

EVIDENCE OF MALPRACTICES, VIOLATIONS AND IRREGULARITIES IN THE 2012 PRESIDENTIAL ELECTION

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2ND PETITIONER

EVIDENCE OF ELECTION MALPRACTICES, VIOLATIONS AND IRREGULARITIES

OVERVIEW :

- BACKGROUND
- THE STATEMENT OF POLL AND DECLARATION OF RESULTS FORM
- NATURE OF THE MALPRACTICES, VIOLATIONS AND IRREGULARITIES FOUND
- DETAILS OF MALPRACTICES, VIOLATIONS AND IRREGULARITIES – STATISTICAL EVIDENCE
- CONCLUSION

BACKGROUND

- Against the background of:
 - The announcement of the presidential results by Dr. Afari Gyan on December **9, 2012** which indicated a voters register of **14,158,890** contrary to figure in the register of **14,031,680** provided to political parties
 - the experience of the discrepancies that arose at Domi Kwabenya constituency between the results of the NPP parliamentary candidate and the 1st Petitioner, which results were subsequently corrected upon persistent protest by the parliamentary candidate,
 - As well as calls from members of the NPP in a number of constituencies across the country, including Gambaga-Nalerigu, Tamale South, Lower manya Krobo, Techiman North, Yilo Krobo, Akropong, Berekum West, Kintampo South, Upper West Akim, Mpohor, Yendi, Ledzekuku, Ketu North, Oforikrom, Berekum West, and Hohoe North complaining that the results being declared were not accurate,

BACKGROUND CONT'D

- The total number of votes obtained by Nana Akufo Addo in the Presidential elections (5,248,898) was higher than the votes obtained by the NPP parliamentary candidates (5,248,862) by 36.
- The total number of votes obtained by John Mahama in the Presidential elections (5,574,761) was higher than the votes obtained by the NDC parliamentary candidates (5,127,671) by 447,090.
- The total number of votes obtained by the NPP parliamentary candidates (5,248,862) was higher than the total number of votes obtained by the NDC parliamentary candidates (5,127,671) by 121,191.

BACKGROUND CONT'D

- The reports of violations of the law, irregularities and malpractice by the 2nd Respondent called for further investigations to uncover any such evidence.
- 1st Petitioner and the NPP put together a task force, of which I was the head, to investigate the results as declared in the presidential election.
- The team quickly focused on the examination of some 24000 Statement of Poll and Declaration of Results form (also known as the “Pink Sheet”) which is the primary record for the election at each polling station.

THE STATEMENT OF POLL AND DECLARATION OF RESULTS FORM – “PINK SHEET”

- The Statement of Poll and Declaration of Results Form, also known as the “Pink Sheet” is the primary record of the election at the polling station. It is the document that forms the basis for the declaration of the election results.
- The Statement of Poll and Declaration of Results Form is authored and provided by the Electoral Commission to the various representatives of political parties at each polling station following the declaration of results.
- A Sample of a Pink Sheet is presented below.
- [EXHIBIT MB-P-005569: PINK SHEET SAMPLE OF D120301 Temp Booth Tsiamikofe-0007977](#)

There are two broad sections of the Pink Sheet:

- The Statement of Poll and
- Declaration of Results

STATEMENT OF POLL

- This section contains the Polling Station Name, Polling Station Code and Serial Number of the Pink Sheet. These elements together uniquely identify the polling station and its associated Pink Sheet. It has four parts, that provide critical information that would allow one to check the internal consistency of the information provided by the Electoral Commission and shed light on the integrity of the voting process at the polling station.

THE STATEMENT OF POLL AND DECLARATION OF RESULTS FORM – “PINK SHEET”

- **The Statement of Poll includes information on:**
 - A. Ballot Information – (TO BE FILLED IN AT THE START OF THE POLL)**
 - I. total number of ballots issued to the polling station and
 - II. the serial numbers of ballot papers issued.
 - B. Information about the Register – (TO BE FILLED IN AT THE START OF THE POLL)**
 - I. the total number of eligible voters on the polling station register and
 - II. the number of proxy voters
 - C. Ballot Accounting (TO BE FILLED IN AT THE END OF THE POLL BUT BEFORE COUNTING)**
 - I. As the name suggests, this section provides information that enables one to account for the total ballots issued to the polling station regarding what was issued to voters, how many were spoiled, and how many were unused. It also provides information on the number of voters who voted without the use of the biometric verification device.
 - D. Rejected Ballot Report – (TO BE FILLED IN AT THE END OF THE POLL AFTER COUNTING)**
 - I. This section provides information on the total number of rejected ballots by reason for rejection; e.g. no polling station stamp on ballot, unmarked ballot, not possible to identify voters choice of candidate, etc.

THE STATEMENT OF POLL AND DECLARATION OF RESULTS FORM – “PINK SHEET”

- IT SHOULD BE NOTED THAT:
- If the Ballot Information Section of the Statement of Poll referred to above is not filled in before the start of the poll, it constitutes a violation of what is explicitly required on the form
- If the Information about the Register and Other Lists section of the Statement of Poll referred to above is not filled in before the start of the poll, it constitutes a violation of what is explicitly required on the form
- If the Ballot Accounting Section of the Statement of Poll referred to above is not filled in at the END of the poll and before counting, it constitutes a violation of what is explicitly required on the form
- If the Rejected Ballot Report section of the Statement of Poll referred to above is not filled in at the END of the poll and after counting, it constitutes a violation of what is explicitly required on the form

THE STATEMENT OF POLL AND DECLARATION OF RESULTS FORM – “PINK SHEET”

DECLARATION OF RESULTS

- **RESULTS** – The results obtained by each candidate after the count of votes is recorded (in words and figures) to obtain the total valid votes cast. The total number of rejected ballots is also recorded to provide the total votes in the ballot box.
- **DECLARATION** – The presiding officer, as required by law, signs the declaration of the results along with the date and time of signature. The polling agents for the different candidates also sign the pink sheet.
- The Information contained in all parts of the pink sheet must be internally consistent otherwise the integrity of the poll would be called into question.

