Chapter 5

Voting, Counting and Results

Background

The 2012 Presidential and Parliamentary elections in Ghana took place on Friday 7 December. Polling was scheduled to take place from 07.00 hrs to 17.00 hrs and was organised in more than 26,000 polling stations across the country.

Most polling stations were organised outdoors, with tape used to create a designated polling area. Campaigning is prohibited on the day before the election and on election day itself. In addition, a 500 metre exclusion zone is in effect around a polling station, within which it is prohibited to try to influence voters, for instance by the placing of campaign posters.

Each polling station is managed by a Presiding Officer (PO), supported by four polling assistants (Names Reference List Officer, Biometric Verification Officer/Inker, Presidential Ballot Issuer, Parliamentary Ballot Issuer).

Each polling station had two ballot boxes – one for the presidential election and one for the parliamentary election. There were also two cardboard voting booths in each polling station. At each polling station there was to be a Security Officer, drawn from the police or another section of the country's uniformed sector.

Due to some problems (see below) the election was continued on Saturday 8 December in some 431 polling stations; representing 1.65 per cent of the total number of polling stations.

Key procedures for opening and voting

The stated procedures for opening and voting are as follows:

- Prior to opening, the ballot boxes are shown to all present to confirm that they are empty.
- The boxes are then sealed.
- Accredited Party Agents and Observers, as well as media, are allowed to be present.
- Upon arrival at the polling station a prospective voter presents their Voter Card to the Names Reference List Officer, who finds their details on the Names Reference List. This list identifies the page number and location of the voter's details on the voter register.
- The Names Reference List Officer informs the Biometric Verification Officer of the page number of the voter in the voter register.
- The Biometric Verification Officer scans the bar code on the elector's Voter Card

and compares the details brought up on the Biometric Verification Device (BVD) against the voter card and compares the photo with the voter

- The voter then places a finger on the BVD for verification purposes. If the first finger is unsuccessful the process is repeated for as many fingers as it takes to get a match.
- If the match is successful then the BVD will flash green and announce 'verified' (If there is no match then it flashes red and announces 'rejected'. The voter's details on the main voter register are marked by crossing lines through the bar code entry, indicating they have voted and preventing the bar code being re-used.
- A specified finger of the voter is then marked with indelible ink
- The Presidential ballot is stamped with the official unique stamp of the polling station and handed to the voter
- The voter proceeds to the booth, marks the ballot to indicate their choice of candidate by virtue of a thumbprint, using an ink pad provided and then places ballot in the box for the presidential elections
- The voter then collects a ballot for the parliamentary election, which is also stamped with the unique stamp of the polling station
- The voter goes to a voting booth, marks their choice in the same way, places the ballot in the box and leaves the polling station.

In cases where the BVD could not identify the finger print of a voter, they were informed to wash/clean their fingers and return to try again. Ultimately, if the BVD could not identify the finger print of a person then they would not be allowed to vote.

Persons requiring assistance could be helped by a person of their choice, or failing this by the PO. Proxy voting is permitted in Ghana, but a person had to apply for this in advance and for their proxy to be identified and registered at the polling station. There was then a separate list for designated proxy voters.

Special Voting for registered members of the security services and electoral officials had taken place on 4 December 2012. These votes were held by the Returning Officer (RO) to be added and tabulated with the main vote aggregation at the tabulation stage.

Assessment of opening and voting

On Election Day, Commonwealth teams reported a largely peaceful process and it was generally well managed, transparent and voters were free to exercise their right to vote. Poll officials overall worked hard in sometimes difficult and trying circumstances. Party Agents were present throughout and national observers were also present in quite a few places. The turnout of voters was high and in the vast majority of cases voters waited extremely patiently in queues in order to be able to cast their vote.

Some of the key observations of our teams were:

- In a number of locations materials were delivered late to the polling stations, resulting, in some areas, to late opening and lengthy delays. This occurred in quite a few instances, but did vary somewhat between Regions. While polling was underway in most areas by 08.00 hrs, it did not start until quite a bit later in some places, including up to mid-day in a limited number of places.

- Many voters had turned up early at polling stations and others turned up just before the official opening time of 07.00 hrs. This resulted in quite lengthy queues at the beginning in many polling stations. While queues were generally orderly and voters patient, some queues were not always well managed, and lacked a designated official for this task and to help provide information to voters.

