

FELLOW CITIZENS BE ALERT TO THE ELECTORAL COMMISSIONER'S OTHER TRICKS: BY MARTIN A. B. K. AMIDU

Constitutional and democratic forces that have struggled against the abuse of citizens' rights when it comes to the free, fair and transparent choice of a President from candidates presented by all political parties and independents at this year's polls, have had a partial victory. The Progressive People's Party (PPP), the National Democratic Party (NDP) and the People's National Convention (PNC) now have their presidential candidates listed as approved on the presidential ballot. The forces of democracy have triumphed over the Returning Officer/Commissioner who schemed to unconstitutionally impose her arbitrary will by qualifying only her four preferred candidates on the presidential ballot.

By sheer impudence, incompetence, and arrogance the Returning Officer and Commissioner refused to obey the decisions of the High Court in favour of some of the candidates. And even when the Supreme Court finally gave its ruling insisting that all the 13 disqualified candidates be given the right to the hearing she had unlawfully denied them, the Commissioner sabotaged the spirit of the Supreme Court decision by an alleged discovery of several new defects and errors on each candidate's nomination form. The Commissioner's agenda was no doubt to disqualify all 13 candidates again if she had her way.

However, the activism of the media, civil society, constitutional, and other political activists have compelled the Commissioner to see the foolhardiness of the path she was treading. Had those standing up against her failed, I have no doubt that if she had disqualified all 13 candidates again, the stability of our democracy would have been seriously endangered and impaired. To save face, the Commissioner consequently chose the line of least resistance by approving the nominations of the three strongest, more established, and most viable political party candidates - PNC, PPP, and NDP.

I have said that the Commissioner's choice of the two major political parties, the NPP and the NDC with a sprinkle of the CPP and an independent candidate at the beginning was done in pursuance of a rigging agenda with her mentors. However, it was the enormous hurricane of pressure from civil society, civil society organizations, and the media that resulted in the addition to the ballot of three of the most active candidates out of the 13 originally disqualified candidates.

Yet even this selection process like the first one still lacked transparency and I dare say it appears arbitrary. This time around the Commission did not publish any statement to give the public reasons why the other eight candidates did not make it to the ballot. As a result, the public is unable to make an informed opinion of her fairness and transparency in the matter. That Dr. Papa Kwesi Nduom would have gone back to the Supreme Court for interpretation if his amended nomination based on the grounds upon which the High Court asked that he be given a hearing, was too obvious to cow the Commissioner into cautious approval. I believe that Her

Excellency Nana Konadu Agyeman-Rawling's nomination was the main target of the Commissioner's mentors. But the Nduom case was on all fours with Her Excellency Nana Konadu Agyeman-Rawling's case, making it a challenge for the Commissioner to undertake a gamble with her alleged additional new errors. Dr. Edward Mahama's party is known to be one of the oldest under the Constitution, active and capable of bloody nose activism and it was in the process of securing a ruling on 10th November 2016. Hassan Ayariga's party just got registered this year and he dared to threaten to reorganize the Electoral Commission should he win the Presidency. He should have known better and kept quiet: he should have learned hard lessons from Dr. Nduom's earlier challenge of the almighty arbitrary Commissioner.

In pursuing her arbitrary, unfair and lack of transparent approval process, the Commissioner knew that once she met the timetable laid down by the Supreme Court ruling of 7th November 2016 and of the balloting for the presidential polls on 10th November 2016, the eight disqualified candidates would have no hearing at the Supreme Court for interpretation, nor would they have the ability to mount a new action in any other court. POWER!

It is a pity that political parties properly registered under the Constitution cannot present candidates in this year's presidential ballot as was the intention of the framers of the Constitution, just because the Commissioner, in pursuit of her rigging agenda on behalf of her mentors, will not engage in alternative dispute resolution. But the eyes of every citizen have been opened to the arbitrary conduct and impunity exhibited by the Commissioner. And now particularly the political parties are fully aware as to how the power of the Commissioner can be wantonly abused.

It is too late in the month to advocate in defence of the Constitution for a reorganization of the Commission before the election, or for the impeachment of the Commissioner. This should be the task immediately after the 2016 elections – conducted by responsible members of the media, civil society, and civil society organizations who love the Republic of Ghana's constitutional and democratic dispensation of free, fair and transparent political representation for elections and referenda. We need to put Ghana First and work tirelessly for change of governance at this year's presidential election.

Before then, let us watch the rigging agenda of the Commissioner and her mentors during the remaining election period. She has already engineered elections in such a way that a good six weeks have been lost for the campaign period of the NDP, PPP, and the PNC. Her actions affect the equal right and facilities for political campaigning mandatorily enjoined by the Constitution. Fellow citizens be alert to the Commissioner's other tricks. The Commissioner cannot be trusted to fairly implement her mandate under the 1992 Constitution without vigilance on our part. We must defend the Constitution!

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