



Ref: C/EC.07/SF.2/V6.2

26TH SEPTEMBER, 2024

THE CHAIRMAN
NATIONAL DEMOCRATIC CONGRESS
ACCRA.

Dear Mr. Asiedu Nketiah,

RE: SUBMISSION OF A PETITION TO THE ELECTORAL COMMISSION BY THE NATIONAL DEMOCRATIC CONGRESS

We write to acknowledge receipt of your petition presented to the Electoral Commission on 17th September, 2024.

The crux of your petition is that the discrepancies you have discovered in the Provisional Voters Register (PVR) make it unfit for the 2024 General Election and therefore you propose that it should be subjected to a forensic audit.

It is important to emphasize that the Register in question is a Provisional Register generated immediately after the registration of voters. It is a draft register. It is not the Final Register.

Regulations 23 and 24 of the Public Elections (Registration of Voters) Regulations, 2016 Constitutional Instrument (C.I.) 91 as amended by C.I.126, enjoin the Commission to display the PVR at all Polling Stations (Exhibition Centres) nationwide to allow for an inspection and revision and correction where necessary.

This and other legal and administrative processes are carried out before a Final Register is produced. C.I. 91 recognizes that the PVR is a draft Register. Indeed cognisant of the fact that a PVR is bound to contain discrepancies, C.I. 91, instituted the mechanism of the Exhibition Exercise to allow for the cleaning and revision of the PVR to ensure that it is credible and robust for an election. The Register is thus displayed in all Polling Stations (Exhibition Centres) and via electronic media to allow for inspection and correction where necessary. In essence, the Exhibition Exercise provides the legal basis to clean the PVR.

As with any human endeavour, such as the Registration of Voters, there are bound to be discrepancies. One cannot therefore expect a perfect Provisional Voters Register. It is for this reason that Regulations 23 and 24 of C.I. 91 provide clear and well-defined pathways to cure and deal with likely anomalies that are bound to arise from the Registration of Voters, including missing names, errors in biographical data, the existence of deceased persons on the Register, incorrect designation of Polling Stations among others.

It is for these reasons that we assured you during our meeting on the 6th of September, 2024 that the category of issues you presented had largely been resolved. We indicated that the issues you had detected were the usual issues that arise from every Registration Exercise which find expression in the PVR.

To allay your fears then and to reassure you of the credibility of the Voters Register, we requested that you present us with your data on the discrepancies you had detected. The sole purpose was to demonstrate to you that your issues with the Register had been resolved. Unfortunately, we have not received the data from you. As you will recall, there was an agreement that you would provide us with the data to allow us to investigate and report back within a week. We believe that had you followed through with this process, you would today, attest to the credibility and integrity of the Register and rescind your call for a forensic audit.

We however assure you that the Commission has largely corrected all the discrepancies identified during and after the Exhibition.

It is important to note that the Commission in cleaning the PVR employed a rigorous 4 pronged approach as follows:

1. Voters to our Exhibition Centres and via our electronic media, who detected errors with their details, had them corrected.
2. Exhibition Officers in all our 40,000 plus (Exhibition Centres) scrutinized the Register and reported discrepancies for correction.
3. District Electoral Officers relied on the Register Viewer to scrutinize the Register and correct discrepancies.
4. IT staff utilized the Register Viewer to scrutinize the register and reported discrepancies for correction.

This approach has been effective in helping to clean the register and rid it of discrepancies.

For the records, this same approach was adopted by the Commission prior to the production of the Final Register in 2020. It worked effectively. Evidence shows that there were no voters who were denied the opportunity to vote during the 2020 Elections. This is the same approach we have adopted to clean the 2024 PVR and we have no doubt that it will deliver the same outcome, namely a credible and robust Final Voters Register ahead of the 2024 Elections.

As the body mandated by Article 45 (a) of the 1992 Constitution to compile the register of voters and to revise it as such periods as may be determined by law, we urge you to trust us to perform our functions as enshrined in the Constitution. As you are aware, the Electoral Commission of Ghana is respected globally for its ability to perform its functions, which include the compilation of a robust Voters Register and ultimately the conduct of free, fair and transparent Elections.

We certainly do not require external assistance in our line of work. By way of information, there exist legal and administrative processes to be followed from Registration till the Final Voters Register is produced as follows:

- Registration of Voters
- Adjudication Process
- Exhibition of PVR to allow for inspection and correction of discrepancies.
- Sittings of District Registration Review Officers (DRROs) to hear and rule on cases including objections.
- Review and authentication of Provisional Register by DRROs.
- Implementation of DRROs decisions by District Officers
- Verification of implementation of DRROs decisions by Regional Directorate.
- Verification of implementation of DRROs decisions by selected IT staff.
- Printing of Final Voters Register.

As we speak, our District Officers are implementing the decisions and recommendations of the DRROs. From the above, you will attest to the fact that the production of a Final Voters Register is a process, not an event. It does not happen overnight. It requires painstaking effort and processes to arrive at a Final Register.

The above processes are ongoing and have not been exhausted. It is therefore our position that the call for a forensic audit is premature.

Response to NDC's Grounds for Petition

Failure to Provide Provisional Voters Register in Time for Scrutiny

The Commission provided the PVR to the NDC and all other Political Parties on the 19th of August, 2024. Thankfully the Commission's inability to provide the PVR earlier did not prevent any Political Party from scrutinizing the PVR. The live Online Exhibition of the PVR via short code *711*51# is still ongoing and voters can still check their details

electronically till Election Day. Your team can continue to scrutinize the PVR and present discrepancies to the Commission for correction.

