

IMANI CENTER FOR POLICY
AND EDUCATION

**IMANI Q&A:
HOW TO DISCREDIT
AN ELECTION**

JUNE 1ST, 2020

If someone had assembled the world's smartest people and given them the task to design the surest way to discredit the outcome of an impending election and stain the reputation of one of Africa's most respected democracies, they wouldn't have come up with anything more effective than what Ghana's Electoral Commission (EC) is now doing.

IMANI's position has been that the EC is motivated purely by the procurement of millions of dollars of needless, useless, expensive equipment for reasons best known to its commissioners. What has been impressive is how the EC has successfully manipulated the ruling party to assist in this scheme by offering them something they had always wanted: re-registration.

Because the EC's main goal has always been the procurement opportunity, they initially offered to transfer the biographical details on the existing equipment to new equipment provided new biometric data could be captured to replace the existing. They soon realised that this would lose them both the ruling party and the opposition. The opposition wants both the biometric and biographical information transferred to new equipment, if they must be bought at all. The ruling party wants neither to be transferred at all. None of the two main parties are too concerned about the millions of dollars that will be wasted on needless equipment, though the NDC has referred to the matter occasionally. The EC did the calculation and realised that though their primary interest is the brand-new equipment, they needed "political cover" too. Hence the rather bizarre u-turns.

The last-minute decision to prevent the use of the existing voter cards clearly bears out this analysis. Remember that the EC's initial argument was that the register had to be changed due to the obsolete and faulty equipment to which it has been tethered. When this outrageous lie was comprehensively debunked by IMANI proving conclusively that the EC's equipment portfolio is in fact made up of mostly brand new equipment, the EC realised that they needed to abandon any pretence of sound defence and just ride the coattails of power. Who has the political power in this country but the ruling party? What does the ruling party want? A new register. What doesn't the ruling party care about? The nearly \$150 million the EC would now get the chance to spend on needless equipment and mass enrolment. Allowing the existing cards to be used would have meant a mere reproduction of the current register, which of course is anathema to the ruling party.

Hence the EC's quick backtracking and completely perverse and indefensible decision to prevent the use of birth certificates (as clear a prima facie proof of citizenship and voting age as there can be) and Voter ID cards (the only truly unimpeachable evidence of voting right/entitlement in this country).

By these strange and wholly unmeritorious actions, the current EC has succeeded in setting Ghana's democracy back by at least a decade. Let us make no mistake about this, any court that rules that birth certificates and/or voter ID cards can be rejected for voting identification purposes shall immediately lose considerable legitimacy, dragging the Judiciary into this quagmire of democratic ruin. But should the courts restore the validity of those documents, after the EC has completed its worthless exercise of disenfranchising all current voters and re-registering them afresh for no sensible reason, the EC shall be forced to re-open registration, throwing the electoral calendar into an even worse mess than it currently is in.

Ten weeks ago, we compiled a [question and answer guide](#) to IMANI's position on the EC's anti-democratic posture. We strongly encourage readers to make time and go through it. Now that, against all sound logic and prudence, the EC has announced a late June timeline for the re-registration of voters, and published some completely hopeless health and safety protocols to blunt the force of criticism, we believe that we ought to update the Q&A document to cover a number of new developments. We hope that you, our readers, shall stay informed and empowered to assert your civil rights and help uphold the values of this democracy. We always welcome feedback at info@imanighana.org.

1. Question: Now that the EC has announced that they are going ahead with the registration, will you finally admit that you have lost this battle?

Answer: IMANI operates in the realm of ideas. The EC has completely refused to engage on that front. It is now relying on pure power. There has thus been battle at all, to be really honest. IMANI has no political power beyond the persuasive power of its analysis. It does not get involved in power-plays. Having spent countless hours educating Ghanaians about the lies of the EC in relation to the biometric equipment, IMANI has, without question, played its part to challenge wastefulness and the perverse and arbitrary abuse of power. It is now up to all citizens whether they will ignore the sheer wastage of resources and senseless inconvenience, go and queue up for hours to gain a right they already possess and in the process embolden more public agencies to act with impunity. IMANI cannot coerce anyone to think.

