

Electoral Reforms and Democratic Consolidation in Ghana: An Analysis of the Role of the Electoral Commission in the Fourth Republic (1992-2016)

ABSTRACT

The holdings of periodic free and fair elections have become a key step to consolidating democracies around the world. This calls for an effective means of addressing election-related issues and building strong election management bodies that have the ability to ensure the involvement of various stakeholders in the entire process. The acceptance or otherwise of election results, especially in developing countries where elections usually end in unnecessary conflicts, make electoral reforms very important.

The paper reviews some of the key issues that have characterized Ghanaian elections under the Fourth Republic and throws some light on some reforms that have been carried out by the country's electoral commission to ensure that the country's efforts at consolidating her democracy become a reality. The paper does so by examining policy documents and reports on the subject under consideration.

The paper found that while the EC plays a key role in electoral reform, its efforts may not yield the necessary results if it does not partner with the key stakeholders. The paper further shows that holding transparent and credible elections is a critical component of the democratization process which enhances the legitimacy of the government and also increases trust between the government and its people if the necessary reforms are undertaken in line with the aspirations of the people.

Key Words

Ghana, Electoral reforms, Elections, Democratic Consolidation

1. INTRODUCTION

In recent times, elections have become a major factor in the stabilization and democratisation of emerging democracies and the developing world. It has even been argued that one cannot imagine a

28 democratic system without free and competitive elections held at regular intervals. Thus, for elections
29 to be duly democratic, they have to be held under certain rules and procedures known in advance and
30 agreed upon by the society as a whole (Bouandel, 2005). To this extent, some scholars including Dahl
31 (1956), Schumpeter (1976) and Lindberg (2006) among others have even attempted to equate
32 elections to democratic consolidation.

33 According to Kuhne (2010), elections in most new democracies are a tightrope walk between war and
34 peace, stability and instability. Thus, elections in emerging democracies and post-conflict societies
35 have a great potential to plunge a country back into violent conflict, to undermine processes of
36 stabilization and to discredit democratisation. This usually happens as a result of the kind of mediation
37 and officiating offered by those institutions tasked with the responsibility of conducting elections such
38 as the Electoral Commission (EC). A clear case in point is the 2009 presidential elections in
39 Afghanistan and the Ivorian elections of 2010 as well as the 2007 and 2017 Kenyan elections. Thus,
40 electoral reforms, as well as the role of the election management body (EMB) of any given state, is
41 one that should be given the needed attention and support required since elections have the potential
42 to make or break a nation.

43 Consequently, election management has become one of the most important prerequisites for
44 successful democratization and democratic consolidation. Thus, successful democratization is
45 dependent upon the acceptability by the political players or stakeholders of the electoral process and
46 election outcomes and in order for this to be achieved, the electoral body or machinery must be seen
47 to be impartial and capable of performing its functions Gyekye-Jandoh (2013). Moreover, when the
48 electoral machinery fails in its duty of facilitating free and fair elections, the repercussion is the
49 destruction of the public's faith in the whole concept of democratic governance.

50 **1.1. Significance of the Study**

51 Ghana since the inception of its fourth republic in 1992 has instituted certain measures to consolidate
52 and deepen its democracy. Democratic consolidation has been of great importance to the country and
53 in this regard the country has over the years ensured that the necessary structures needed for
54 democratic consolidation has been strengthened. However, existing literature and research
55 conducted on Ghana's democratic consolidation focuses mainly on ensuring fundamental human
56 rights and creating the necessary platform for citizens political participation neglecting the critical role

that the Electoral Commission of Ghana (EC) plays with regards to consolidating the country's democracy, hence the essence of this paper.

The paper consequently contributes to knowledge and existing literature by critically examining the role that the EC has played with specific reference to electoral reforms from 1992 to 2016 which has in fact gone a long way to help consolidate the country's democracy. Conducting of periodic free and fair elections is an obvious feature of a democratic country and if these elections are to be conducted in a free and fair manner without leading to violence, then the EC is expected to periodically embark on some electoral reforms.

