

## **14<sup>TH</sup> MAY STATEMENT OF ELECTORAL COMMISSION ON SALL BRAZENLY DISHONEST AND SHOWS GROSS INCOMPETENCE OF COMMISSION**

It is a matter of public record that in the evening of 6<sup>th</sup> December 2020, the Electoral Commission issued a public statement to the effect that voters in the SALL Traditional areas could not vote in the Parliamentary elections scheduled for 7<sup>th</sup> December 2020. For ease of reference a copy of that public statement of the EC is attached.

The exclusion of voters in the SALL Traditional Areas from voting in the election for a Member of Parliament was a flagrant violation of the right to vote of the said voters, which amounts to being disenfranchised. As a consequence, the people of the SALL Traditional Areas do not have representation in the 8<sup>th</sup> Parliament of the 4<sup>th</sup> Republic. This has rightly been described by Prof. Kwaku Asare as “the cardinal sin” of the 8<sup>th</sup> Parliament.

It is brazenly dishonest on the part of the Electoral Commission to refer to my statement about the people of SALL being disenfranchised as “falsehood and misinformation” or “falsehood and untruths about the Commission”. None of the so-called “facts surrounding the inability of the residents of SALL now the Guan Constituency, to vote in the 2020 Parliamentary Election” that are recited in the 14<sup>th</sup> May 2024 statement of the Electoral Commission, can take away the simple, indisputable fact that, on the eve of the 2020 elections, the Electoral Commission publicly announced that the people of SALL could not vote in the Parliamentary election. The people of SALL were, therefore, disenfranchised and are not represented in the 8<sup>th</sup> Parliament of the 4<sup>th</sup> Republic.

When a lawyer for the Electoral Commission said in the High Court, Ho, recently said that it was “regrettable” that the people of SALL were not able to vote for a Parliamentary candidate of their choice, some imagined that there was some soul searching at the Commission as regards the disenfranchisement of the people of SALL. It is now clear that this is not the case. Please see a media report attached.

It is really remarkable that, in its recitation of its dealings with the Ministry of Local Government and the Attorney-General’s Department in November 2020 in respect of the creation of a Guan Constituency, the Electoral Commission did not appreciate that article 47(6) of the 1992 Constitution makes it clear that “Where the boundaries of a constituency established under this article are altered as a result of a review, the alteration shall come into effect upon the

next dissolution of Parliament.” This is also something the Supreme Court pronounced on in a case in which the Electoral Commission was a party. Whatever changes to existing constituency boundaries were to come into effect with the creation of the Guan Constituency would only come into effect upon the dissolution of that Parliament, that is on 6<sup>th</sup> January 2021.

The Electoral Commission should, therefore, have known that, even apart from whether its draft C.I., which it says it “forwarded to the Attorney-General’s Department for its review on the 13<sup>th</sup> of November, 2020”, could have matured in Parliament before the 7<sup>th</sup> December 2020 election, the creation of the Guan Constituency could not come into effect and alter existing constituency boundaries before the holding of the 7<sup>th</sup> December 2020 elections.

The statement of the Electoral Commission indicates that “[t]he Commission was not aware that Parliament was on recess at the time it received the letter from the Ministry of Local Government and Rural Development requesting it to create a new Constituency.” Here again, it is incredible that the Commission does not appreciate that changes in the boundaries of constituencies are not just a matter of a letter from a Ministry but are to be consistent with article 47(5) of the Constitution.

That the Commission was not aware of Parliament being on recess at the time it received the letter from the Ministry of Local Government and Rural Development speaks volumes. So, in preparing a draft of a Constitutional Instrument intended to be sent to Parliament “to bring into force the Guan Constituency”, the Commission was not aware of the very public fact that Parliament was on recess! The Commission did not bother to check on the calendar of Parliament even as it was preparing an Instrument that could only come into effect after being placed before Parliament!!

In any case, I facilitated a meeting between the Chair of the Electoral Commission, Mrs. Jean Mensa and elders of SALL on November 30<sup>th</sup> 2020. The elders had earlier written to the EC on November 27, 2020 requesting clarity on the status of Lolobi and Akpafu people in the December 2020 elections. In the letter the elders warned that “Any other action or attempt to place us or suspend our full participation in the coming electoral process will amount to deliberate disenfranchising of our rights to vote under the 1992 Constitution of Ghana. It will be a clear disrespect for our dignity as a people, we will resist any such action with all the force and might available to us.”. Please see letter attached.

The following day after meeting with the elders of SALL, specifically on December 1, 2020, the Electoral Commission's Deputy Director in charge of Operations, Samuel Tetteh told the media, that SALL voters shall be allowed to vote in their "mother constituency" on 7th December 2020. We were therefore surprised when the EC just after five days, on December 6, 2020 issued the press statement authorizing SALL residents not to vote in the Parliamentary Elections.