NATURE OF IRREGULARITIES, VIOLATIONS AND MALPRACTICES

OVER VOTING
(OV)

NO
BIOMETRIC
VERIFICATION
(NBV)

DUPLICATE
SERIAL
NUMBERS
(DS)

NO
SIGNATURE
(NS)

DUPLICATE
POLLING
STATION
CODES (DP)

UNKNOWN
VOTING
LOCATIONS
(UK)

BLOATED AND
INCONSISTENT
VOTERS
REGISTER
FIGURES

OVER VOTING

- Section 24 (1) of C.I. 75 states that “ **A voter shall not cast more than one vote when a poll is taken**” .
- Over voting arises when the total number of votes in the ballot box as recorded on the “pink sheet” exceeds the total ballots issued to voters or the number of registered voters.
- Prior to the election, the EC and its Chairman emphasized the rule that any polling station where over voting takes place, (even by one vote) will have its results annulled.
- The votes were to be annulled because, the integrity of the entire election at the polling station would be called into question

OVER VOTING- EXAMPLES

- Over voting took place in a total of **1,826** polling stations
 - EXHIBIT MB-D-88: K061401 Tampaala Prim Sch-0015610 (Jirapa Constituency)
- In **62** of these polling stations, total votes in the ballot box exceeded the voters register (per the pink sheet).
 - EXHIBIT MB-E-112: E991 C170905 D.C Primary Sch Ansa Wem-0021888 (Shai Osudoku Constituency)
- In many cases a look at the record of total votes cast (including rejected ballots) on the pink sheet hid the evidence of over voting. In these cases, it was only after adding up the votes for each candidate and the rejected ballots that the over voting revealed.

EC ANNULMENTS DUE TO OVER VOTING IN 2012 ELECTIONS-

- Upper West Akyem – Arabic primary school A, Asuokaw,
- Tano North, Tanoso, Methodist Primary School (**Parliamentary**)
- **THE ELECTORAL COMMISSION SHOULD NOT HAVE TWO SETS OF RULES FOR DEALING WITH OVER VOTES.**
- **THE EC SHOULD THEREFORE APPLY THE ANULLMENTS TO ALL POLLING STATIONS WHERE OVER VOTING OCCURRED.**

VOTING WITHOUT BIOMETRIC VERIFICATION

- The issue of biometric registration and verification was thoroughly debated by the political parties prior to the election. Eventually the law was changed in August 2012 with the passage of C.I. 75 to require biometric registration and verification as prerequisites for voting.
- C.I. 75 Regulation 30(2) requires that **“The voter shall go through a biometric verification process”** before being allowed to vote.
- This was captured by the EC in its slogan **“No Verification No Vote” (NVNV)** [EXHIBIT: VIDEO OF EC CHAIRMAN’S PRESS CONFERENCE](#)
- This was introduced to protect the integrity of the voters register to ensure that only those biometrically registered and biometrically verified to vote are allowed to vote.

EXCEPTIONS TO NO VERIFICATION NO VOTE

- People who either have no fingers (Permanent trauma) or whose finger prints could not be captured by the biometric verification device (temporary trauma) were exempt from biometric verification.
- This category of voters were identified by their face only (FO) and therefore had the letters FO besides their names on the voters register.

VOTING WITHOUT BIOMETRIC VERIFICATION - EXAMPLES

Contrary to the law, **535,723** people in a total of **2,240** polling stations voted without biometric verification.

1. EXHIBIT MB-M-005: F042701 BEKWAI EXPERINTIAL JHS-0023419 (Bekwai Constituency)
1. EXHIBIT MB-E-150: H181001 D A Primary Moglaa-0018555 (Savelugu c3, c1)

VOTING WITHOUT BIOMETRIC VERIFICATION – EC ANNULMENTS

- **EC** actually **annulled** the results in several polling stations during the 2012 Presidential elections where voting without biometric verification took place.
 - **1** Polling Station in Berekum East was annulled because **8** people voted without biometric verification
 - – **R/C Church, Kutre No.1**
 - **4** Polling Stations in Nalerigu-Gambaga constituency were also annulled because some people voted without biometric verification:
 - **Police Station, Langbinsi. – one person voted without biometric ver.**
 - **Temporary Booth, Nanyeri - two people voted without biometric ver**
 - **Temporary Booth, Bongni - one person voted without biometric ver**
 - **District Assembly Primary school, Kulgona – two people voted without**

THE ELECTORAL COMMISSION SHOULD NOT HAVE TWO SETS OF RULES FOR DEALING WITH VOTING WITHOUT BIOMETRIC VERIFICATION.

THE EC SHOULD THEREFORE APPLY THE ANULLMENTS TO ALL POLLING STATIONS WHERE VOTING WITHOUT BIOMETRIC VERIFICATION OCCURRED.

SAME SERIAL NUMBERS FOR DIFFERENT POLLING STATIONS

- To protect the integrity of the election results, the results declaration form must be unique to each polling station. Such uniqueness reduces the possibility of fraud. This is why every polling station Statement of Poll and Declaration of Results Form is supposed to have a unique serial number.
- The unique serial number is a security feature, like the unique numbers for cheques, currency notes, unique suit number, and passport numbers.
- The results from polling stations with duplicate serial numbers should be rejected because the integrity of the process has been compromised.

SAME SERIAL NUMBERS FOR DIFFERENT POLLING STATIONS – EXAMPLES

EXHIBIT MB-E-289:D032002 D.A Prim Sch Adevukope-0009175

(Ketu North C1, DS)

EXHIBIT MB-H-711:D032201 Avalave D.A Prim School-0009175

(Ketu North, C1, DS)

EXHIBIT MB-P-5569:D120301 Temp Booth Tsiamikofe-0007977

(Ho West)

EXHIBIT MB-H-745 :E1790 D120102 E.P Prim Sch Tsito-0007977

(Ho West)

DECLARATION FORMS WITH NO PRESIDING OFFICER SIGNATURE

- The elections are conducted by the EC and the presiding officer or their assistant is required to validate the results by signing the declaration of results form before polling agents sign.
- Under Article 49 of the Constitution of Ghana, and as captured in Regulation 36(2) of C.I. 75, the presiding officer is required to sign the results declaration form before he can validly announce the results of the election.
- The presiding officer not signing therefore invalidates the results. Without the signature the EC cannot accept the results as genuine.