1.2. Defining Electoral Reforms

Electoral reform as a concept historically refers to a wide range of issues. These issues according to Norris (1995) range from the expansion of voting rights to the redistribution of constituency boundaries, and the elimination of electoral corruption. Consequently, scholars and researchers reckon that there are many questions which usually come within this field of study today and these usually include issues with regards to the regulation of political broadcasting, reform of legislative structures, the development of an independent EC, the facilities for registering and voting, and the public funding of party campaigns (Norris, 1995; 2012).

According to the International Institute for Democracy and Electoral Assistance (IIDEA, 2006), "electoral reform is a broad term that covers, among other things, improving the responsiveness of electoral processes to public desires and expectations". It, however, notes that "not all electoral change can be considered as electoral reform" and that "electoral change can only be referred to as reform if its primary goal is to improve electoral processes, for example, through fostering enhanced impartiality, inclusiveness, transparency, integrity or accuracy" (p. 295). Thus, although electoral reform often only catches the public eye when it involves changes to representational arrangements, such as electoral systems, the concept, in reality, is much broader than the mere changes that occur in representational arrangements (ibid). IIDEA (2006) consequently identifies three distinct areas of electoral reform, in each of which an EMB and its stakeholders may play different roles namely legal, administrative, and political.

In the context of legal electoral reforms, the reform begins with the amendment of the constitution, the electoral laws or related regulations and rules to enhance the integrity and credibility of the electoral process and the relevance and adequacy of the legal framework within which the EMB delivers its

87 services and this may include institutional reform of the EMB itself. It must however be noted that
88 “effective legal electoral reform depends on a multiparty approach within the legislature that
89 subordinates political advantage to electoral ethical principles and good practice” (IIDEA, 2006, p.
90 297).

91 Administrative electoral reform, on the other hand, involves the introduction of new strategies,
92 structures, policies, procedures and technical innovations that enable the EMBs to implement their
93 legal responsibilities as specified in the constitution in the delivery of their services in a more efficient,
94 effective and sustainable manner. Administrative electoral reforms could thus include policies and
95 practices on issues such as procurement, financial integrity or employment (such as gender balance
96 in the recruitment of EMB staff); making informed voting accessible to groups such as women and
97 those living in remote areas, and the physically impaired as well as introducing new technology for
98 services such as voting, voter registration or electoral logistics (IIDEA, 2006).

99 Political electoral reform, as the name implies, deals with the changes which take place in the political
100 environment within which an election management body operates. This could include creating a more
101 effective and transparent framework for its funding and accountability or giving the EMB more
102 autonomy. Political and legal reform issues in relation to electoral processes are often strongly
103 associated and as with legal reform, EMBs do not control political reform, although they can play a
104 research and advocacy role, and cultivate support among key stakeholders (IIDEA, 2006).

105 **1.3. Review of Works on Democratic Consolidation in Ghana**

106 Bukari (2011) in his work titled “Local Level Political Participation towards Democratic Consolidation in
107 Ghana: A Case Study of Sissala West Constituency”, has argued that political participation both at the
108 national and local levels constitute the main underpinning of democratic consolidation in Ghana. Thus
109 in his view, participation in both national and local level elections by the citizens of a country is very
110 important if the country aims at consolidating its democratic tenets. It is therefore important for leaders
111 of Ghana to create the necessary platform that will make it easier and convenient for the Ghanaians
112 to politically participate in the administrative and political systems of the country if Ghana really
113 intends to consolidate its democracy.

114 According to Amedeker (2013), Ghana’s democratic transition from 1992 was quite a remarkable one
115 and since that time, Ghana has instituted certain measures that have gone a long way to
116 consolidating its democracy. The study concludes that the measures instituted by Ghana to

consolidate its democracy includes political participation, freedom of the media, freedom of religion, freedom of expression and respect for political and civil rights. Thus according to this study, Ghana has been engaged in various activities to consolidate its democracy since the inception of its fourth republic. Key among such activities is the respect for human and political rights as well as instituting measures to ensure political participation. From the findings of the study, one can argue that in the view of Amedeker (2013), the consolidation of Ghana's democracy has been possible mainly due to respect for political and civil rights as well as measures instituted to ensure participation of the Ghanaian populace in the political process of the country and as such if Ghana intends to continue the consolidation of its democracy, it should deepen such measures at all times.

