



ELECTORAL COMMISSION OF GHANA

**FRAMEWORK
FOR DOMESTIC
ELECTION OBSERVATION**



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Foreword

A decade and a half ago the good people of Ghana took a truly historic decision: to transform their political system into a democracy. Since then, Ghanaians have proven their democratic spirit by stabilising and consolidating their democracy continuously. Ghana's transformation process has gained much prominence across the sub-region, on the continent and world-wide. The success of the "democratic experiment" has many contributing factors. What should be mentioned here is the effectiveness of the electoral system and the independence and professionalism of the Electoral Commission of Ghana.

Without a doubt, elections constitute an important element of any democracy. It is the time where the will of the people is expressed, where the distribution of power is newly defined and where each democracy is tested. A lot is at stake during elections and there might be those who feel the temptation to betray the principles of democracy to influence the elections in their own interest. Also, in the contest for power, suspicion might overrule actual facts. Allegations of fraud and rigging of elections can be used to delegitimise those who are declared the winners of elections.

To ensure that elections are being conducted in a way that reflects the will of the voter, it is necessary to observe the electoral process. If fraudulent practices are detected during elections, they will be brought to the attention of the public. Such a transparent process creates confidence in the voters. On the one hand, it discourages fraudulent practices as power won by rigging elections does not have the same legitimacy as if won in free and fair elections. On the other hand, if citizens feel assured that their elections are thoroughly observed, they do not have to rely on suspicion and rumours to evaluate those that have gained power and their legitimacy.

In emerging democracies, election observation is often conducted by international observers. They are perceived as more neutral, less easy to influence and possibly more professional. However, to cover

elections around the world, there are by far not enough international observers. Thus, once a democracy has stabilised like Ghana's has, international observers tend to withdraw. This demonstrates a lot of trust in the electoral process and also in the ability of a country to ensure by itself that elections are conducted democratically. Consequently, there is an increased need for the involvement of domestic election observers who should eventually replace international ones. To ensure their integrity and the trust of the people in their observation, it is crucial that observers know their role and conduct themselves accordingly.

The Electoral Commission rates the significance of domestic election observation very high. The inputs of stakeholders who have conducted domestic observations in the past, are captured in this handbook with the purpose to make use of the rich experience in Ghana and to guide future observers. I truly hope and believe that this handbook will be of immense benefit to organizations that intend to observe elections. The publication will make a contribution to eradicating both fraud and suspicion of fraud in elections in Ghana and will thus further consolidate the country's democracy. The Friedrich-Ebert-Stiftung is proud to be a partner of the Electoral Commission in this endeavour and we would like to thank the Electoral Commission for its highly appreciated partnership over the last 15 years.

Kathrin Meissner
Resident Director
Friedrich-Ebert-Stiftung
Ghana

December 2007

1. Introduction

This framework is offered with a view to ensuring that the way domestic election observers go about their work is consistent with internationally acceptable standards of election observation. The Electoral Commission of Ghana (EC) believes that this is important for a number of reasons:

- What domestic observers do, should not be different in character from what international observers do
- It costs so much money to cater for one international observer that, almost invariably, there are not enough international observers to adequately cover the polling stations
- International election observation tends to wane as a country gains experience in organising democratic elections; and yet our elections will require continued observation for quite some time to come.

For these reasons, the EC believes that domestic election observation needs to be put on a very firm footing. Not only has domestic observation of Ghana's elections been going on for some time now, but it is becoming so popular that it could supplant international observation altogether in the foreseeable future. In any case, if done well, domestic and international election observation ably complement each other.

Furthermore, in general, well-executed election observation has been found to be useful in strengthening the democratisation process in several ways. Among others, it has helped to:

- Calm nerves and boost confidence in the electoral process, particularly among opposition politicians distrustful of the EMB or the government, or both
- Allay the fears and suspicions of voters and thereby engender a high voter turnout
- Foster openness, fair play, and respect for human rights
- Make election officials do their work properly

- Deter violence, fraud, and rigging
- Enhance the transparency and credibility of elections, and there by the acceptance of results
- Legitimise the electoral process and thereby legitimise the elected government and contribute to its international respectability

Also, competent observer reports have helped to disseminate and reinforce good electoral practices and have proven to be a source of improvements in further elections.

2. What is Election Observation?

In simplified terms, election observation involves two main activities:

- To gather facts about the election
- To interpret the facts so gathered for purposes of determining whether or not, on the whole, the election went well

Two factors are worth noting in connection with these two activities.

