**14TH 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 6th 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 7th 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 8th Parliament of the 4th Republic. This has rightly been described by Prof. Kwaku Asare as “the cardinal sin” of the 8th 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 14th 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 8th Parliament of the 4th 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 6th 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 13th of November, 2020”, could have matured in Parliament before the 7th December 2020 election, the creation of the Guan Constituency could not come into effect and alter existing constituency boundaries before the holding of the 7th 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 30th 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 14th 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

15TH MAY 2024