EXHIBIT MB-Q-744:A133209 Bepoase Comm Center-0000051 (Prestea Huni Valley)

- There are a total of **1,739** polling stations where the presiding officer or their assistant did not sign.

SAME POLLING STATION CODES - DIFFERENT RESULTS

- Each polling station should have a unique polling station code.
- Surprisingly we have a situation in which for many polling stations the EC has two separate results declaration forms.
- This calls into question the credibility and integrity of the process.
 - EXHIBIT MB-P-04450:H261803 Maagu-0018608(Yunyoo)
 - EXHIBIT MB-P-004: H261803 Temp Booth Sitik-0018608 (Yunyoo)

LOCATIONS NOT ON EC 26002 LIST – THE EVIDENCE

- Section 16 (1) of C.I. 75 – “ Existing polling stations prescribed by the Commission shall be used as polling stations”
- Section 16 (4) – “ New polling stations shall not be established within 42 days to an election”
- There are **23** locations where voting took place which are not on the **26,002** list of polling stations.
- [EXHIBIT MB-AB-11:B051704 Old Market Kyensum Postin-0013561\(Ekumfi \)](#)

THE STATISTICAL ANALYSIS

- The statistical analysis is to answer the question of whether the violations of the law, irregularities and malpractices found have a material effect on the declaration of the results of the presidential election by the EC.
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- From an examination of the “Pink Sheets”, the violations of the law, irregularities and malpractices occurred in a total of **11,138** polling stations.
- For each of these polling stations, the declared votes for each candidate are rendered illegal because of the violations and irregularities and ought therefore to be excluded from the total valid votes cast. They ought to be annulled.
- The total obtained above for each candidate was then subtracted from the overall total declared by the Electoral Commission for the specific candidate to arrive at a new total valid votes figure.
- The new totals and the resultant percentages for each candidate represent what the Electoral Commission should have declared as the results of the elections

STAND ALONE CATEGORIES -OVER VOTING- SUMMARY STATISTICS

- If we consider over voting as a stand alone category , the analysis shows that:
 - The total number of tainted votes in the **1,826** affected polling stations amounted to **791,423**
- The integrity of the election process in the affected polling stations is undermined.
- Following the EC's practice during the election, the votes in the affected polling stations ought to be annulled.

Impact of Annulment of Results due to Over Votes

1,826 polling stations, 791,423 total Votes

CANDIDATE	EC RESULTS	OVER VOTES	VALID VOTES	% OF VALID VOTES
John Mahama	5,574,761	536,686	5,038,075	49.37%
Henry Lartey	38,223	3,361	34,862	0.34%
Nana Akufo-Addo	5,248,898	238,417	5,010,481	49.10%
Paa Kwesi Nduom	64,362	4,939	59,423	0.58%
Akwasi Addai Odike	8,877	914	7,963	0.08%
Hassan Ayariga	24,617	3,307	21,310	0.21%
Abu Sakara	20,323	1,809	18,514	0.18%
Jacob Osei Yeboah	15,201	1,990	13,211	0.13%
TOTAL	10,995,262	791,423	10,203,839	100.00%

STAND ALONE CATEGORY - NO BIOMETRIC VERIFICATION- SUMMARY STATISTICS

- If we consider voting without biometric verification as a stand alone category , the analysis shows that:
 - The total number of tainted votes in the affected **2,240** polling stations amounted to **856,172**.
- The integrity of the election process in the affected polling stations is undermined.
- Following the law, the votes in the polling stations affected ought to be annulled

Impact of Annulment of results due to No Biometric Verification, **2240** polling stations, **856,172** Votes

CANDIDATE	EC RESULTS	No Biometric Verification	VALID VOTES	% OF VALID VOTES
John Mahama	5,574,761	590,839	4,983,922	49.16%
Henry Lartey	38,223	4,188	34,035	0.34%
Nana Akufo-Addo	5,248,898	245,771	5,003,127	49.34%
Paa Kwesi Nduom	64,362	5,526	58,836	0.58%
Akwasi Addai Odike	8,877	1,198	7,679	0.08%
Hassan Ayariga	24,617	4,109	20,508	0.20%
Abu Sakara	20,323	2,057	18,266	0.18%
Jacob Osei Yeboah	15,201	2,484	12,717	0.13%
TOTAL	10,995,262	856,172	10,139,090	100.00%

STAND ALONE CATEGORY- DECLARATION FORMS WITH NO PRESIDING OFFICER SIGNATURE- SUMMARY STATISTICS

- If we consider the absence of the signature of the presiding officer or their assistant as a stand alone category, the analysis shows that:
- There are **1,739** polling stations where the presiding officer or their assistant did not sign.
- The total number of tainted votes affected in the **1,739** polling stations is **705,305**

Impact of Annulment of results due to No Signature of Presiding Officer **1739** polling stations, **705,305** Votes

CANDIDATE	EC RESULTS	No Signature of P.Officer	VALID VOTES	% OF VALID VOTES
John Mahama	5,574,761	479,508	5,095,253	49.52%
Henry Lartey	38,223	2,878	35,345	0.34%
Nana Akufo-Addo	5,248,898	211,017	5,037,881	48.96%
Paa Kwesi Nduom	64,362	5,045	59,317	0.58%
Akwasi Addai Odike	8,877	798	8,079	0.08%
Hassan Ayariga	24,617	2,984	21,633	0.21%
Abu Sakara	20,323	1,489	18,834	0.18%
Jacob Osei Yeboah	15,201	1,586	13,615	0.13%
TOTAL	10,995,262	705,305	10,289,957	100.00%

STAND ALONE CATEGORY -DUPLICATE SERIAL NUMBERS- SUMMARY STATISTICS

- If we consider the use of the same serial numbers for different polling station pink sheets as a stand alone category , the analysis shows that:
 - Duplicate Statement of Polls and Results Declaration forms were used for **9,921** polling stations across the country.
- The total number of tainted votes in the **9,921** affected polling stations amounted to **3,924,844** votes.