Fobih (2011), in his article "Challenges to Party Development and Democratic Consolidation: Perspectives on Reforming Ghana's Institutional Framework" argues that the challenges facing Ghana's democratic consolidation are mainly institutional and the inability of the small political parties to organize themselves well and compete effectively with the major political parties in elections. Thus the article argues that party development is of great significance to democratic consolidation in Ghana and it is in this regard that the country is expected to put measures in place to ensure that all political parties have an equal and level playing ground to compete with one another. It is also important to create avenues and platforms for the small parties to develop themselves and be able to compete effectively with the bigger parties in an election. This will go a long way to aid Ghana in its democratic consolidation process.

Harriet, Tika, & Anin, (2013) are also of the view that Ghana just like many other African countries have a diverse socio-economic demographic characteristic with different people belonging to different ethnic groups, religion and different political orientations. According to their study, even though sometimes the country experiences ethnic conflicts in some regions, Ghana has done well in managing these differences, especially ethnic and political differences, and this has indeed gone a long way to consolidate its democratic systems. Conflict resolution is a key to economic development and democratic consolidation at large and to a large extent the Ghana's institutional structures have been impressive in resolving political and ethnic conflicts. When people with different political and ethnic orientations are able to freely express their views, it deepens and consolidates democracy.

2. METHODOLOGY

Since the paper seeks to highlight the role of EMBs in ensuring democratic consolidation by means of undertaking effective electoral reforms, the paper adopts a qualitative approach. This stems from the fact that the qualitative design is suitable for descriptive and explanatory studies (Yin, 1984; Babbie, 2004). The approach thus ensured the process of obtaining relevant data in a non-numerical form which consequently generated rich, in-depth insight into the research questions. The study uses both primary and secondary sources of information. Notable among them are documents from the internet, journal articles, policy documents, and library sources as well as all other readily available important reading materials such as the dailies, press releases, news items, and official reports from relevant bodies such the EC.

As a qualitative study, it also dwelt more on works of renowned scholars in the field that have focused on elections in Ghana. It however also provides information from participant observation of the authors in their years of active involvement in elections in Ghana, as well as data from earlier works that have not been published.

Moreover, in order to get firsthand information, the researchers conducted formal face-to-face interviews with some stakeholders in Ghanaian politics. Some focus group discussions were also held to ascertain the views of some Ghanaians regarding works of the electoral commission. Interviews were conducted using a semi-structured interview guide which allowed the authors to ask relevant follow-up questions.

3. AN OVERVIEW OF GHANA'S ELECTORAL COMMISSION

In Ghana, the EC which is a creation of the 1992 Fourth Republican Constitution has been mandated with the responsibility of ensuring the conduct of elections and other related matters. Though the EC has its root within the National Commission for Democracy (NCD) which was established by the Provisional National Defence Council (PNDC) regime (Allah-Mensah, 2007), it was created by Articles 43, 44 and 45 of the 1992 Constitution. These Articles have also been captured under Act 451 of the Parliament of the Republic of Ghana- the Electoral Commission Act, 1993.

Originally, the EC evolved as part of the institutional transfer of the superstructure of British colonial rule. It began as a department under the Ministry of Local Government with the responsibility to supervise elections organized by the colonial government (Gyimah-Boadi, 2007). It has eventually been argued that the progressive transformation of the election authority from NCD, INEC to EC has

significantly enhanced the latter's competence and efficiency (Debrah, Asante, & Gyimah-Boadi, 2010, p. 2).

The extent to which a given EMB may be effective is usually dependent upon the kinds of rules and regulations that govern politics and elections in that polity. Consequently, the electoral systems and models impact on the effectiveness of EMBs (Bouandel, 2005). The 1992 Constitution, as well as several legislative instruments and rules and regulations and Acts of Parliament, forms the foundation upon which Ghana's EC operates and it is in this regard that the EC has over the years taken certain pragmatic measures aimed at improving the country's electoral processes. This notwithstanding, there is enough evidence to show that though ECs are an important element, they are not sufficient to fully alleviate the fears of the electorate and opposition parties that the outcome of elections may be manipulated (Gyimah-Boadi, 2007). Thus, it is argued that the existence of an Electoral Complaints System in which the people have trust is essential.

