This will go a long way to increase citizens' participation and reduce the pressure of creating more constituencies.

Sixth, there is a need for the Commission to set up another department responsible for voter education or the 1992 constitution must be amended to allow a transfer of the voter education role of the Electoral Commission to the National Commission for Civic Education (NCCE). Additionally, the EC must out of prudence perform a year-round voter education to prepare the minds of the people for the elections ahead of time to avoid unnecessary pressure in the election year.

Seventh, the EC should devise a strategy of raising internally generated funds to reduce the excessive dependence on donors for support during the election years. This will help eradicate the ancient `canker of dependency on donors, replacing it with a long term and sustainable means of funding Ghanaian elections.

Finally, the study recommends a further study into the implication of the increasing political vigilante groups on the electoral process of Ghana with reference to the statement that "elections are won at the polling station". The recommended area of

study can help devise ways to limit the likelihood of electoral violence that can truncate the democratic strides made in the Fourth Republic of Ghana.



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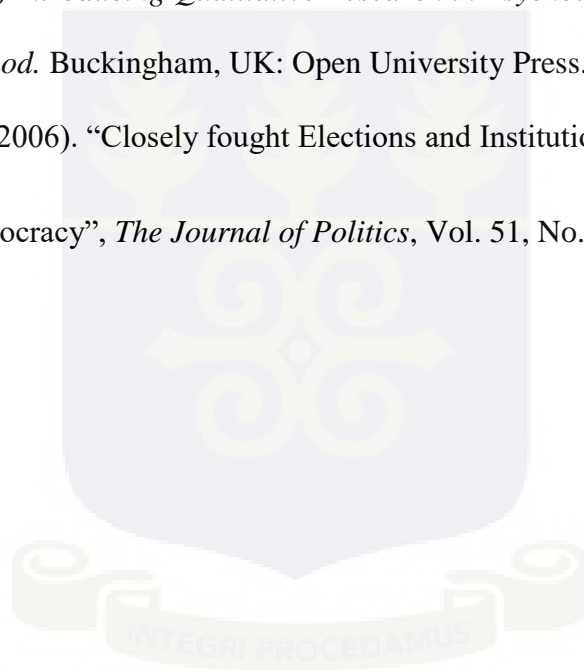
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APPENDICES

APPENDIX A: Interview Guide for the former EC Chairman

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could volunteer and assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

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Interview Questions

- a) How well has the EC played its role with respect to election management in Ghana especially the following:
 - i. Compilation of voter register;
 - ii. Regulation of political party activities; and
 - iii. Voter education?
- b) Can you comment on how the disputed elections of 2012 were run? (The events leading to the election petition)
- c) How did the Commission under your Chairmanship dealt with the influence of informal institutions if any?
- d) Do you think the EC's role has any implications for the Democratic Consolidation of Ghana's Fourth Republic?
- e) Can you comment on the just ended 2016 general elections?

- f) What has been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

APPENDIX B: Interview Guide for the former deputy EC Chairman

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could volunteer and assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

Tel: 0244950774 Email: shadrackbentil@gmail.com

Interview Questions

- a) How well has the EC played its role with respect to election management in Ghana especially the following:
 - i. Compilation of voter register;
 - ii. Regulation of political party activities; and
 - iii. Voter education?
- b) Can you comment on how the disputed elections of 2012 were run? (The events leading to the election petition)
- c) How did the Commission under your Chairmanship dealt with the influence of informal institutions if any?

- d) Do you think the EC's role has any implications for the Democratic Consolidation of Ghana's Fourth Republic?
- e) Can you comment on the just ended 2016 general elections?
- f) What has been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

APPENDIX C: Interview Guide for the Head of Communications, EC

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much, and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

Tel: 0244950774

Email: shadrackbentil@gmail.com

Interview Questions

- a) How well has the EC played its role with respect to election management in Ghana especially the following:
 - i. Compilation of voter register;
 - ii. Regulation of political parties activities; and
 - iii. Voter education?
- b) Comment on the disputed 2012 presidential election (the events leading to the court).

- c) Is the EC really independent and neutral, and how well has the EC dealt with the influence of informal institutions, if so or otherwise?
- d) Do you think the EC's role has any implications for the Democratic Consolidation of Ghana's Fourth Republic?
- e) Can you comment on the just ended 2016 general elections?
- f) What have been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

APPENDIX D: Interview Guide for the Political Science Lecturers

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could volunteer and assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

Tel: 0244950774 Email: shadrackbentil@gmail.com

Interview Questions

- a) How well has the EC played its role with respect to election management in Ghana especially the following:
 - i. Compilation of voters register;
 - ii. Regulation of Political Parties Activities; and

iii. Voter education?

- b) Can you comment on how the disputed elections of 2012 were run? (The events leading to the election petition)
- c) In your opinion, how have informal institutions affect the independence and the neutrality of the EC?
- d) Do you think the EC's role has any implications on the Democratic Consolidation of Ghana's Fourth Republic?
- e) What will be your comment on the just ended 2016 election?
- f) What has been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

APPENDIX E: Interview Guide for Civil Society Organizations

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could volunteer and assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

Tel: 0244950774 Email: shadrackbentil@gmail.com

Interview Questions

- a) How has the EC played its role with respect to election management in Ghana since the inception of the Fourth Republic especially the following:
 - i. Compilation of voters register
 - ii. Regulation of Political Parties Activities; and
 - iii. Voter education?
- b) Can you give a commentary on how the disputed election of 2012 was run? (The events leading to the election petition)
- c) Can you comment on the just ended 2016 general elections?
- d) In your opinion, how have informal institutions affect the independence and the neutrality of the EC?
- e) Do you think the EC's role has any implications on the Democratic Consolidation of Ghana's Fourth Republic?
- f) What has been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

APPENDIX F: Interview Guide for Political Party Officials

Introduction

This interview guide is designed to solicit views on the topic: **The Consolidation of Democracy in Ghana's Fourth Republic: the role of the Electoral Commission**. I am Shadrack Bentil, a Master of Philosophy (M. Phil) student of the Department of Political Science, University of Ghana. This study is conducted in partial fulfillment of the requirement for the award of M. Phil Political Science Degree.

I would be very grateful if you could volunteer and assist me by way of providing the relevant information needed to complete this research work. This interview is purely for an academic purpose and thus confidentiality is strongly upheld.

Thank you very much and I am looking forward to your support to enable me to complete this study successfully.

Contact Details

Tel: 0244950774

Email: shadrackbentil@gmail.com

Interview Questions

- a) In your opinion how well has the EC played its role with respect to election management in Ghana especially the following
 - i. Compilation of voters register;
 - ii. Regulation of Political Parties Activities; and
 - iii. Voter education?
- b) Comment on how the disputed 2012 election was run? (The events leading to the election petition)
- c) In your opinion how do informal institutions affect the independence and neutrality of the EC?
- d) Do you think the EC's role has any implications on the Democratic Consolidation of Ghana's Fourth Republic?
- e) Can you comment on the just ended 2016 general elections
- f) What has been some of the factors (General and Specific) that impede the Electoral Commission's effective and efficient performance?
- g) What recommendations can better shape the role of the Electoral Commission of Ghana?