Impact of Annulment of results due to Duplicate Serial numbers. **9,921** polling stations, **3,924,844** Votes

CANDIDATE	EC RESULTS	DUPLICATE SERAL NUMBERS	VALID VOTES	% OF VALID VOTES
John Mahama	5,574,761	2,607,703	2,967,058	41.96%
Henry Lartey	38,223	16,138	22,085	0.31%
Nana Akufo-Addo	5,248,898	1,243,713	4,005,185	56.65%
Paa Kwesi Nduom	64,362	27,875	36,487	0.52%
Akwasi Addai Odike	8,877	3,572	5,305	0.08%
Hassan Ayariga	24,617	10,187	14,430	0.20%
Abu Sakara	20,323	8,681	11,642	0.16%
Jacob Osei Yeboah	15,201	6,975	8,226	0.12%
TOTAL	10,995,262	3,924,844	7,070,418	100.00%

SAME POLLING STATION CODES - DIFFERENT RESULTS - SUMMARY STATISTICS

- If we consider the use of the same polling station codes for different polling station pink sheets as a stand alone category, the analysis shows that:
- There are **35** polling stations with the same polling station code and different results. Of these, **32** polling stations had other irregularities and only **3** had no other irregularity.
- The total tainted votes in the affected **35** polling stations is **13,317**
- Statistically, the impact of this category (on its own) on the results declared by the EC is insignificant.

LOCATIONS NOT ON EC 26002 LIST – SUMMARY STATISTICS

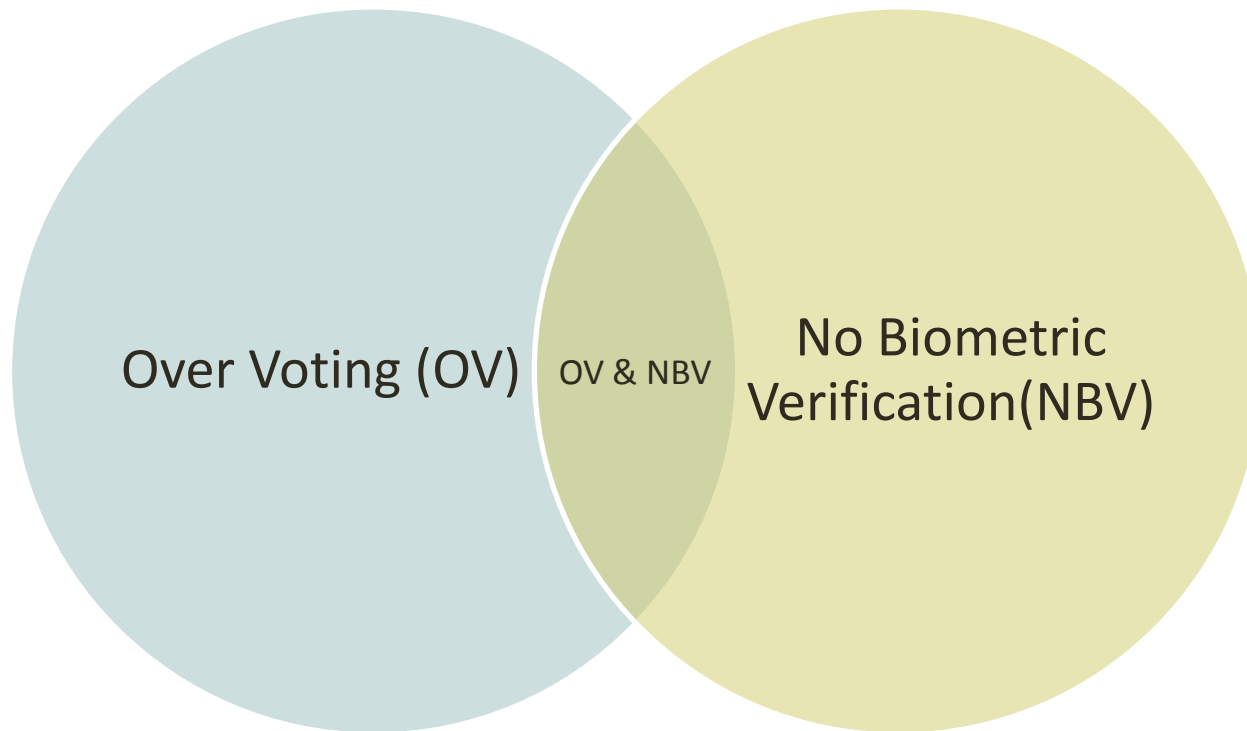
- There are **23** locations where voting took place which are not on the **26,002** list of polling stations.
- The total tainted votes in the affected **23** polling stations is **9,685**
- Statistically, the impact of this category (on its own) on the results declared by the EC is insignificant.

MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES

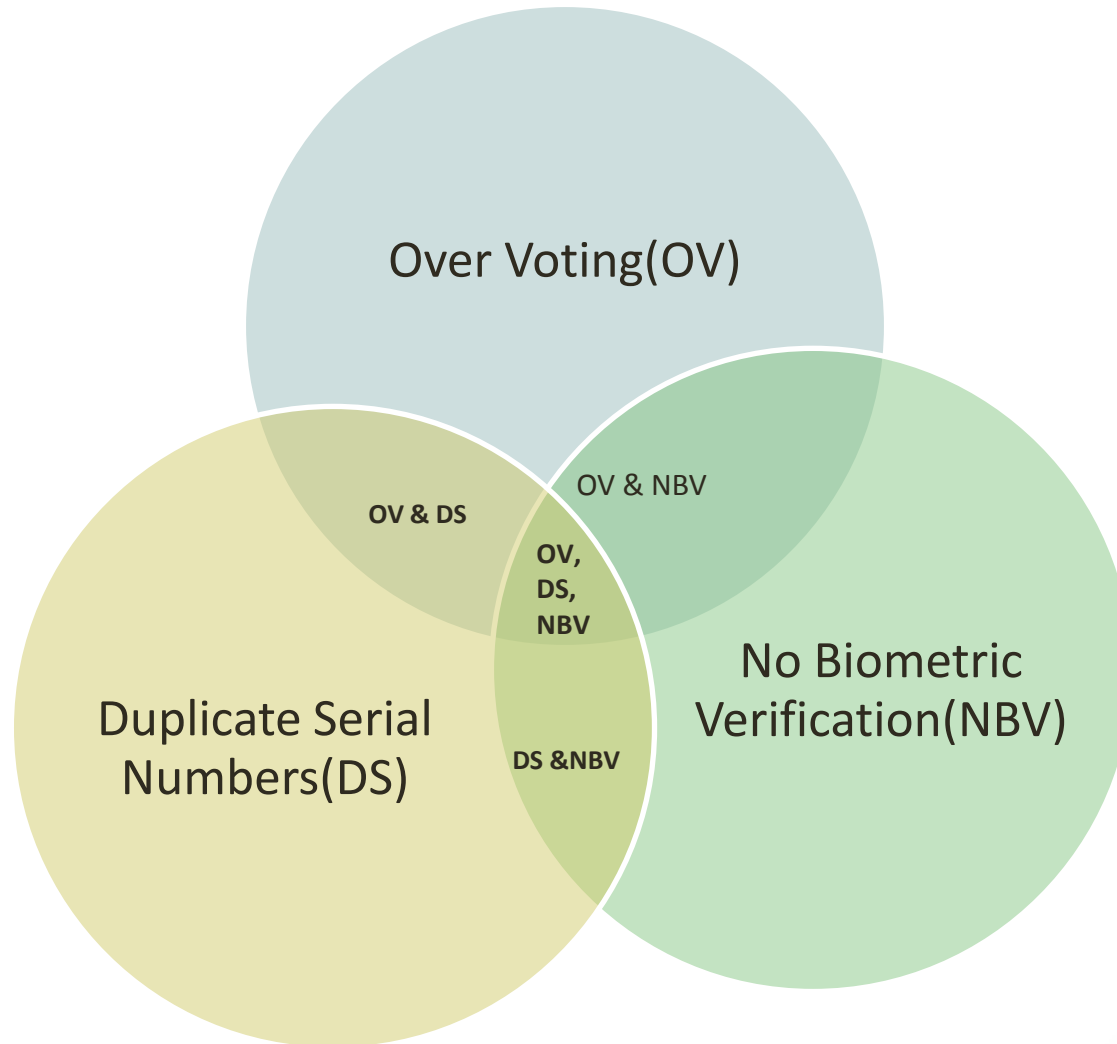
- The examination of the pink sheets revealed that in most cases, more than one irregularity occurred at a polling station.
- For example, in many polling stations, the record shows that over voting occurred along with voting without biometric verification.
- We also found many instances of various combinations of over voting (OV), voting without biometric verification (NBV), no signature by presiding officer (NS), same serial numbers for different polling stations (DS), and same polling station codes for different polling stations (DP).
- These are all examples of multiple irregularities, violations and malpractices.
- In combining these multiple categories statistically, care has to be taken to avoid double counting. This is achieved by making sure the various categories of irregularities are clearly separated so that no polling station where an irregularity occurred can belong to only one category.

Examples are presented in the following Venn diagrams:

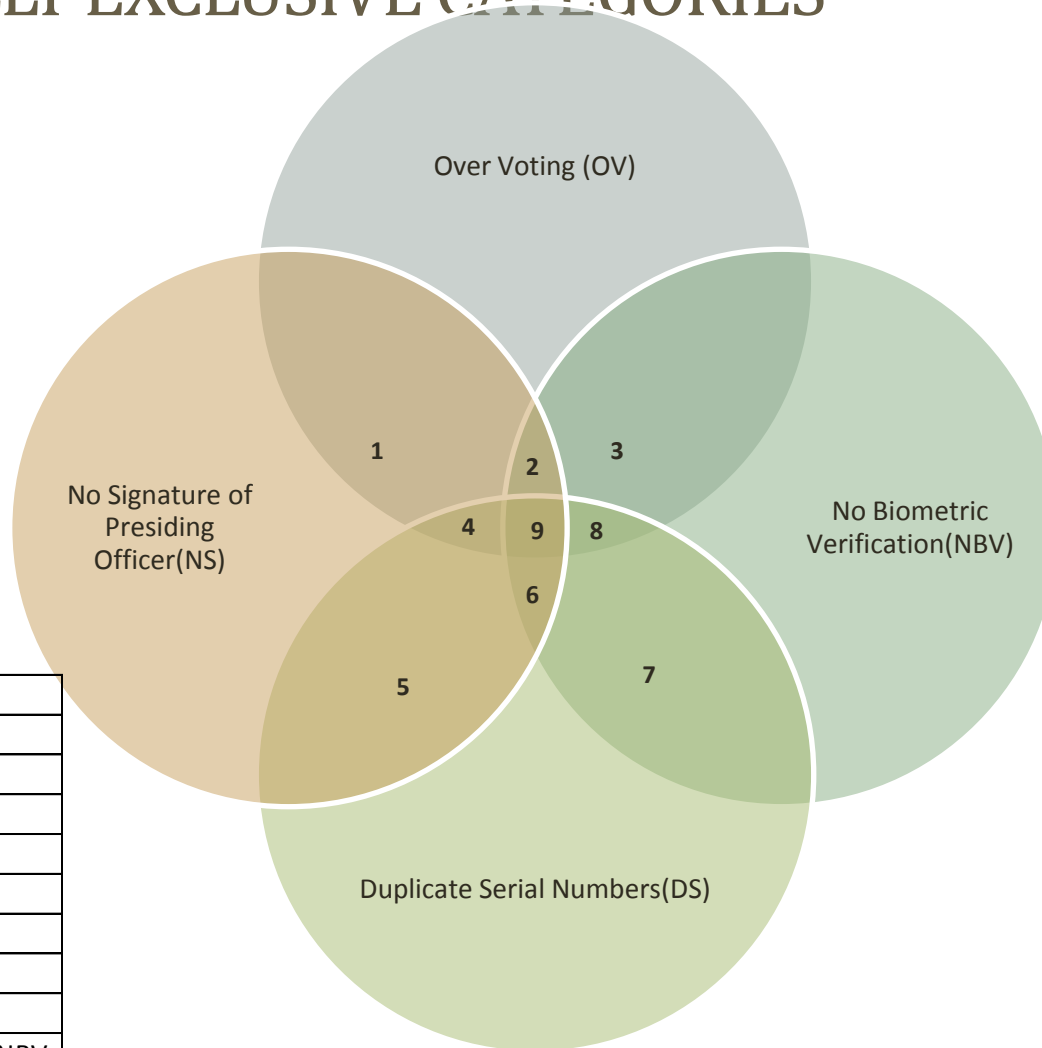
MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES – 2 IRREGULARITIES, 3 MUTUALLY EXCLUSIVE CATEGORIES



MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES- 3 IRREGULARITIES, 7 MUTUALLY EXCLUSIVE CATEGORIES



MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES - 4 IRREGULARITIES, 13 MUTUALLY EXCLUSIVE CATEGORIES



CODE	MEANING
1	OV & NS
2	OV & NS & NBV
3	OV & NBV
4	OV & NS & DS
5	NS & DS
6	NS & NBV & DS
7	NBV & DS
8	OV & DS & NBV
9	OV & NS & DS & NBV

MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES

- While over voting occurred in **1,826** polling stations, in 85% of these polling stations over voting took place along with NBV, DS, NS, DP. It is only in **267** polling stations where the only irregularity was over voting.
- While voting without biometric verification occurred in **2,240** polling stations, in **83%** of these polling stations over voting took place along with OV, DS, NS, DP. It is only in **367** polling stations where the only irregularity was voting without biometric verification.
- Duplicate serial numbers account for some:
 - **75%** of polling stations where over voting took place
 - **77%** of polling stations where voting without biometric verification took place
 - **75%** of polling stations without the signature of the presiding officer
 - **85%** of polling stations where duplicate polling station codes were used

MULTIPLE IRREGULARITIES, VIOLATIONS AND MALPRACTICES

- While there was no signature of a presiding officer in **1,739** polling stations, in **82%** of these polling stations, this occurred together with OV, NBV, DS, DP. Its only in **300** polling stations where the only irregularity was no signature of the presiding officer.
- While duplicate polling station codes were found in **35** polling stations, in **91%** of these polling stations this occurred together with OV, NBV, DS, NS. It is only in **3** polling stations where the only irregularity was the use of duplicate polling station codes.

STATISTICAL EVIDENCE : 5 IRREGULARITIES, 24 CATEGORIES OF IRREGULARITIES, VIOLATIONS & MALPRACTICES

	NUMBER OF POLLING STATIONS	NUMBER OF VOTES
OV	267	108,879
OV, NBV	121	45,288
OV,NBV,DS	337	132,432
OV,NBV,DS, DP	2	581
OV,NBV, DS, NS	63	30,330
OV,NBV, NS	18	12,225
OV, DS	785	358,026
OV, DS, DP	6	3,098
OV, DS, NS	167	77,802
OV, DS, NS, DP	2	1,082
OV, NS	58	25,400

24 CATEGORIES OF IRREGULARITIES, VIOLATIONS & MALPRACTICES (CONT’)

	NUMBER OF POLLING STATIONS	NUMBER OF VOTES
NBV	367	129,269
NBV, DS	1089	416,309
NBV, DS, NS	181	72,838
NBV,DS,NS,DP	2	793
NBV, NS	58	19,156
NBV, DP	2	671
DP	3	687
DS	6381	2,465,093
DS, DP	16	6,092
DS, NS	888	360,055
DS, NS, DP	2	313
NS	300	109,031
UK	23	9685

THE STATISTICAL ANALYSIS

- The statistical analysis is to answer the question of whether the violations of the law, irregularities and malpractices found have a material effect on the declaration of the results of the presidential election by the EC.
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- To do this, we first established **24** mutually exclusive categories of violations of the law, irregularities and malpractices in order to avoid double counting. This means that a no polling station where a violation or irregularity occurred can belong to more than one category.
- From an examination of the “Pink Sheets”, the violations of the law, irregularities and malpractices occurred in a total of **11,138** polling stations.
- For each of these polling stations, the declared votes for each candidate are rendered illegal because of the violations and irregularities and ought therefore to be excluded from the total valid votes cast. They ought to be annulled.-

HOW THE VOTES TO BE ANNULLED WERE ARRIVED AT

- For the **24** mutually exclusive categories of violations of the law, irregularities and malpractices, all the votes declared in favour of each of the candidates at the affected polling stations by the Electoral Commission are totalled.
- The total obtained above for each candidate was then subtracted from the overall total declared by the Electoral Commission for the specific candidate to arrive at a new total valid votes figure.
- The new totals and the resultant percentages for each candidate represent what the Electoral Commission should have declared as the results of the elections

STATISTICAL IMPLICATION OF ANNULMENTS DUE TO OVER VOTING, AND VOTING WITHOUT BIOMETRIC VERIFICATION

	EC results	EC announced %	Affected Votes	Valid Votes	% of Total Valid Votes
John Mahama	5,574,761	50.70%	978,371	4,596,390	48.06%
Henry Lartey	38,223	0.30%	6,417	31,806	0.33%
Nana Akufo-Addo	5,248,898	47.70%	422,008	4,826,890	50.47%
Paa Kwesi Nduom	64,362	0.60%	8,956	55,406	0.58%
Akwasi Addai Odike	8,877	0.10%	1,750	7,127	0.07%
Hassan Ayariga	24,617	0.20%	6,066	18,551	0.16%
Abu Sakara	20,323	0.20%	3,324	16,999	0.15%
Jacob Osei Yeboah	15,201	0.10%	3,567	11,634	0.10%
TOTAL	10,995,262	100.00%	1,430,459	9,564,803	100.00%

STATISTICAL IMPLICATION OF ANNULMENTS DUE TO OVER VOTING, VOTING WITHOUT BIOMETRIC VERIFICATION AND NO SIGNATURE OF PRESIDING OFFICER

	EC results	EC announced %	Affected Votes	Valid Votes	% of Total Valid Votes
John Mahama	5,574,761	50.70%	1,298,658	4,276,103	47.01%
Henry Lartey	38,223	0.30%	8,226	29,997	0.33%
Nana Akufo-Addo	5,248,898	47.70%	561,885	4,687,013	51.53%
Paa Kwesi Nduom	64,362	0.60%	12,465	51,897	0.57%
Akwasi Addai Odike	8,877	0.10%	2,226	6,651	0.07%
Hassan Ayariga	24,617	0.20%	7,552	17,065	0.16%
Abu Sakara	20,323	0.20%	4,316	16,007	0.15%
Jacob Osei Yeboah	15,201	0.10%	4,530	10,671	0.10%
TOTAL	10,995,262	100.00%	1,899,858	9,095,404	100.00%