4. FINDINGS

4.1. The Role of Election and Electoral Reforms in Democratic Consolidation

Elections are undoubtedly one of the key features of any democratic country. However, periodic elections do not necessarily guarantee or contribute to democratic consolidation. Thus, for elections to really contribute in the consolidation of democracy, it should be free and fair. Free and fair elections can be achieved if EMBs embark on significant reforms from time to time. Such reforms must be aimed at meeting the changing circumstances in the country. It must create an enabling environment that will support the organization of elections in a free, fair and transparent manner. When elections are free and fairly organized, parties or candidates that contested, but lost the elections do not have much reasons to complain or resort to violence that could disturb the peace of the country.

Again electoral reforms must also create an effective platform to resolve grievances for candidates who lost the elections or have any issues that need to be addressed. It should also enhance the chances of all eligible voters to cast their votes without fear of intimidation and threats of any form.

It is for these reasons that electoral reforms are important and must be given the needed attention if a country seeks to consolidate its democracy. Hence the essence of analyzing the role of Ghana's EC with regards to electoral reforms that have contributed to the consolidation of the country's democracy.

4.2. The EC, Elections and Electoral Reforms in the Fourth Republic

There exists the idea that as far as governance is concerned, the electoral path is one of the many options of choosing leadership and disposing old governments in a political system, and that, as a core institution of representative democracy, elections are supposedly the only means to decide who holds legislative or executive power (Lindberg, 2007). Notwithstanding that electoral body in Ghana have been almost perennially criticized and hounded by the general public and even government of the day, elections must be held under the supervision of an independent EMB.

A cursory glance of electoral bodies in Ghana over the years demonstrate that despite the creation of separate institutions to manage electoral processes in the country, they have not succeeded in procuring a clean image of fairness, independence of government, and impartiality. This fact is evident from the responses gathered through interviews with the various stakeholders, even from the EC itself. Even the appointment of the EC officials (a process which is clearly outlined by the 1992 Constitution, Articles 43, 44 & 70(2)) constantly becomes an issue of contention. Some respondents argue for the inclusion of opposition parties in the appointment of EC members. These practices, as well as governmental attempts to influence the operations of ECs, have undermined and eroded their credibility as independent and impartial EMBs (Ayee, 1998). However, the EC has over the years managed to remove this particular stigma of impartiality.

4.2.1. The 1992 Elections: the Controversial Return to Constitutional Rule

After so many years of intermittent military rule, the 1992 presidential and parliamentary elections prepared the grounds for a return to democratic rule once again in the country (Botchway, 2011). However, the 1992 presidential elections have been described as fraudulent and controversial in all regards. In consequence, the transparency and validity of the final results was highly contested by the majority of Ghanaians: a situation which led to the boycotting of the parliamentary elections by the opposition parties led by the NPP during the latter part of the year and consequently led to the publication of “*The Stolen Verdict*” (Adu-Boahen, 1996; Boafo-Arthur, 2006). As a matter of fact, the transition to usher in the 4th Republic as evidence has shown suffered many setbacks because of public perception of government’s manipulations and interferences in the work of the hurriedly appointed Interim National Electoral Commission (INEC) (Debrah, Asante, & Gyimah-Boadi, 2010).

4.2.2. Reforming for the 1996 and 2000 Elections

After the 1992 elections, the EC reformed itself by taking important initiatives in order to gain legitimacy and public confidence in its activities. It drafted the Public Elections (Registration of Voters)

Regulation, 1995, CI 12 to define the framework for registering voters for the 1996 elections. It, in addition, set its own rules for the conduct of the 1996 general elections through the Public Elections Regulations 1996, CI 15 (Debrah, Asante, & Gyimah-Boadi, 2010). Consequently, by November 1996, an improvement was seen in the transparency of the elections as most of the electoral malpractices that characterised the previous one were curbed (Owusu, 2006) and the EC made more independent than it used to be. This eventually led to the relatively high acceptance of the validity of the election results. Thus, the issues that plagued the 1992 electoral process and dented the image of the INEC were given the needed attention before the 1996 general elections and those measures have boosted the credibility of post-1992 elections. Consequently, the paper found that in recent times, the general opinion of most Ghanaians is that the EC's staffs are professionally competent and are also adaptive to changing circumstances. Gyekye-Jandoh (2013) has in a similar vein posited that regardless of the distrust of the INEC by some political parties and sections of the Ghanaian public in 1992, "the creation of this institution by the Rawlings regime nevertheless represented a substantive move that resulted in a no-return to the days of military rule" (p.78).