2. Question: Are you on a course to undermine the EC's independence?

Answer: The EC has no “independence” where citizens are concerned. The EC **is fully accountable** to the office of the citizen, the auditor general, Parliament, the courts, CHRAJ, the law enforcement agencies etc. It has functional independence. Which means no one can go to their offices and seek to take over their operations. The constitutional independence of the EC is meant to insulate them from government interference and to prevent them from colluding with one set of stakeholders to the detriment of others. It does not mean that they are insulated from accountability. If they were, the constitution would not have made them subject to public audits and parliamentary oversight. Nor the law require that the adjudication of EC-citizen disputes over registration eligibility should be handled by a Judge. Our collective role as Civil Society is, all of us, to wake up all the key bodies, including the office of the citizen, to be alive to their duty to scrutinize the EC.

3. Q: Okay, let us move on to this issue of the general registration. Surely, regardless whether the EC changes the register or not, it still has to conduct “limited registration” as a matter of law, no? So, what exactly are the grounds for opposing the general registration?

A: Remember, first and foremost, that IMANI's argument is that any limited registration should be done with the existing biometric equipment. That is a very **huge point**. We have spent a massive amount of time proving that the existing equipment is perfectly up to the task. You can follow the debate [here](#) and [here](#).

Secondly, there is no law per se that enjoins the EC to conduct a limited registration in the manner it has done in the past. The law states clearly that the EC should allow continuous registration. The EC says that because it cannot secure political consensus it will not do it. The law says that the EC must register Ghanaians abroad, the EC says that because of resource challenges, it cannot. But when it comes to that which it is not legally obliged to do, this re-registration to be clear, it suddenly decides to throw away the need for political consensus and resource-prudence and plunges headlong against all caution. There is absolutely no logic to it.

Thirdly, all registrations are not the same. During a pandemic, no means exist for 100% prevention of disease transmission. But you will certainly agree that there is a material difference between a 10% level of transmission risk and a 90% level, surely?

Our position, and virtually every research-based civil society organisation in Ghana shares it, is that the country must *minimise* risk. That is why the country has closed schools but not supermarkets. Not that supermarkets are more important than schools, but because the risk level associated with keeping schools open was, based on the assessment at the time of commencing the restrictions, simply much higher. Furthermore, teaching and learning can be adjusted more effectively to off-premise settings and longer postponements than supermarkets can. The government simply cannot shut down all supermarkets for three months, period.

4. Q: We are still waiting for the kernel of your point though.

A: The same logic of “necessary adjustments and prioritisation of the most indispensable” applies to political activities like registration, exhibition, nomination of candidates, and voting. Some activities can bear adjustment more than others without causing irreparable harm. Whilst exhibition can be made digital and voting takes only a short period of time, mass registration will take several weeks and expose millions of Ghanaians to accelerated transmission of the virus.

A limited registration exercise involving just 10% of the numbers involved in a mass registration, on the other hand, can be stretched out over 20 days and limited to just district offices of the EC. The “disenfranchising” effect will be less than 20% of the EC’s decision to exclude birth certificates alone and less than 5% of the total voter population shall be seriously affected.

It is completely obtuse to insist that it is either all or nothing at all. Everything is being adjusted to minimise risk not to completely remove risk. It is not wise to encourage 17 million Ghanaians to spread all over Ghana and concentrate continuously in 8000 spots all over the country for a period exceeding 40 days when you have options to minimise the numbers put at risk to just a little over a million people. This is pure, basic, arithmetic. Refusal to understand that fresh mass registration endangers society more than a limited registration of 1 million people doing the same thing for 20 days is tantamount to a refusal to be reasonable.

At any rate, we believe that even limited registration can be dispensed with in favour of using electronic means to conduct only the exhibition (whilst allowing party agents access to inspect the rolls ahead of time).

5. Q: The EC has clearly stated that social distancing and hygiene protocols shall be observed in these outdoor electoral registration venues. Aren't people milling about Kejetia and Makola? What exactly is the special circumstance about the general registration?