- In addition, polling locations with a larger number of voters were sometimes split to create smaller polling stations based on alphabetical groupings. While this was a positive effort to try to alleviate overcrowding, this arrangement was not always made clear to voters nor was there adequate signage. Further, the splitting of polling places in this manner was not always done in a way that created an equal balance in numbers between stations, and larger stations still often faced a challenge in managing the number of voters allocated to them. This aspect caused quite an amount of confusion and frustration for voters in some affected places.

- The role of the Presiding Officer at the polling station was critical. Where there was a capable and strong PO the process was well managed. Where the PO lacked confidence or a full awareness of the process then there were often problems. In such instances it was noted that a number of Party Agents played an intrusive role, including, in such situations, being involved in the processing of voters.

- Polling stations were located in the open air, which would have made them vulnerable to rain (it did rain the evening before the poll). Further, the choice of location for many stations, in busy market areas or blocking roads, made them less secure and also complicated management of queues.

- The layout of polling stations varied. Some were well laid out, facilitating the envisaged flow of voters, communication between officers and scrutiny of the process. In other instances the layout was poor, with voters and party agents mingling in and around the ballot boxes and tables where officials were located. In such instances verification officers were unable to adequately communicate with ballot issuers. In addition, the layout sometimes compromised the secrecy of the vote as voting booths were visible to people in the polling station or to passers-by.

- In the lead-up to the election there was concern expressed at the reported

number of underage voters registered (Chapter 3). However, on the day of the election our teams only observed a relatively small number of apparently underage persons voting, notably in a number of constituencies in the Tamale area (Northern Region). In none of the cases observed were they challenged regarding their age after voting.

- Commonwealth teams were very impressed at the assistance and support offered to less-able voters, particularly as they were often ushered to the front of a queue and/or offered seating or other assistance.

- The uniformed forces played a highly positive role in terms of providing security and order at polling stations and responding to incidents in the vicinity.

- The Biometric Verification Devices (BVD) worked well in most instances and the voter register appeared to be fairly accurate. However, there were clearly also some problems and challenges with some of them. The instances of the machine not able to read a person's finger print even though they were on the register and had a voter card were not too numerous, but they did occur. This problem, where it occurred, particularly seemed to affect older people whose finger prints may have been somewhat worn due to their manual livelihoods. In such instances it meant that a person who had registered, had a voter card showing their ID and were on both the Names Reference List and the main Voter Register were not allowed to vote.

- There were also quite a few instances where the BVD stopped working (possibly due to a lack of batteries or the lack of awareness of officials to get it working or re-set again) and had to be replaced, thus delaying the poll. There were also instances where the BVD stopped working and could not be replaced. This issue led to consternation on election day among affected voters and the political parties. As a consequence fairly late on election day the EC ordered that polling in affected places should be adjourned and could continue the following day, 8 December. This reportedly occurred in 431 polling stations in various regions of the country; though it was not every Region.

- Beyond the inconvenience and uncertainty this problem created, there is also concern as to the lack of clarity on behalf of the EC at the national and Regional levels as to the numbers of affected polling stations and also the criteria by which places were selected for a continuation of polling the following day. Further, due to the fact that this extension of polling beyond the 7th was not foreseen there were no set procedures regarding the securing of ballot boxes and polling materials, resulting in local solutions being found on an ad hoc basis. On the 8th some polling officials were not always clear as to the length of time they should remain open, though in the event they remained open until the allotted time of 17.00 hrs.

- It was reported that there were problems in some instances during the Special (advance) Voting on 4 December. Apparently quite a few of the uniformed persons presenting themselves were not found on the Voter Register, sometimes due to their late transfer from one area to another for the purpose of their electoral duty. Further, journalists complained at the change of regulations, which meant that they were not included in the Special Voting, whereas in previous years they had been.

Commonwealth teams observed polling on 8 December in some areas and the process was conducted well and the types of problems encountered in these areas on 7 December were not repeated.