STATISTICAL IMPLICATION OF ANNULMENTS DUE TO VIOLATIONS, MALPRACTICE AND IRREGULARITIES, 11,138 POLLING STATIONS, 4,381,145 VOTES

	EC results	EC announced %	Affected Votes	Valid Votes	% of Total Valid Votes
John Mahama	5,574,761	50.70%	2,910,103	2,664,658	40.29%
Henry Lartey	38,223	0.30%	18,147	20,076	0.30%
Nana Akufo-Addo	5,248,898	47.70%	1,388,239	3,860,659	58.37%
Paa Kwesi Nduom	64,362	0.60%	30,715	33,647	0.51%
Akwasi Addai Odike	8,877	0.10%	4,153	4,724	0.07%
Hassan Ayariga	24,617	0.20%	11,966	12,651	0.16%
Abu Sakara	20,323	0.20%	9,805	10,518	0.15%
Jacob Osei Yeboah	15,201	0.10%	8,287	6,914	0.10%
TOTAL	10,995,262	100.00%	4,381,415	6,613,847	100.00%

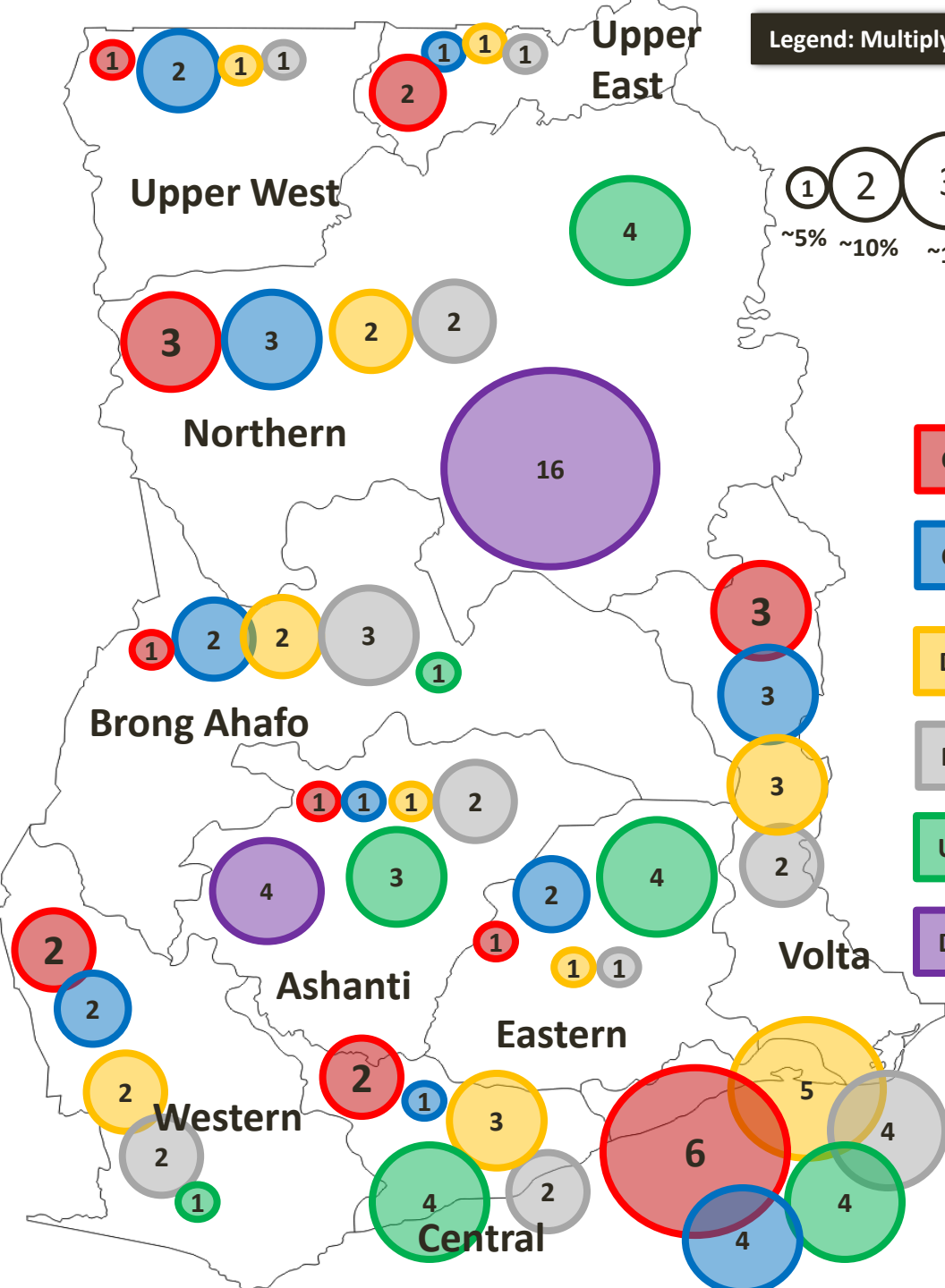
HOW WIDESPREAD WERE THESE IRREGULARITIES, VIOLATIONS AND MALPRACTICES?

- The irregularities, violations and malpractices occurred widely across the country and in every region and constituency.
- In terms of numbers, Greater Accra, Volta, Western and Central regions had the highest numbers of violations and irregularities.
- Relative to the number of registered voters however, Upper West, Upper East, Volta, Central and Northern Regions had the highest numbers of violations and irregularities.
- The map below illustrates the widespread nature of the irregularities, violations and malpractices across the country.