The 14<sup>th</sup> May 2024 statement of the Electoral Commission is not only brazenly dishonest but puts on stark display to the whole world the gross incompetence of the Jean Mensah -led Electoral Commission.

I have no doubt that the people of Ghana will not be hoodwinked by the brazen dishonesty of the Electoral Commission nor will they allow such brazen dishonesty and gross incompetence to stand in the way of our democracy. The unconstitutional and illegal actions of the Commission must be constantly exposed for the sake of upholding our democracy and we will not relent in our commitment to doing just that.

THE PEOPLE OF SALL WERE DISENFRANCHISED BY THE ELECTORAL COMMISSION.

FRANKLIN CUDJOE  
15<sup>TH</sup> MAY 2024



FILED ON 06-01-2021  
 AT 03:00pm  
*Cef*  
 REGISTRAR  
 HIGH COURT HC

6<sup>th</sup> December, 2020

**CONDUCT OF PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN THE BUEM CONSTITUENCY**

The Commission wishes to announce for the information of the General Public, especially voters in the Buem Constituency that the 7<sup>th</sup> December 2020 Presidential and Parliamentary Elections will take place in the Buem Constituency as scheduled from 7:00am to 5:00pm.

However, as a result of the creation of the Guan District Local Government (Guan District Assembly) (Establishment) Instrument, 2020 and pending the creation of the Guan Constituency, eligible voters in the Guan District will vote only in the Presidential Election but not in the Parliamentary Election in the Buem Constituency.

Voters in the Guan District are to take note of this Directive from the Electoral Commission.

**ELECTORAL COMMISSION**

THIS IS EXHIBIT 1 (of 1)  
 Marked E-10 MKB referred to in  
 the Affidavit Sworn at Accra  
 this 6<sup>th</sup> day of January 2021  
 before me  
 OSEI BONSU Esq.  
 COMMISSIONER FOR OATHS

FILED ON 23-12-2020  
 AT 08:50am  
*Cef*  
 REGISTRAR  
 HIGH COURT HC

THIS IS THE DOCUMENT REFERRED TO  
 IN THE OATH OF  
 AND MARKED E-10 MKB

< **EC lawyer regrets disenfranchising SALL people as Tsatsu Tsikata pushes Hohoe by-election** >



*Tsatsu Tsikata*

Source: [theheraldghana.com](https://theheraldghana.com)

Mon, 20 Nov 2023



This document contains ink, shapes and image...



27<sup>th</sup> November 2020

**The Chairperson,  
Electoral Commission  
Accra**

Dear Madam,

**CLARITY ON ELECTION 2020 VOTING STATUS  
OF LOLOBI AND AKPAFU PEOPLE**

The Joint Steering Committee of the Akpafu and Lolobi Traditional Areas by this petition respectfully seek urgent clarification and assurance over their electoral status and voting mandates in the upcoming 2020 Elections. This is to prevent discrimination and disenfranchisement of our people by administrative muddling on technicalities.

By our reckoning and all indications, we remain part of the electoral areas under the Hohoe Constituency

By our reckoning and all indications, we remain part of the electoral areas under the Hohoe Constituency in the Hohoe District of the Volta Region in the current electoral cycle. We are surprised to find in the published Voters Register that we are assigned to Jasikan District with which we have had no prior history, mandate or engagement at the primaries.

You must be aware that we were lumped into the new Oti Region in error and against our express wishes; which matter is currently before the law courts.

We understand, per the **Judgement Of The Supreme Court Reference Number 16/01/20 In The Case Between Valentine Edem Dzatse Vrs Henry Ametefe & 5 Others Dated 24<sup>th</sup> June, 2020**, that existing electoral mandates must be preserved as under CI 95 until after January 6 2021. By implication we the people of Lolobi and Akpafu Traditional Areas, are preserved by CI 95 until 6<sup>th</sup> January 2012. There is therefore no basis for any suspension, denial of rights or discriminatory treatment of our peoples in the 2020 elections;

Take note that our people were fully engaged in the selection, nomination and election of candidates in the primaries of all political parties in the Hohoe Constituency and know the candidates representing them very well. Same cannot be said of candidates in the Jasikan District/Buem Constituency.

We do not and will not feel competent to participate in the election of a candidate that we do not know and who cannot represent us effectively.



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We do not and will not feel competent to participate in the election of a candidate that we do not know and who cannot represent us effectively.

Any other action or attempt to place us or suspend our full participation in the coming electoral process will amount to deliberate disenfranchising of our rights to vote under the 1992 Constitution of Ghana. It will be a clear disrespect for our dignity as a people, we will resist any such action with all the force and might available to us.

Kindly take notice and act accordingly to avoid any unpleasant outcome.

Thank you in anticipation of your urgent action.

Respectfully,

C.K Amuzu  
(General Secretary)

Inc. Judgment of 07/07/2020, Supreme Court  
Ghana

CC.

1. All Stakeholders
2. Selected Media Houses