Discrepancies in the Voter Transfers

In your petition, you indicated that some 243,540 voters were transferred illegally in the Provisional Voters Register. You alleged that the said transfers were without the participation of the voters. We wish to state that the transfers were legal.

During our press conference on 2nd September, 2024 the Commission explained that the 2024 Absent Voters List and the Transferred Voters List provided to the Political Parties inadvertently included all transfers undertaken since 2020, hence the higher than-expected-figures. This is not an illegality as claimed in your petition. What happened was that records for all transfers that took place in 2020, 2023 and 2024 were presented in the Register given to the Political Parties. This resulted in a higher figure recorded for the transfers. This has been corrected.

We acknowledge that our Officer in Pusiga carried out 38 unauthorized transfers. The said transfers have been reversed and the Officer's appointment has been terminated. For your information, our system keeps records of all transfers including the date and time of each transfer, officers responsible for the transfer among others. These are all verifiable and stored in the Voter Management System (VMS).

Unidentifiable and Missing Voter Data

The NDC alleges that "3,957 Voters previously registered were deleted from the 2024 Provisional Register without explanation." We wish to state categorically that the alleged missing Voters have not been deleted. They are either on the Voters Register or on one of the following lists-the Exceptions List, the Multiples List or the Transfer List.

The NDC is yet to provide to the Commission evidence of the “15,000 instances of unidentifiable voter transfer paths” that the party noted it has identified in the PVR. As explained above, all data, from registration to transfers and amendments are not deleted from the Voter Management System. All voters registered in the VMS can be accounted for. There exists a trail that explains each voter’s movement. Even in instances where voter data is corrupted, there still exists evidence (paper or electronic) of a registration having taken place. This allows the Commission to identify the voters and invite them for inclusion, should it be revealed that they are not in the Provisional Voters Register.

Corrupt and Incomplete Voter Data

The production of the Provisional Voters Register (PVR) cannot be perfect. It involves the retrieval of data from a database and formatting into a Register that is presented to the Public. In the extraction of the data, network errors may occur and lead to the corruption of data which is then expressed in the PVR. This did occur in the production of the PVR. However, this was detected and the affected registers were promptly regenerated during the Exhibition.

Integrity of the IT System

The EC is confident in the security of its IT systems. The system has an audit trail that tracks all entries and modifications irrespective of how minute they are. It employs both physical and electronic access control policies which utilize either passwords or biometrics or both. We however recognize that there is no perfect system. A case in point is the transfers done by our Officer in Pusiga who exploited the absence of a liveness check in voter identification and used ID photos to undertake unauthorized transfers of voters. It is important to note that, the Commission detected this anomaly, identified the vulnerability, and immediately put a remedy in place. More importantly, the presence of

an audit trail allowed for the reversal of the Thirty Eight (38) unauthorized transfers. The system is equipped with measures to cure errors detected.

Premature Nomination Process Base on Provisional Register

Receipt of Nominations from Presidential and Parliamentary Candidates took place after the Exhibition of the Provisional Voters Register. Contrary to your position that it was premature because the Final Register was not made available for this purpose, Regulation 50 (1) of C.I 127 defines a registered voter as “a person whose name appears on the Provisional Voters Register.” It is therefore lawful to use a PVR for the Nomination Exercise as all persons in the PVR are indeed Registered Voters and can support the Nomination of Candidates.

Electoral Commission’s Admission of Irregularities

C.I. 91 recognizes that there are bound to be discrepancies arising out of the Registration Exercise which are ultimately reflected in the PVR. As such, Regulations 23 and 24 of C.I. 91 define clear pathways to correct these discrepancies before the Final Voters Register is printed. The Commission’s admission of discrepancies in the PVR was simply to allay the fears of Voters and to assure Voters that the discrepancies identified were normal and not unusual. Indeed discrepancies in the PVR do not make the Register unfit for the Elections.

Electoral Commission’s Rejection of Transparency Measures

It is well known that the Commission is transparent. It has nothing to hide and continues to open its doors and processes, from Registration to the Declaration of Results to the General Public.

Re-Exhibition of the Provisional Voters Register

Whilst the Commission is not opposed to undertaking another Physical Exhibition of the corrected PVR in the Forty Thousand (40,000) plus Exhibition Centres, given the time it takes to print and distribute the PVR (three to four weeks), it will not be feasible to achieve this due to the limited time to the General Election. The Commission intends to implement an Online Exhibition of the PVR at no cost to Registered Voters. Voters will be able to report on anomalies with their details within a time frame to be made available to the Public. The Voters Register will be displayed online until Election Day.

Going Forward

The Commission takes this opportunity to assure the NDC and the General Public that it has largely resolved all the discrepancies identified in the PVR. The Commission achieved this in 2020 and will do it again in 2024.

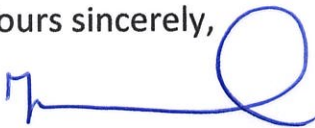
We invite your team to the discussion table as we believe it will afford us the opportunity to demonstrate to you that the discrepancies detected in the PVR have been resolved.

As a Commission we are of the view that the existing legal and administrative processes for cleaning the PVR have not been fully exhausted to justify the call for a Forensic Audit.

We entreat the NDC and the General Public to trust us to deliver our mandate.

Thank you.

Yours sincerely,



**MRS JEAN MENSA
CHAIRPERSON**



CC:

1. Rt. Hon. Speaker of Parliament
2. Majority Leader, Parliament of Ghana
3. Minority Leader, Parliament of Ghana
4. Civil Society Organizations in Governance
5. Diplomatic Community and Foreign Missions in Ghana
6. Christian Council of Ghana
7. Ghana Pentecostal and Charismatic Council
8. National Peace Council
9. Office of the National Chief Imam
10. Ahmadiyya Mission