First, an election is a process consisting of several activities. As such, the best form of election observation would be one that covers the key activities undertaken in connection with the election from the start to the finish. The reason is straightforward. All sorts of malpractices that could affect the eventual outcomes of an election might occur well before the day of the election: at the preparatory stages like the demarcation of electoral boundaries, the registration of voters, the nomination of candidates, and campaigning. In principle, this underscores the importance of domestic observers, who could conveniently do long-term observation much more cheaply than foreign observers. Long-term domestic observation is particularly suited to tracking election-related violence, human rights violations, and media coverage of elections. However, perhaps for lack of funding, much domestic election observation is limited to the actual conduct of elections. Consequently, this framework relates to the observation of the conduct of elections.

Secondly, at core, election observation is about whether an election is carried out in accordance with the laws, rules, regulations, procedures, and processes that are prescribed for the management and conduct of elections in a particular country. Of course, such observation would take account of the extent to which the election managers, officials and other actors conduct themselves properly by acting in accordance with the principles and norms associated with democratic elections.

3. Election Observation and Election Monitoring

Election observation and election monitoring are often used as interchangeable terms; but that is not correct. Election observation is not the same activity as election monitoring. The difference is simple, but crucial: **An election observer has no role in the actual administration of an election; an election monitor has.**

Indeed, an election monitor is deemed to be an integral part of the election administration process; consequently s/he has the power to *supervise* and *intervene* in the actual administration of an electoral activity. So, unlike the observer, the monitor can, where and whenever necessary, give *binding corrective instructions* to an election official in the course of executing his/her duties. For this reason, to be able to do the work properly, the monitor requires greater *technical knowledge* of election administration than the ordinary election observer. Unlike an observer, the monitor must know not only *how* an electoral activity is carried out, but also *why* it is done that way. Where necessary, this understanding enables the election monitor to prescribe an alternative way of carrying out a particular electoral activity, without compromising its underlying principle.

An observer who oversteps his/her bounds and behaves like a monitor is most likely to come into conflict with election managers or officials on the ground.

4. What to Observe

The first obligation of an election observer is to know exactly what to observe, what to look out for. At minimum, this requires *adequate familiarity with the rules, procedures and processes of the electoral system to be observed*. So, it is important for the prospective election observer to study the manuals of instructions written for the election officials. It is also important for observers to participate in any briefing by the Commission and use the opportunity to seek clarifications on any grey areas.

Beyond that, depending on its scope, election observation in practical terms consists in trying to find answers to a myriad of questions relating to various aspects of the organisation, management, and conduct of the election, including:

- The legal and institutional framework
- The condition of the general electoral environment
- The integrity of the electoral preparations, including voter registration and voter education
- The degree of political competitiveness
- The inclusiveness of the electoral system and the extent of citizen participation
- The extent of human rights violations and election-related violence
- The extent to which the media allow equitable access to parties and candidates
- The conduct of the main players: do they act in a mature and responsible manner?
- The posture of security personnel in providing general and election security
- The integrity of the conduct of the poll, including voting, the count, collation, and declaration of results
- The resolution of electoral disputes

5. How the Observer is Required to Act

Like any other actors in the electoral process, election observers, too, must conduct themselves properly. The factors that should guide election observers in their work are often stated in the form of a code of conduct or ethical principles consisting of dos and don'ts. The EC is in no doubt that the agency sponsoring the observation will instruct its observers about proper behaviour. However, since Ghana is a member of the Economic Community of West African States (ECOWAS), the EC recommends to our domestic observers the code of conduct that the organisation has drawn up for its election observers, which is summarised below. The code addresses the individual observer directly and is consistent with internationally accepted principles of election observation.

- Play your role with strict impartiality, independence and objectivity; and refrain from any expression of bias or preference in relation to parties, candidates, or any issue under contention in the election.
- Undertake your duties in an unassuming manner, without disrupting or interfering with the election processes and procedures.
- You may bring any irregularities that you notice to the attention of election officials, but do not command them or countermand their instructions.
- You must base all conclusions you make on well documented, factual, and verifiable evidence.
- Do not prejudge the outcome of the election, or in any way allow your personal opinions, likes, and dislikes to influence your judgment.
- Do not accept any gifts or favours that might influence your work.
- At all times during the period of observation, including during private time away from work, you should behave blamelessly, exercise sound judgement, and display the highest level of personal discretion.
- You must comply with any instructions given by polling officials. If, for some reason, you are dissatisfied with any official instructions, record the circumstances.
- Do not attempt to take part in the actual administration of the election:

under no circumstances should you handle official election documents in the polling station without permission from the presiding officer.

