



GHANA CENTER FOR DEMOCRATIC DEVELOPMENT

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Press Release

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EC's Proposed Draft CI on the Registration of Voters: Don't Throw the Baby Out with the Bathwater

The Ghana Center for Democratic Development (CDD-Ghana) has followed with keen interest, ongoing public debates regarding the Public Elections (Registration of Voters) Regulations, 2021, proposed by the Electoral Commission (EC) (herein 'the proposed C.I.'). The proposed C.I. seeks to regulate the continuous registration of voters, including the particulars required of an applicant for voter registration and well as designated centers for registration. Among other things, the proposed C.I, which would amend current C.I. 126, makes it a mandatory requirement for an applicant for the national voter registration exercise to present a national identification card ('Ghana card') issued by the National Identification Authority (NIA) in addition to other personal information of the applicant. This effectively excludes all other evidence of national identity including birth certificate, previous Voter ID, passport, etc. The proposed CI also designates the district offices of the Commission as the primary center for registration.

The Center commends the EC for taking steps to implement some of the recommendations agreed among stakeholders at the Coalition of Domestic Election Observers' (CODEO's) Post Election 2020 Review Workshop held in Ada in April 2021, including, notably, replacing mass voter registration with "continuous registration". In 2021, the EC held a number of IPAC meetings to discuss the modalities for rolling out the continuous registration format. The proposal to use the Ghana Card as the sole identity card was agreed, subject to one condition and one assumption. First, the EC was to ascertain that the exclusive use of the card did not violate the right of a citizen to be registered and to vote. The EC committed to consult the Attorney General on the matter prior to submitting the C.I. Second, the use of the Ghana Card as the sole identification card for voter registration was predicated on the assumption that the NIA will continue its registration exercise to "mop up" unregistered Ghanaians, thereby reducing the registration exercise each year primarily to Ghanaians who have turned eighteen.

On the first matter, the Center notes that the right of every qualified adult citizen to register and participate in public elections is an indispensable right protected by the 1992 Constitution (the Constitution). This right has been affirmed by the Supreme Court in a number of cases including *Tehn-Addy v Attorney-General & Electoral Commission* [1997-98] 1 GLR 47; *Ahuma Ocansey v Electoral Commission*; *Center for Human Rights and Civil Liberties (CHURCIL) v Attorney-General* [2010] SCGLR575. In *Ahuma Ocansey*, the Supreme Court held that 'that apart from the restrictions [below 18 years and insanity] expressly

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imposed by article 42 of the Constitution, no other constitutional provisions sets out any further limitations on who qualifies to vote. The Court minced no words in emphasizing that even for prisoners and persons convicted of high crimes against the state, there is no legitimate interest served for the State to restrict their right to vote. 'Even for those who attempt to derail the democratic process, voting remains an important means of teaching them democratic values.' Making the Ghana Card the sole identity document for registration of voters, when acquiring the card still presents significant challenges for large numbers of Ghanaians, or designating registration centers that may be too far removed for certain populations of citizens, arguably infringes on their right to be registered and to vote. On the second matter of the NIA's plans and capacity to mop up unregistered citizens, there are legitimate concerns and indications that the Government's current fiscal challenges may frustrate such plans. Moreover, it does not address the distance issue for new registrants who do not have the resources to travel to the district capital to register when they turn eighteen. In essence, the initial assumptions upon which stakeholder consensus for the use of the Ghana card was built do not appear to hold at the present time.

In light of the foregoing, CDD-Ghana proposes as follows:

1. Keep the Ghana Card as the primary form of identification but allow holders of the Ghana Card to guarantee or vouch for the identity of others under penalty of perjury. The current CI 126 allows for a guarantor to guarantee for up to five people. This could be reduced to three. As the NIA itself currently guarantors to vouch for applicants seeking to obtain the Ghana Card, continuing to allow guarantors in the voter registration system, albeit on a limited and, hopefully, transitional basis, does not represent a divergence from the NIA process.
2. Keep the designation of District Centers as registration centers for continuous registration. Let the EC work together with NCCE to keep reminding eligible young people to get registered. At the same time, the current CI should make provision for limited voter registration as a form of mop-up by the EC, but with registration decentralized to the "Electoral Area" level so as to bring it within the physical reach of most citizens before elections. This way the EC working with IPAC will achieve the operational flexibility it requires to deal with the realities on the ground.
3. The continuous registration agenda must be pursued and strengthened. In the near future we want to achieve the long-term objective of drawing on the Ghana Card to update the voter register.

CDD-Ghana recognizes the efforts being made by the NIA to properly identify citizens and issue them with National IDs. The Center implores all stakeholders to continue to work together to provide the right conditions and build the trust necessary for achieving a robust national identification system and a credible voter register.

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About CDD-Ghana

The Ghana Center for Democratic Development (CDD-Ghana) is an independent, non-governmental and not-for-profit organization that promotes and supports, through research, education, advocacy, and policy engagement, efforts to build democracy, good governance and inclusive development in Ghana and throughout Africa. CDD-Ghana's research outputs and other products are available to and used by governmental and non-

governmental agencies, Africa regional bodies, development partners as well as researchers and the public.

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