

IN THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA



REPORT OF THE SPECIAL BUDGET COMMITTEE ON A BRIEFING SESSION
ON THE DRAFT PUBLIC ELECTIONS (REGISTRATION OF VOTERS)
REGULATIONS, 2022 AND OTHER RELATED MATTERS

1.0. INTRODUCTION

The Special Budget Committee held a briefing session on Wednesday, 27th July, 2022, with the Electoral Commission (EC) of Ghana led by the Chairperson, Mrs. Jean Adukwei Mensa and the two Deputies, Dr. Bossman Asare and Dr. Serebour Quaicoe on a new Constitutional Instrument (C.I.) Public Election (Registrations of Voters) Regulations, 2022 and Other Related Matters that seek to introduce new electoral reforms as part of its preparation towards the 2024 General Elections.

The Committee is grateful to the EC for responding to the invitation.

2.0. REFERENCE

The Committee was guided by the following important legal documents during the deliberations:

1. The 1992 Constitution of the Republic of Ghana
2. Standing Orders of Parliament
3. Electoral Commission C.I. 91-2016
4. The Draft Constitutional Instrument (Public Elections (Registration of Voters) Regulations, 2022 and other Related Matters

3.0. BACKGROUND

The Subsidiary Legislation Committee of Parliament had earlier held a pre-laying meeting with the EC to review a new C.I – Public Elections (Registration of Voters) Regulations, 2022 and Other Related Matters that the Commission is contemplating seeking the approval of Parliament to replace the existing Instrument (C.I.) in preparation towards the election 2024.

In this new C.I. the Committee observed that the Commission had expressed the intention of using the Ghana Card or ECOWAS Card, as commonly referred to, as the ONLY form of identification or medium to qualify a citizen of Ghana who is eligible to vote to be registered or enrolled onto the voters' register. This observation brought to the fore a number of concerns that were reported to the Leadership of the House. During the Business Committee meeting held on Friday, 22nd July, 2022, the Special Budget Committee was directed to further interrogate the concerns raised by the Members of the Subsidiary Legislation Committee during the pre-laying meeting and report to the House.

The Committee therefore sought clarification on the following two (2) major concerns of the members.

- i. The 2022 Budget Performance of the Commission
- ii. The new C.I. – Public Elections (Voters Registration) Regulations and other related Matters, 2022

Among the issues raised included the following:

- The Ghana Card as the only medium to qualify a citizen of Ghana eligible to vote. The Committee was informed by the EC of its intention to replace the existing C.I. with a new one that makes it mandatory for the Ghana Card to be the only medium of identification for purposes of establishing the eligibility or otherwise of a citizen of Ghana to register or to be enrolled on the Voters' Register. The Committee sought to understand the basis for such a decision.

The Committee further sought to know:

what has happened to the EC's biometric data that was recently collated and the Voters' ID Cards that were issued by the Commission for the 2020 elections. In other words, the Committee wanted to understand why the recent Voters' ID Cards may not qualify to be used for the purposes of registration but rather the NIA Card.

The Committee raised issues on the number of people registered by the NIA. The Committee made reference to the claims made by the NIA in 2022 that it had registered about 16,654,000 people which figure includes persons who are not citizens of Ghana, who are

deceased and others who have not attained the voting age. The NIA further claims that about 3.3 million Ghanaians out of the 16,654,000 though registered are yet to be issued with the Ghana Card. Based on this, the Committee wanted to know from the Chairperson how many of the 16,654,000 who have registered with the NIA are 18 and above.

- The Committee raised some concerns regarding the EC's budget and sought for the records to ascertain whether the EC has any intention to compile a new Voters' Register for the 2024 elections as it is highly unlikely that the country may have a budget to finance such an exercise before elections in 2024.

4.0. RESPONSE BY THE EC

i. The 2022 Budget Performance of the Commission

The Chairperson appealed for some ample time for the Commission to properly prepare the necessary documentations before attending upon the Committee as the invitation to her outfit was so short and did not also request for presentation on the subject.

ii. The New C.I. for the 2024 Reforms: Continuous Registration and the use of Ghana Card

- The Chairperson explained for the records that officially no C.I. has been presented to Parliament as is being alleged. However, as has been the convention and practice of the House, the Commission engaged the Subsidiary Legislation Committee to solicit the inputs of the Members to enrich the draft C.I. as part of the processes before it is finally presented to the House for approval.