The study found that the EC has over the years have shown that all social forces seeking to engage in the electoral process can only do so under its authority. As a matter of fact, civil society and other groupings observing elections in the country have been recognized only after the EC has granted accreditation to them (Debrah, Asante, & Gyimah-Boadi, 2010). Consequently, neither pressure from financial donors nor civil society has been able to sway the EC from carrying out its legitimate functions, though at some points in time some of their views and suggestions are taken into consideration by the EC (Botchway, 2014). For instance, in 1996, when the ruling party objected to the presence of Network of Domestic Election Observers (NEDEO) and Ghana Alert's role in the 1996's election watch, the EC ignored the governments bluff and gave accreditation to the two groups to observe the elections. In addition, the EC has over the years refused to be intimidated by threats from various political parties.

As indicated earlier, elections usually evoke a remarkable array of organized activities, including the myriad efforts by the election authority to enact laws and regulations, and design comprehensive programmes for registering political parties and voters (Debrah, 2004). Consequently, the EC in 1995 created the Registration Review Committees (RRC) to address disputes over registration of voters. The RCC operated at the national, regional and district levels. The creation of Inter-Party Advisory

Committee (IPAC) has also been key to dispute resolution over aspects of the election process. Thus, notwithstanding the fact that the IPAC is only an advisory body, through the Committee's platform the EC has been dialoguing with the various political parties to mend thorny areas of the electoral process over the years (Botchway, 2014).

The EC has also put in place a mechanism to ensure that all complaints are formalized per the election law. It thus requires an aggrieved person to notify the Chairman of the EC in writing, outlining the basis of their challenge. The EC has consequently taken the necessary steps to address petty election disputes and, indeed, has handled minor cases through IPAC and its RRCs. Post-election disputes are however handled by the law courts and although the burden of proof lies on the complainant who seeks relief from the court, the EC is ultimately the body to provide evidence to the court regarding the election case in dispute (Debrah, Asante, & Gyimah-Boadi, 2010). A landmark example is the 2012 election petition. As a matter of fact, evidence exist to proof that the EC has been proactive in electoral dispute matters.

As the quality of elections improved election after election, the chronic accusation of bias against the EC and the public's interpretation of any least administrative and technical errors, as an attempt by the incumbent to influence or manipulate the EC, is gradually fading out. Thus several studies have proven that, as early as 2004, "electoral politics and contests steeped in institutional mistrust and suspicion had become a thing of the past" (Debrah, Asante, & Gyimah-Boadi, 2010, p. 23). Notably, since 1996, studies have shown that electoral politics has taken a new shape—thus; electioneering has been marked by intensified unity front between the EC and political parties (Debrah, 2015).

Balloting, monitoring, and results of elections are very important in every electoral system. The actual process of balloting is as crucial as all the pre-election activities. As a matter of fact, in Ghana, the process of balloting is completely intertwined with monitoring. In this regard, the EC allowing the presence of party representatives, as well as domestic and foreign monitoring groups, serves as a check against errors, misconduct, and fraud, and their very presence limits opportunities for wrongdoing (Botchway, Forthcoming).