- Do not physically assist in the voting or counting process.
- Avoid doing anything whatsoever that may be construed to be disruption or interference with the work of the election officials or with the voting, counting and collation processes.
- Do not attempt to play an active role in resolving any disputes or complaints, to avoid the possibility of compromising the observer group's eventual position on the matter.
- Do not use a photographic, video, or recording equipment at the polling station without the permission of the presiding officer or any persons concerned.
- Do not appear to be overly friendly or enthusiastic if you meet a candidate, or his/her agent whom you know.
- Do not wear or display anything whatsoever – including symbols, colours, or banners - that could be construed as identification with any particular candidate or party.
- Record concrete details of any complaints made to you, including the name, the organisation (where relevant), and address of the complainant.
- Avoid any form of confrontation with security personnel.
- Try not to give the impression that you are rushing from one polling station to another. However, quickly get away from any manifestation of danger to your person.

In terms of how observers are required to act, two additional factors are noteworthy:

- An observer does not enjoy any special immunity from committing an electoral offence or any offence under the general laws of Ghana.
- It is prudent for individual members of the observer group to avoid personal or premature comments or statements. Such statements may contradict or prejudice the eventual official statement and dent the credibility of the group. Besides, reckless statements by individual observers can easily increase tensions and lead to

actual conflict during or after an election. For this reason, it is important to identify the person/s authorised to speak on behalf of the observer group.

6. Deploying the Observers

The deployment of observers is entirely the responsibility of the sponsoring agency, and the Commission will play no role in this regard. The only advice we wish to give is that where the observers are not recruited from the local area, it is good practice to deploy them in good time.

When deployed in good time, it is possible for the observer to do certain things before Election Day, such as:

- Ascertain from election officials whether all materials and the full complement of staff are available
- Find out from security officials if the general atmosphere is peaceful or where problems are anticipated
- Carefully select and locate the polling stations to visit, to prevent having to wander about looking for them on Election Day

In order to avoid duplication of effort and to be able to cover as many polling stations as possible, it is useful for different observer groups to coordinate the deployment of their members. Clearly, it is of little use for capable observers from different groups to congregate at the same polling station.

7. Gathering Facts: Observation Checklist

A key aspect of election observation consists in gathering facts about the election. In this regard, it is simply unacceptable to send scores of people into the field to observe an election without proper guidance. For this reason, the Commission requires the observer group to present to it a copy of its checklist of things to look out for, which is the basic tool for purposeful Election Day observation.

A good election observation checklist has three major attributes:

- It is tailored to the specific election to be observed, as electoral practices may differ from place to place.
- It elicits mainly factual responses from the observer, and not his/her feelings and opinions.
- It is designed in such a way that the responses are easily processed and analysed.

In turn, a good election observation checklist offers two main advantages:

- It makes possible uniform observation by all the members of the group, so that there is a firm basis for common judgement.
- It makes the basis of report writing factual and not subjective.

It is to be noted, however, that an observation checklist is an organizing tool. So the observer must record any happening that s/he considers to be capable of having an effect on the election, even though provision is not made for it in the checklist.

8. Interpreting the Facts: Report Writing

Usually, as soon as practicable after the observation has been completed, the observer group issues an interim or a preliminary statement. An interim statement represents a summary of the findings of the group and gives a general appraisal of how the election went, without giving much detail.

An interim statement should not be the end of the road. Having issued it, the group then settles down to write its final and detailed report. Where the observer group is large, some of the persons who took part in the observation may not be involved in the writing of the report. In fact, in some cases, the report may be entrusted to an entirely separate group that has expertise in election observation report writing.

But whatever the case may be, certain precepts have been found to be useful in writing the report. They include:

- Utmost care must be taken in the use of election language, such as free and fair, fraud, rigging, and irregularity
- Performance lapses and genuine mistakes should be separated from deliberate wrongdoing and treated differently
- The report must display a sense of proportion through careful assessment of the distribution and effect of any occurrences. In particular, irregularities must be carefully examined to determine their probable overall effect on the electoral outcome
- Care should be taken not to include in the report as facts allegations of wrongdoing that could not be confirmed
- The report must not be an inventory of only things that were not done well; credit must also be given for things done well
- The report must be structured in a logical manner. For organisations that do observation often, it is advisable to adopt a standard format for report writing. This makes it possible to create a cumulative and comparative record of progress and setbacks in electoral democracy over the years.