- On the use of the Ghana Card, the Chairperson explained that indeed, previously the Commission had allowed a number of options to prove one's identity during the registration of voters which included Ghana Passports, previous Voter ID Card, Birth Certificate, Guarantor System, drivers' license, etc. However, the Commission in 2021 following the election in 2020, decided to introduce a number of reforms to sanitize and simplify the election processes including continuous registration of voters and the use of Ghana Card to qualify eligible persons for the EC Voters' ID Card.

The Chairperson explained that the practice of periodic voter registrations exercise in the past have proven to be time consuming, ineffective and an expensive process associated with chaos. This practice does not provide any window for persons who may have travelled out of the country or unable to participate in the exercise when the period was opened.

In order to address these challenges, the EC indicated its intention to introduce the continuous registration exercise. The Chairperson further explained that this issue were tabled for discussions at the IPAC and there was a general consensus for its adoption.

On the issue of the non-use of the guarantor system, the Chairperson informed the Committee the guarantor system was introduced some 30 years ago in 1992 when the country did not have any common system of identification to allow many eligible persons to be registered or enrolled onto the EC's Voters' Register to enable them to vote.

The Chairperson further explained that the guarantor system has become a recipe for manipulation for many people giving rise to a number of loopholes causing so many credibility issues for both the Commission and beneficiaries and this has made it no longer reliable for the Commission to continue to depend on it going forward. However, today Ghana has come a long way and can boast of a credible form of identification to transact business everywhere in the country.

She informed the Committee that an agreement was reached at the IPAC level that in spite of the challenges, the Ghana Card should be the ONLY medium of identification going forward and also in line with the NIA regulations which state that in any transaction, the Ghana card should be used to identify a person as a citizen of Ghana.

The new C.I. as presented at a pre-laying meeting with the Subsidiary Legislation Committee is to basically spell out the intentions of the Commission to do away with the expensive periodic registration exercises which effectively had not yielded the expected results over the years and embark on an all year-round registration exercise at the offices of the Commission across the country.

The essence is to ensure that the offices of the Commission across the country are made functional throughout the year and more importantly expand accessibility to persons who attain age 18 or have not previously registered by the Commission to simply access any of the regional and district offices to be registered or enrolled onto the Voters' Register.

To ensure the smooth implementation of these reforms, the Commission intends to have at least five (5) staff members permanently at its offices nationwide together with representatives of the various political parties to monitor and assist in the exercise.

She further emphasized that this approach would not require any special budgetary demands beyond the material equipment to enable the officers of the Commission to perform their roles and functions effectively as required.

iii. Compilation of a new Biometric Register

The Committee was assured in the strongest terms by the Chairperson that notwithstanding the Commission's intentions to depart from the past practice of assigning a specific period to undertake voters' registration, the biodata information compiled by the Commission and the EC's Voters' ID card issued during the recent past election in 2020 is credible and would still be useful and would not totally become irrelevant. Therefore there would not be any compilation of a new voters' register. The Commission would rather continue to update the existing register as part of the reforms to the registration processes.

iv. Reconciliation of discrepancies in the numbers as recorded or identified by EC and NIA

The Committee was informed that at the time of the registration in 2020, the Commission had a wider consultations with NIA and realized that less than seven (7) million people had been registered and issued with the Ghana Card.

However, as of 2022, the NIA has about sixteen (16) million people enrolled with cards which the Chairperson believes is strong and substantial enough for the elections to take place with the Ghana Card.

She emphasized that despite the challenges the NIA is confronted with, the Commission has strong confidence in the assurance by the NIA that persons without the Ghana Card can easily obtain one from its regional and district offices across the country to enable them register for the Voters ID Card before the elections in 2024.

The Chairperson reiterated and maintained that the reforms being introduced by the EC are the best under the circumstances as it is going to be incidence free, less time consuming and cost effective as the processes are continuous and aim at allowing ample time and accessibility for eligible persons to be registered to vote without any rush and chaos as have characterized the one-off registration exercises in the past.

5.0. SUBMISSIONS BY THE COMMITTEE

The Committee following the presentation by the Chairperson made the following submissions, among others to be considered by the Commission in reviewing the new C.I. to improve the voter registration exercise and the entire electoral processes:

- The removal or expunging of the guarantor system as part of the reforms. Some Committee members urged the Commission to take a second look at its own laws in relation to the use of the Ghana Card

as the sole medium of identifying any Ghanaian citizen eligible to register by the EC. Some of the Committee members were of the view that this intention or contemplated regulation may contravene the Commission's own law, the Public Elections Registration, which makes provision for a guarantee form to be completed and signed by two registered persons to qualify a person as a citizen of Ghana to be enrolled by the Commission.