Key procedures for counting and results aggregation

At 17.00 hrs persons waiting in line are allowed to vote and polling continues until all such persons have been processed. Following this the PO is to close the polling station and start preparing it for the count. Agents and Observers can be present for the count and the public are permitted to return to also observe. The stated procedures for counting and results aggregation are as follows:

- The number of unused and spoilt ballots are to be counted and recorded
- The number of ballots issued is to be ascertained by adding the number of persons marked as having voted on the Voter Register
- The seals on the ballot box are to be broken and the ballot box opened (starting with the Presidential ballots)
- Ballots are sorted for each candidate
- Doubtful ballots are separated and adjudicated upon. They are only to be counted as valid where the intent of the voter is clear. Rejected ballots should be shown to Agents and explained.
- The ballots for each candidate are then audibly counted for persons present
- Once the vote total for each candidate has been confirmed, the result is announced and the relevant paper work completed
- This process is then repeated for the parliamentary elections
- The number of ballots in any one box should not be more than the number of persons verified by the BVD.
- Result sheets are provided for endorsement by Party Agents. Non-endorsement does not invalidate the results, but the reason is supposed to be noted.
- Agents are entitled to receive an official copy of the polling station result.
- Following completion of the counts and the relevant paper work, all materials are to be packed, secured and delivered to the relevant RO for tabulation
- The RO will check and confirm the paper work of each PO upon delivery and the PO will receive a receipt for the 'Transfer of Election Materials'.
- Agents are allowed to follow the delivery and tabulation.
- At the constituency level Party Agents can endorse the tabulated result or lodge an objection.

An RO will collate results from all of the polling stations in his/her Constituency and will declare the parliamentary result and announce the Constituency vote totals for the presidential elections. Thereafter the RO will transmit the results through the Regional office to the EC in Accra. The EC in Accra issues the final result for the Presidential election.

Assessment of counting and results aggregation

The vote count at the polling stations was transparent, with party agents able to follow the process closely. This was also the case during the tabulation process. At the polling station level party agents were able to get a copy of the result and could therefore check and verify the results later tabulated and announced at the constituency and national levels. Results from polling stations and constituencies were also broadcast extensively on TV, radio and online, enabling people to follow on an on-going basis as the final results were calculated.

Some of the key observations of our teams were:

- In some places results for the presidential election were counted prior to the prescribed verification of numbers of unused ballots et cetera. This was the main preoccupation of polling staff, Party Agents and the public alike.

- The process was highly transparent and inclusive, with consensus reached on apparent invalid ballots and all present often joining in on counting and announcing the vote total as it proceeded.

- The issuing of a replacement BVD to a polling station or the re-setting of the existing BVD, resulted in a loss of the real total number of verified voters at that polling station. This caused some disagreements and uncertainty during the counting process, as such information is required as a check on the total number of ballots expected in the ballot box.

- The conditions were not always conducive for the count though, with so many polls continuing until after 17.00 hrs due to queues or delays, as discussed, there was often a lack of light which made the process harder for officials. But most were industrious and pragmatic and did their best under difficult circumstances.

- The delivery of results to the RO was sometimes hampered by a lack of transportation, reflecting similar problems in the delivery of materials to polling stations in the morning.

- At the constituency level, political parties were well represented and again the process was transparent and accountable, with Party Agents checking the final tabulated results.

Overview of the countrywide observation

Commonwealth teams were deployed to seven of the ten Regions of Ghana. Our teams observed the voting, counting and results aggregation and also met with electoral officials, observers and other stakeholders at the Constituency level to build up a larger picture on the conduct of the process.

Ashanti

- Only a few of the polling stations visited by the Team opened late due to late delivery of election materials.
- Most polling stations did not have signs/posters for clear identification of the polling stations and neither were there any signs to guide voters to the correct polling stream.
- Polling staff at the stations visited were generally efficient and the Presiding Officers professional and in charge of their stations. Party agents and local observers respected and co-operated with the Presiding officers at the polling stations visited. It was noted that not all party agents had identity cards/badges for clear identification.
- There was generally a large turnout of voters on average 86 per cent per polling station and voters were processed fairly quickly.
- The BVD machines functioned well at the polling stations visited and on average only one person could not be verified by the machine and these were either elderly men or women. There were a few reports of persons not appearing in the voters' register.
- There were rumours that macho men might attempt to snatch ballot boxes. Fortunately there were no such incidences, though at one polling station some party agents armed themselves with sticks and clubs to protect the ballot boxes. This did not disconcert the Presiding Officer and the police officer remained alert.
- In another incident security personnel had to intervene and maintain vigilance near one polling station where it was rumoured that macho men were in the vicinity to snatch ballot boxes.
- The delivery of constituency elections results to the office of the EC's Regional Director was extremely slow and was attributed to the long distances and the need to deliver all the election materials at the same time.
- The faxing of constituency results for both the Presidential and Parliamentary elections in the Regional Director's office was witnessed in a cordial atmosphere by party agents. Not all the results forms were witnessed by agents or reasons given for refusal to witness. This did not hinder the transmission of the results to the EC headquarters.