A: We have examined the EC's proposed disease control measures and they are as woolly as its other actions. Firstly, there is no way queue-spacing can be expanded from 30cm to 1.5 meters or even 1 meter (3 to 5 times) whilst adding about 4 more steps to the process (temperature check, sanitising of biometric scanners, sanitising of booths, and sanitising of hands by electoral officers) and still maintain the same duration of the registration exercise (~40 days). There are actually very well-known formulas and algorithms for estimating this constraint of social distanced queuing, and right now, regardless of which one is used, they are all pointing to serious problems. If the EC attempts this, it will lead to a significant contraction of the voter population. Queues shall stretch for two hundred meters in some locations and many people should go prepared to stay in the queues for 6 hours. All of this will lead to severe frustration and, added on top of anxiety of infection, will lead to many people choosing not to register. Many people anticipating this hassle will simply choose to stay away. The end result would be a significantly less legitimate election exercise come December.

6. Q: That's a different matter though. The question was about the health risks.

A: Well, the answer is implied. The longer the queues and waiting times and the higher the frustration, the more difficult it would be to enforce social distancing and the hygiene protocols. Second some of the hygiene protocols make no sense. Registrations are almost heaven-made for disease spread.

People will have to touch the biometric screens (see: <https://academic.oup.com/jtm/article/15/5/335/1818880>). They will need to take off their masks to be photographed and scanned. They will need to take off their gloves for the indelible ink to be applied. They need to lean close to the camera for a good shot, etc. Everything is designed to ensure tighter clustering.

There is actually good research that shows that alcohol damages biometric screens. Polling stations shall be wiping these devices thousands of times a week. The prospect of damage leading to even more frustrations is very high. One expert goes so far as to [say that](#), "Alcohol-based hand sanitizing liquids should never be applied directly to the IB scanner surface, as this may void the warranty." Whilst one can get away with this once or twice, as in during general elections, doing this for as long as 70 days (our realistic estimate of how long mass registrations would need to take in order to comply with public health protocols) or ~40 days (the EC's estimate) will most certainly lead to major equipment scanner tear and wear, breeding even more frustration at the polling stations when machine breakdowns occur.

In similar vein, the long rains having commenced, the likelihood of open-air polling stations having to improvise to operate during rainfall all add uncertainty to an already messed up situation. In short, the EC is dragging millions of Ghanaians into a very stressful and thoroughly needless exercise simply because of this diehard intransigence to see a procurement exercise through.

7. Q: How can you be so confident about all this when the EC that is closest to the situation says it has things under control?

A. Except that it doesn't. There are still serious integration issues related to the Neurotechnology – Thales - Persol integration for the high throughput de-duplication and several other factors. Extensive field testing should have been conducted ahead of the full registration. The user-acceptance tests performed on prototype equipment do not in anyway provide any serious assurance that integration shall be seamless. Even as we write, and June is already here, the full complement of technology infrastructure is still being worked on. As late as April, procurement matters had barely concluded. In the 2012 electoral cycle, procurement concluded in October 2011. Fourteen clear months to the voting day. With barely five months to go, the EC is still working on rudimentary technology setup matters and is hellbent on antagonising the political opposition, thus attracting litigation in the process.

8. Q: You do acknowledge though that the COVID-19 situation in Ghana is improving so some of these restrictions are simply no longer tenable?

A: There is no evidence to back such a claim. Whilst reducing testing volume per day has certainly reduced the number of positive cases being confirmed, the positivity rate (the ratio of positive tests to the daily quantity of tests) keeps rising. Until Ghana has had two successive weeks of cases dropping in order to claim that abatement has started.

9. Q: So where do we go from here?

A: Everyday the EC fails to make preparations for the possibility of not being able to conduct a mass/general electoral registration with its brand new machines, Ghana moves a few paces forward to a disputed and discredited elections. This is obviously the outcome no one is praying for. It is time for the Peace Council, the National House of Chiefs, the Synods and Conferences of Bishops; and, above all, the EC's Eminent Advisory Committee, which has so far failed to reassure the public of the utility of their mandate, to step up to the plate and join the various civil society movements and call the EC to order.

Office Location: No. KD14 Darko Street
KOANS Estate - Kutunse
P.O. Box. 443, Achimota, Accra - Ghana
Tel: +233 554 309 966 / 0302 972 939
Email: info@imanighana.org