Legend: Multiply number in circle by 5 to get the % of irregularities



- C1 Over Vote
- C3 Votes Without Biometric Verification Device
- DS Duplicate Serial Number
- NS Presiding Officer's Signature Missing
- UK Unknown Polling station
- DP Same Polling Station with Different Results



Regional Distribution of Irregularities by Category

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- The figures for the voters register used by the EC to conduct the 2012 election changed a number of times and it is uncertain which voters register was used to conduct the election.
- Before the election EC submitted to the NPP a voters register of 14,031,680 voters.
- On Dec. 9th 2012, the EC declared the results of the presidential election with total registered voters of 14,158,890
- The EC however gazetted the Parliamentary election results with a voters register of 14,031,680.
- There is therefore a difference of 127,210 between the total number of registered voters used for declaring the parliamentary and the presidential results

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- In response to the Petition, the EC has explained that the initial figure for the voters register was 13,917,366
- Foreign Registration (i.e. foreign service personnel, students on government scholarship, other Ghanaians in international organizations and returning peace keepers) increased the total to 14,158,890.
- This means that 241,524 foreign registrations took place. This figure is significantly different from the 700 foreign registration figure provided by the EC to the political parties.
- In response to a court order to provide the names, addresses and bio data for the 241,524 foreign registrations, the EC provided 2,883 names, with 705 from various missions and 2,178 returning peace keepers.

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- In the list of 705 names from various diplomatic missions abroad furnished by 2nd Respondent in response to interrogatories the Petitioners served on the 2nd Respondent, there were 51 instances of repeated names to a total of 102. In all these instances but one, the two "identities" had the same name, same age, same gender, same location, same assigned polling station but different voter ID numbers.
- In one instance the name Abudulai Enusah Jamila, a 22-year old, also with New York as location, and a male is found alongside the name Abudali Enusah Jamila, 22-year old, also with New York location but a female. The two were assigned the same polling station but with different voter ID numbers.

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- The scrutiny of the some of the voter ID numbers supposedly belonging to some of these foreign registered voters could not be found on the general voters register, that is to say, they were/are fake identities. These fake ID numbers for the multiple names also had a unique pattern. For most of them, the pattern was to add "1" to, or subtract "1" from, the 5th digit of the ID number and subtract '2' from the last digit. For example:
 -
 - Abudul-Mumin Bashiru (No. 159 on the list) with voter ID number – 1852801842; and
 - Abdul-Mumin Bashiru (No. 572 on the list), with voter ID number - 1852901840.

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- The 2nd Respondent also placed the duplicate names far apart from each other, suggesting that the 2nd Respondent sought to hide these duplicates and make their detection difficult.
- For instance, one Abdul Bassit Ibrahim was placed 11th on the list, while the second Abdul Bassit Ibrahim was placed 465th on the list. Similarly, while a Paul Yaw Essel was placed at No. 338 another Paul Yaw Essel was at No. 603.

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- The EC states that after cleaning up the register the 14,158,890 figure was reduced to 14,031,793 and then to 14,031,680 after court challenges.
- Further confusion is introduced in paragraph 8 of the EC's response to our petition, the EC states inter alia that **“the figure of registered voters stated in the declaration of results was an error occasioned by the picking of the wrong figure. The number...which should have been picked was 14,031,793 which was duly posted on the 2nd respondents website”**

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES

- Indeed a visit to the EC website indicates clearly that the total registered voters for the 2012 election was 14,031,793
- The problem however is that the EC has gazetted the results of the Parliamentary elections with a voters register figure of 14,031,680.

BLOATED AND INCONSISTENT VOTERS REGISTER FIGURES, EXCESS BALLOTS

- So which figures for the voters register are we to believe?:
 - 14,031,680 – Gazetted for Parliamentary results
 - 14,031,793 – On the EC website
 - 14,158,890 – December 9th
- December 7th and 8th figures contained in the Statement of Polls and Declaration of results form.
- The figures from the Statement of polls forms indicate a bloated register. For the **11,115** polling stations (i.e. excluding the 23 unknown voting locations) the total number of registered voters per the EC's register is **5,799,994**. However, the pink sheets for the same polling stations indicate a voters register figure of **6,762,882**, a difference of almost a million (**962,888**)
- For the 11,115 polling stations (i.e. excluding the 23 unknown voting locations) , **11,511,207** ballots were issued to **5,799,994** registered voters. The practice of the EC is to issue ballots to each polling station of an amount 10% more than the voters register. In this case the EC issued some 98% more ballots than voters.

CONCLUSIONS

- The evidence presented shows that irregularities, violations and malpractices occurred in the areas of :
 - Over voting
 - Voting without biometric verification
 - No signature of the presiding officer or their assistant
 - Same serial numbers for different polling stations
 - Same polling station codes for different polling stations
 - Unknown locations where voting took place outside of the 26002 polling stations provided by the EC.
 - A bloated and inconsistent voter register

CONCLUSIONS

- Over voting, Voting without biometric verification, No signature of the presiding officer or their assistant, and Same serial numbers for different polling stations account for 99% of the irregularities. Each of these four categories on their own if taken into account will materially affect the results of the election declared by the EC
- If only the votes from the 1826 polling stations with over votes are annulled, John Mahama would have 49.3% of valid votes and Nana Akufo Addo would have 49.1%.
- If only the votes from the 2,240 polling stations where voting without biometric verification occurred are annulled, John Mahama would have 49.1% of valid votes and Nana Akufo Addo would have 49.3%.
- If only the votes from the 9,921 polling stations where the same serial numbers were used for different polling stations are annulled, John Mahama would have 41.9% of valid votes and Nana Akufo Addo would have 56.6%.

CONCLUSIONS

- If only the votes from the 1,826 polling stations where voting without biometric verification occurred are annulled, John Mahama would have 49.5% of valid votes and Nana Akufo-Addo would have 48.9%.
- If only votes from polling stations where over voting and voting without biometric verification occurred are annulled, John Mahama would have 48.06% of valid votes and Nana Akufo Addo would have 50.47%.
- If only votes from polling stations where over voting, voting without biometric verification and no signature of the presiding officer occurred are annulled, John Mahama would have 47.01% of valid votes and Nana Akufo-Addo would have 51.53%.

CONCLUSIONS

- As a matter of fact, however, these violations, irregularities and malpractices occurred in different combinations in as many as 11,138 polling stations. Thus what must be taken into account is the impact of the combined effect of these violations, irregularities and malpractices on the outcome of the election as declared by the EC.
- If votes from the 11,138 polling stations where the combined irregularities, violations and malpractices occurred are annulled, John Mahama would have 40.3% of valid votes and Nana Akufo Addo would have 58.3%.

CONCLUSIONS

- We pray that the Supreme Court declares that John Mahama was not validly elected President of the Republic of Ghana and that
- Nana Akufo Addo was validly elected as president of the republic of Ghana in the 2012 Presidential election.