With regards to the 1996 general elections, research has indicated that more than 89,000 party agents, four to each registration center – consisting of two from the government parties and two from the opposition parties – monitored the registration exercise in about 19,000 polling stations (Gyekye-Jandoh, 2013). This was in contrast to the 1992 elections, where party agents were not allowed to

295 monitor the voter registration exercise as they wished. Interestingly, all the party agents monitoring
296 the electoral processes had the same training as the EC's registration officials in registration
297 procedures, and records were kept of the number of persons that were registered daily (Ayee, 1998).
298 Moreover, the 1996 elections saw the introduction of the transparent ballot boxes provided by the EC.
299 The intention for this idea was to forestall allegation, suspicions, or fear of ballot boxes being pre-
300 stuffed with already thumb-printed ballot papers before being sent to the polling stations. Thus, the
301 provision of transparent boxes was a departure from the previous practice where opaque, wooden or
302 metal boxes were used in elections, which elicited countless rumors and allegations regarding stuffed
303 ballot boxes (Gyekye-Jandoh, 2013; Debrah, Asante, & Gyimah-Boadi, 2010; Ayee, 1998). In
304 addition, in contrast to the 1992 elections, in 1996, all ballot boxes were transported directly to the EC
305 after being shown to and stamped by all the parties' agents.

306 A major electoral reform that has also occurred in Ghana's electoral system has been the counting
307 and declaration of election results which now takes place at every polling station. It has consequently
308 been argued that this vote counting procedure and the involvement of party agents actually
309 demonstrates two important facts. Firstly, it is an indication that the EC rules actually did and do much
310 more than increase public confidence in, and acceptance of, election results; they actually
311 hindered/hinder fraud and made it much harder for any elected official to engage in fraud at the
312 polling stations. Secondly, it demonstrates the existence of an effective opposition to check the vote in
313 Ghana (Gyekye-Jandoh, 2013).

314 In the area of voter education, the EC has over the years been having collaboration with the National
315 Commission for Civic Education (NCCE) to display posters nationwide, including voting instructions,
316 encouraged people to exercise their franchise, and promoted democratic ideals of tolerance and
317 peaceful political activity. Moreover, radio and television programs, as well as booklets, are widely
318 distributed, targeting not just voters, but candidates and political parties as well (Ayee, 1998). Also,
319 people are been hired by the EC from within the localities and trained to go back to educate their
320 communities on how to vote and how to register. In addition, in order to reduce mistakes by election
321 officials on polling day, the EC has introduced practice exercises before the actual polling day on what
322 to do and forms to be filled. In fact, this voter education carried out by the EC and NCCE partly
323 accounted for the high voter turnout of 78.2 % at the 1996 elections, which at the time was the highest

for any competitive elections, as well as for the relatively low number of rejected votes – 111,108 out of the 7,256,882 valid votes (Ayee, 1998; Gyekye-Jandoh, 2013).

According to Debrah (2001), the overriding concern of the EC prior to the 2000 elections was to improve upon the quality of the electoral process and promote the widest possible participation of both contestants and voters in the organization and management of the elections. This was against the backdrop that the EC had in the previous years been able to assert its independence and neutrality and won public confidence in its ability to manage elections fairly by acting firmly and decisively on a number of ‘test cases’ where it was convinced that its position was lawful and reasonable. For instance, the EC at one time objected to an extension of the voter registration period in 1995, a position that was contrary to the Rawlings-NDC government position that favored an extension, and this, it has been argued exemplifies the EC's independence from government.

The days towards the 2000 elections also witnessed the signing of an eight-page Code of Conduct document for political parties. The political parties developed the Code themselves and gave it to the IPAC. This Code of Conduct was however only binding morally and not legally. In the view of Debrah (2001), by signing the Code, the parties bound themselves to work towards peace, tranquility, and clean elections. Consequently, a reasonable level of collaboration between the political parties and the EC has replaced the antagonism and suspicion that the political parties previously had with respect to the EC (Botchway, 2014).

Moreover, in preparation towards the 2000 elections, the EC collaborated with the National Media Commission (NMC) and the Ghana Journalists Association (GJA) in designing a framework for fair coverage and broadcasting of parties’ programs and activities. This effort eventually yielded fruitful results as the state-owned media carried party messages especially during the last month of the election campaign (Gyekye-Jandoh, 2013).

In attempts to fostering an environment of a violence-free election campaign, the EC has recently been partnering with the security forces to form the Electoral Security Taskforce (ESTF) which has only a “peace-keeping” role. According to Debrah (2001), the Taskforce was deployed to protect candidates during their campaigns, and it also maintained law, order, and peace during and after the polls in the 2000 general elections.