Central

- The polling began on time at most polling stations in this region and was orderly and transparent.

- Polling officers were inconsistent in the way in which they arranged the polling booths, which at times compromised the secrecy of the ballots.
- Voter turnout was high in most areas.
- Most of the BVDs worked well, although some malfunctions caused voting to continue in fifty-one (51) of the polling station in the Central Region on the following day. There were no problems with the machines on the second day of voting.
- There needed to be a more efficient system of collating results at the constituency level.
- Public education needs to be increased to ensure voters are fully aware of the process at each stage.

Eastern

- In Akuapem South, Aburi, reports were that the Biometric Voters Machine rejected a total of 158 voters. We were told that these persons were not allowed to vote despite the fact that voter's identification cards were produced. Generally, in other areas, the machines worked fairly well.
- In many areas, polling staff were seen wiping the fingers of the voters and wiping the machines for increased performance.
- In very few areas, some voters had to return more than once, and as many as four times to do fingerprinting as the machines were not able to verify the voter. Polling staff ensured they check all ten fingers.
- The polling, counting and tabulation were generally smooth, orderly, and well conducted.
- Presiding Officers had problems with properly filling out appropriate forms at the end of counting.
- Security was quite adequate. In areas which were considered as 'flash points', more than one security officer was identified. Additionally, patrol teams were visible in the region.
- Results were submitted within reasonable time.

Greater Accra

- The polls generally opened between 7:15 – 9:00 am
- Several polling stations in KorleKlottey constituency, the location of the headquarters of the Electoral Commission, opened late due delays in receiving polling materials
- Polling stations were generally well organised although the arrangement of the stations was not always conducive to the secrecy of the ballot
- Party agents tended to be generally too intrusive in the process and often attempted to instruct the presiding officer on the arrangements at the stations
- Voters were enthusiastic and showed quiet determination to vote, notwithstanding the long queues
- Security was generally present and unobtrusive.

- There was an incident in Accra when a crowd gathered alleging that a building was being used to alter transmitted results. Various community leaders, notably the National Peace Council, came and calmed the crowd, explaining that the premises were used by a private company hired by the EC to help it with communications.

Northern

- Polling started late at all polling stations visited, with delays ranging from 30 minutes to an extreme case of several hours.
- There were long queues at polling stations at the stated commencement time and more generally throughout the day. Voters were extremely patient and on the whole, very orderly in their conduct.
- In most polling stations visited party agents were involved in the process in one form or another (e.g. checking voters names in the registers, inking fingers, managing queues). Many party agents were not immediately identifiable as they were not wearing specifically distributed EC identification badges.
- The unequal division in the number of voters allocated to polling stations meant that some stations, often in the same location or nearby, were processing hundreds of voters and others were dealing with only a handful.
- Related to the above point, given voter numbers and the level of risk (as identified by the Regional EC) at some stations, the standard deployment of staff i.e. 5 polling officials and two security officers was not adequate to manage and secure polling stations and voter numbers.
- Elderly women were especially affected by the BVDs and their slowness or in many cases inability to identify their fingerprints.
- Two polling stations visited were built under the auspices of the current Member of Parliament for the constituencies in which these stations were located. This Member of Parliament was a candidate in the on-going election. The name of this Member of Parliament and the indication that these schools had been built by him, was painted on the walls of these schools so that anyone walking in to the polling station area would see it. At one station the desks being used by polling officials had painted across the front, the name of the same MP, indicating that the desks were donated by him.
- Several differently/less-abled voters were quickly and efficiently processed on voting day.
- Polling officials worked extremely hard during the day, often under considerable amounts of pressure.
- As Observers we were welcomed and helped by the Regional EC, all polling officials including the District and Returning Officers and the Regional Commander of the Police.

Volta

- Polling stations were well organised mostly in school premises. Voters were

enthusiastic and queues formed from 6am onwards. The general atmosphere was peaceful.

- Electoral officials, Party Agents and security personnel were known to each other and were agreeable.
- Voters, both young and old, were comfortable with using the BVD.
- The arrangements for vote counting caused some concern as by this time darkness had fallen and there was insufficient light. Car headlights were used to provide lighting.
- In one station the counting was challenged and was redone, with a variation in numbers achieved.
- Re-polling on 8 December was only done in one remote polling station.