It is important to remember that, ultimately, the verdict that the observer is required to make is whether or not Ghana followed its own laws, rules, regulations and procedures in doing the election. Of course, this should not prevent the observer group from making recommendations on institutional and procedural matters that could improve the holding of future elections. But such recommendations should be viewed as supplementary and separated from the actual findings relating to the organisation and conduct of the particular election.

9. Accreditation

It is important for all observers to receive accreditation from the Electoral Commission (EC). Accreditation confers official recognition and gives the observer access to the polling station. The accreditation requirements, which are listed below, are the same for both domestic and international observers.

- An application for accreditation should be addressed to the Chairman of the EC and presented in reasonable time at the Commission's head office in Accra
- The sponsoring organisation must not be affiliated to any political party in Ghana
- The organisation must submit a copy of its observation checklist to the EC
- The prospective observer should not be a political party activist
- The name of each prospective observer, along with his/her pass port-size photograph, must be given to the Commission, so that an accreditation card can be prepared. Under no circumstances will faceless individuals be accredited
- Evidence must be given to the EC that the persons being proposed have received training in election observation, such that they are reasonably familiar with the processes to be observed and how they are required to act
- Training is primarily the responsibility of the sponsoring agency
- The EC may provide samples of relevant training materials and, as far as time allows, will be willing to assist with training

Once accredited, the observer is free:

- To request and obtain information from the EC and its officials on matters related to the election
- To gain access to and observe proceedings at any polling station or vote collation centre of his/her choice, subject only to restriction of numbers for purposes of avoiding overcrowding
- Within reasonable limits, to inspect and verify election materials, without interfering with them

For purposes of access to polling stations or offices of the EC, the observer must prominently display the accreditation card or produce it on demand by an election official.

Conclusion

Election observation is an objective venture and a serious undertaking that requires a huge logistics outlay, well-trained observers and adequate organisational capacity. However, if done well, its benefits could be immense.

It is important for observers to be mindful that their primary function is to observe and not to supervise the election process. Observers, domestic or international, do not have the authority to intervene in the administration of an election. Eventually, what they are supposed to do is to consider all the factors that impinge on the credibility of the electoral process as a whole. Even so, the observer does not set out on a journey to find fault, but to find fact. Accordingly, election observation calls for a display of integrity and non-partisanship at all times, no doubt an onerous responsibility. But if observers do their work properly, they wield considerable moral authority towards electoral reform or the correction of electoral wrongdoing.

When all is said and done, the primary beneficiary of election observation is not the sponsoring agency or the government or the EMB or the political parties and candidates. It is the people of the country. The people have a right to credible elections, and observers have a duty to uphold that right. Failure to do so is tantamount to a betrayal of the people's trust. So, perhaps, the bottom line in election observation is whether the observer himself/herself is worthy of public trust.

Appendix: Regional Offices of the Electoral Commission

REGION	PHONE NO.	FAX NO.	LOCATION OF REGIONAL OFFICE
GREATER ACCRA	021-232578	021-232578	HEADQUARTERS, ACCRA
CENTRAL	042-33337/8/9	042-33338	ABORA PEDU, NEAR P.W.D., CAPE COAST
VOLTA	091-26486/26231	091-26669	BEHIND E.P. CHURCH BOOK DEPOT, HO
EASTERN	081-22749/23202/23911	081-25787	NSUKWAW, NEAR OLD ESTATES, KOFORIDUA
ASHANTI	051-28466/26061/26187	051-28466	REGIONAL ADMINISTRATION, KUMASI
WESTERN	031-46905/46003	031-46905	NEAR REGIONAL ADMINISTRATION, SEKONDI
BRONG AHAFO	061-26502/23695/27053	061-27053	BEHIND POLYTECHNIC / OPPOSITE JUBILEE PARK / NEAR THE CULTURAL CENTRE, SUNYANI
NORTHERN	071-22804/22873/22874/23706	071-22804	NEAR NORTHERN REG. DEVELOPMENT CORPORATION/ GHANA HIGHWAY AUTHORITY, TAMALE
UPPER EAST	072-22474/23074	072-22474	BUKERI. NEAR CATERING REST HOUSE, BOLGATANGA
UPPER WEST	0756-22137/22357/22624	0756-22137	BLOCK 'C', MINISTRIES, WA