The 2000 general elections were deemed as generally “free, fair, and transparent” by most domestic observers and their foreign counterparts. In this way, the election marked an improvement compared

to earlier elections, especially the severely flawed founding election of 1992. This gives an indication of improvement in the electoral processes that the EC had put in place. This notwithstanding, the 2000 general elections showed the kind of incumbency advantage that is typical for elections under competitive authoritarianism. To start with, some researchers have indicated that a bloated voters' register was a severe problem. The register reportedly included a high number of ghost names, a problem even admitted by the chairman of the EC (Smith, 2002). The EC wanted to clean up the register and decided that voters require photo-identification in order to cast a vote. This decision was overruled by the Supreme Court after a challenge by a supporter of the NDC. Secondly, the electoral constituency division according to Wahman (2011) showed severe signs of gerrymandering, which was designed to generate an advantage for the NDC in the election. Notwithstanding these criticisms, in accordance with theory, Ghana did experience a period of political liberalization after the 2000 oppositional victory. Eventually, Ghana had a Freedom House (FH) political rights score of 3 in 1999, which was lowered to 2 in 2000 and 1 in 2005, as a consequence of the successful 2004 election and the role the EC played in achieving that success (Wahman, 2011).

4.2.3. Reforming for the 2004 & 2008 Elections

The year 2004 witnessed the fourth consecutive peaceful general election conducted in Ghana. This election also saw an improvement on the previous ones and according to most election monitoring groups such as CODEO and other institutions, the election was "free, fair, peaceful and transparent". Ayee (2005) has indicated that "despite the politically charged atmosphere, nominated Presidential and parliamentary candidates were able to campaign freely" (Ayee, 2005, p. 34). The success to a certain degree may also have been made possible by the existence of the 2004 Political Parties Code of Conduct which "was used as a guide in ensuring free, fair and credible elections during the December 2004 General Elections" (Gyampo, 2008, p. 38).

Moreover, there were quite a few reforms that set the country on the road to further democratization and this has been said decreased the newly elected regime's (NPP's) ability to use electoral manipulation in 2004 as well as the 2008 elections. Three particular reforms readily come to mind. Firstly, the NPP administration gave the EC a more independent role, a decision that some scholars believe might have cost the NPP the victory in the 2008 election, where the EC actually ruled in favour of the oppositional NDC when the NPP had filed complaints against malpractices in the Volta Region (Whitfield, 2009). In addition, before the 2004 election, the EC also initiated a thorough

revision of voter registers to avoid the problems experienced with “ghost voters” as was seen in the 2000 election, and to make constituencies more equal in terms of size (ibid). Moreover, the formulation of the Political Party Code of Conduct in 2004 as indicated earlier and the IPAC created more checks and balances in order to increase the influence of parties in opposition and regulate the behaviour of incumbent governments (Jonah, 2005; Wahman, 2011).

Prior to December 7, 2008, elections in Ghana, stakes were high as to what was going to happen in the election process. The credibility of the elections was the issue on board. During and after the elections, a lot of people raised concerns about the refereeing of the EC, the conducts of political parties, the fairness of party primaries elections, the campaign strategies adopted, the conduct of the media, the debates among presidential aspirants, and the way and manner the people voted (Botchway, 2011). However, due to the ECs efforts, the election did not require high-level, intense international involvement as has usually been the case in previous years and even in recent years in most African countries and in the Middle East. Apart from the effective professional role played by the country’s EC and the government, several mechanisms had been put in place both at the local and national levels to support a peaceful, free and fair electoral process. These processes were geared towards addressing the crucial relationship between the EC, political parties, and the electorate, in particular by establishing a formalized dialogue between the political parties and the electoral body. This gave all sides the opportunity to raise and resolve controversial issues in a common political sphere thereby giving political parties’ access to direct participation at all the important stages of the electoral process, from voter registration to polling and vote counting (Kuhne, 2010).

4.2.4. The 2012 & 2016 Elections

The 2012 general elections indicated that there have been vast improvements in the electoral system since the inception of the Fourth Republic and thus an increased credibility of the EC. Consequently, these elections have helped to assuage some of the concerns surrounding the democratic processes in the country over the years.