Western

- The Regional Police Commander at Sekondi complained about 100 police officers who could not vote on 4 December 2012 because their names were not in the voting register.
- Delayed opening of the polls led to a fierce exchange of words among the agitated voters who came early in the morning to vote only to find that the polls opened at 07.30.
- In some polling stations where the Biometric Verification Machines developed problems in the course of voting, the polling assistants were able to fix them immediately.
- Voting senior citizens and less-able people were given first preferential treatment in the polling stations.
- The Biometric Verification Machines were able to verify the thumb prints of voters who were farmers after they had washed their hands.
- Secrecy of ballot was compromised through bad positioning of cardboard polling booths such that Party Agents could see the choice of voters at some polling stations.
- Poor logistics led to a 2-hour delay in one of the polling stations because its voting materials were delivered to a wrong place.
- Availability of an information desk proved helpful to some voters who happened to lose their ID Cards in the course of voting.
- During the counting of votes, there was lack of light in some polling some stations in the city areas which led to Party Agents and Observers to save the situation with their phones.
- Where the polling officers did not have enough cars to transport ballots to the District Office, the Observers ended up offering them lifts to the collation centres.

The results

Results of the parliamentary elections were announced by the respective RO for each constituency. These were broadcast by media on a rolling basis. The final result of the Presidential election was announced by the Chairman of the EC late in the evening on 9

December 2012.

Just prior to the announcement the opposition NPP claimed there had been irregularities and claimed they had proof of errors in the tabulation process in some constituencies among other allegations, and urged the EC not to announce the results, but the EC did not see any grounds for doing so. At the time of writing it was reported that the NPP is considering submitting a petition to the Supreme Court against the results.

The final results announced by the EC for the Presidential Elections were:

Candidate	Votes	%
John Dramani Mahama (NDC)	5,574,761	50.70
Nana Addo Dankwa Akufo-Addo (NPP)	5,248,898	47.74
Papa Kwesi Nduom (PPP)	64,362	0.59
Henry Herbert Lartey (GCPP)	38,223	0.35
Ayariga Hassan (PNC)	24,617	0.22
Michael Abu Sakara Foster (CPP)	20,323	0.18
Jacob Osei Yeboah (Ind)	15,201	0.14
Akwasi Addai Odike (UFP)	8,877	0.08
Total Valid Votes	10,995,262	
Total Rejected Votes	251,720	
Total Votes Cast	11,246,982	
Total Registered Voters	14,158,890	
Turnout %	79.43	

At the time of writing the final nationwide results from the 275 constituencies had not all been finalised. But from the results published it appears that the vast majority of the seats in the parliament will be for NDC and the NPP, and of these it appears that the NDC will have a majority in the new parliament.

Recommendations

- The Electoral Commission should assess the skills and attributes necessary to act as a successful Presiding Officer and recruit based on candidates matching that specification. Their training needs in the specifics of any particular electoral event and the handling of reporting arrangements should be provided for in good time before deployment.

- Split polling stations should be provided where the maximum number of voters is exceeded, on the basis that voters at each station in a single location are broadly equal.

- The Electoral Commission should produce as part of their Polling Station Handbook/Guide to Presiding Officers specific guidance on signage, layout and management of stations to ensure voters can establish that they are in the correct queue, at the correct station, and the flow of voters through the process is maximised and the secrecy of the vote is better assured. The guidance should specifically deal with the role of and restrictions on Party Agents to avoid confusion of roles.

- The Electoral Commission should review their logistical plan for the distribution of materials to Polling Stations to avoid late opening of polls.

- The Electoral Commission should review the exceptions to the current practice on the use of the biometric verification device to minimise the number of elderly people being refused their vote due to the difficulty in matching fingerprints.

- The Electoral Commission should devise a specific plan or process and incorporate it into routine training to deal with circumstances where the poll is disrupted for any reason.

- The Electoral Commission should review the process at the stage of tabulation of votes to ensure that basic errors in the Presiding Officers' paperwork are dealt with as part of the check-in process.

- The Electoral Commission should consider publishing polling stations results by Constituency. This was recommended by the COG in 2008 and is a good electoral practice to further increase transparency, accountability and confidence in the results.