- Some Committee members observed the Commission's overly reliance on the NIA and therefore draws the attention to the laws that established the Commission and further set out its mandates which do not immediately link NIA into the Ghana's democratic processes and therefore the Commission to take responsibility and reduce the attempt to make NIA's operations a part of the process.
- Again, the Commission was informed about the outcomes of meetings held in Parliament between the NIA and the Constitutional, Legal and Parliamentary Affairs Committee. In these meetings the NIA enumerated a number of persistent pertinent challenges the Authority is confronted with and which it has not been able to resolve since the Ghana Card registration was introduced. These challenges include budgetary constraints, lack of offices and registration centres, inaccessible network, lack of power supply in many areas, bad road networks, travel distances people have to commute to the registration centres, lack of basic equipment and vehicles for the staff of the Authority, etc.

The Committee in view of these critical challenges implores the EC to be mindful and ensure that no eligible person of Ghanaian citizenship is disenfranchised in the process by its insistent on the use of the Ghana Card as the only medium to qualify a person to be registered.

- Establishment of Registration Centres and Polling Stations/Centres. The Commission was encouraged to ensure that registration centres are coterminous with the polling stations or voting centres in accordance with the existing laws to avoid confusion and chaos during the voting exercise in 2024.
- Creation of new Constituency. On the back of the experience during the last voting exercise in relation to the SALL situation, members enquire as to whether the creation of new constituencies is part of the agenda of the Commission and how soon show the House expect any notification to that effect. The Committee was informed that the intention to create new constituencies is not on the table of the Commission, however, as it happened to SALL, the Ministry of Local Government and Rural Development should be able to inform the Commission of any development of new district so that the unfortunate situation could be avoided.

6.0. CONCLUSION

The Committee having thoroughly interrogated the issues and reforms being contemplated by the EC would like to reiterate its support for any effort that would enable every Ghanaian to get a Ghana Card because it is the Law.

Again, the Committee would like to emphasize that it has no objections against the EC using the NIA Card to embark on the registration of eligible voters.

However, the Committee would like to stress that it will not accept and would reject any effort that is geared towards making the EC use the Ghana Card as the ONLY medium to qualify a person who is eligible to vote in 2024 elections.

This is premised on the fact that, indeed Ghana has come of age and can boast of a credible national identification card (Ghana Card) to transact businesses with. However, even in the face of a number of identification options given in the past, and even in the operation of the NIA, some citizens are unable to register for the national card due to the existence of serious challenges the Authority is confronted with.

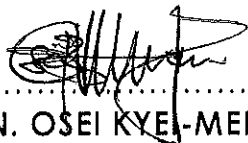
It is clear that unless and until the challenges confronting the issuance of the Ghana Card are dealt with, using the Ghana Card as the only medium of voter registration, would negatively impact on the electoral roll and thereby deny some otherwise qualified persons from registering to vote.

Some Committee members expressed their strong opinion that the new C.I. would give very limited options as many eligible voters may not be captured on the electoral roll on time for the impending elections as access to the card has increasingly become a difficult enterprise for many Ghanaians. This situation, the members observed, could lead to disenfranchising many eligible voters, which obviously would be offensive to Article 42 of the Constitution.

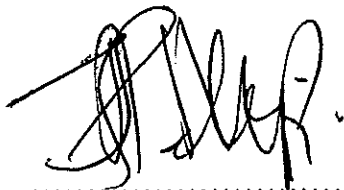
The Committee therefore proposes that in order to advance discussions on the new C.I., there must be a joint appearance of the two institutions, EC and NIA, before the Committee of the Whole, to give assurance to the House on the concerns identified during the briefing to enable the Commission proceed to have further pre-laying deliberations with the Subsidiary Legislation Committee as has been the convention.

The Committee therefore respectfully recommends to the House in view of the foregoing to adopt this Report on the Draft C.I. - Public Elections (Registration of Voters) Regulations 2022 and Other Related Matters of the Electoral Commission of Ghana and subject it to further consideration by the House.

Respectfully submitted.



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HON. OSEI KYEI-MENSAH-BONSU
MAJ. LEADER/CHAIRMAN, SPECIAL BUDGET COMMITTEE



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JOANA ABENA SAKYI ADJEI (MRS)
CLERK TO THE COMMITTEE

DATE: 20th February, 2023