A key reform related to the 2012 elections was the introduction of the biometric verification system to enhance transparency. There was also the challenge of the constitutionality of the electoral verdict delivered by the Electoral Commissioner which declared John Mahama of the NDC as the winner. The NPP presidential candidate-Nana Akufo Addo and two others eventually filled a law suit with the Supreme Court. This was the first of its kind in the history of the country. Eventually, after eight

months in court, the Court ruled in favor of the EC and John Mahama. The ruling, however, revealed some major flaws and deficiencies in the electoral process at the time. This, therefore, encouraged the opposition parties, especially the NPP to demand further electoral reforms and to amend the electoral laws to reduce the number of deficiencies.

Though the EC has been criticized for being reluctant in implementing the Court's recommendations, the Commission has taken the necessary steps recently to address some of the perceived deficiencies. Thus, approaching the 2016 elections, the EC started the implementation of a series of reforms which were aimed at improving transparency, credibility and inclusiveness in the elections. Consequently, based on the report of the Special Reform Committee that was set up by the EC after the 2012 Election Petition, a comprehensive list of 27 reform targets was set which were based on the various reforms proposals made by the panel of Justices of the Supreme Court and various political parties.

Among the proposed reforms were the continuous and periodic registration of voters; Election Officials & Party Agents to take oaths before a Magistrate or Judicial officer instead of an officer of the Commission; raising the minimum educational qualification requirements for various levels of election officials; giving priority to people with disabilities and vulnerable persons at polling stations; ensuring that election officials who breached electoral laws are sanctioned; extending the period of notice for Voter Registration exercise from 14 to 21 days; reducing the number of voters per polling station; the EC should be required by law to give a copy of the Final Certified Register to Registered Political Parties at least 21 days before the elections; expanding the list of special voters to include accredited media personnel and election observers; publishing of the Presidential Election Results per polling station on the EC's website, etc. The implementation these and other proposed reforms, according to the EC made the outcome of the 2016 elections credible and acceptable to all the stakeholders involved (Electoral Commission of Ghana, 2018).

5. CONCLUSION

Over the years, many factors have been identified as being the factors that usually lead to reforms of electoral processes. These factors, studies have shown include the failure to deliver acceptable elections or by conflict resulting from disputed elections.

The study has shown that while many electoral reforms have over the years been initiated by governments, at times in response to societal or external pressures, EMBs themselves, especially the

EC has often been a powerful motivator of electoral reforms. Moreover, while the EC has a key role to play in all electoral reform, it may not be in a position to implement reform without the support of its key stakeholders – particularly the government, the legislature and the political parties and this is a significant reason for EMBs to maintain a strong relationship with their various stakeholders at all times.

In addition, the paper has argued that holding transparent and credible elections is a very critical component of the democratization process in any given polity and that genuine elections is a means of enhancing the legitimacy of the government and also increasing trust between the government and its people. As a matter of fact, elections usually serve as a channel to express differences through debate and all these are achievable where there is in existence an independent EMB.

It is argued further that since elections have the potential to trigger violence in Ghana, there is the need for robust and transparent mechanisms to manage the electoral process and its eventual outcome. The important role played by EC to ensure national consensus, as well as public and stakeholder confidence in the electoral process, was thus stressed by the paper. It has consequently been noted that crucial to the effectiveness of the Ghanaian EC is its credibility. As a result, ensuring that the individuals managing the election are considered honest and capable by the voters and candidates is considered paramount. Indeed, if the citizenry and political actors have faith in the integrity of the people and institutions managing our elections, they are more likely to accept the election outcome and thus participation and representation are enhanced which in turn enhances democratic consolidation.

In sum, a cursory glance of elections in Ghana's fourth republic gives an indication that there are positive trends, both normatively and in practice, toward improving the conduct of elections and addressing the various challenges to strengthening elections as a means of consolidating democracy in the country. Thus, each successive election has seen an improvement from the previous as the paper has shown. It is therefore argued that in Ghana, where elections have for the most part become routine, there has been an increased focus on strengthening the institutions that support electoral processes by the EC. This, in the long run, enhances the consolidation of the country's democracy.

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