

THE ELECTORAL COMMISSIONER IS STILL DETERMINED TO RIG THE ELECTIONS BY DISQUALIFYING ALL 13 ASPIRING CANDIDATES AGAIN: BY MARTIN A. B. K. AMIDU

The determination of the Electoral Commissioner as the Returning Officer for the Presidential Elections to still rig the elections by disqualifying all the 13 disqualified candidates in spite of the Supreme Court's ruling of yesterday, 7th November 2016, must be obvious to all reasonable people in the new grounds of discovered defects in their nomination forms the Commissioner submitted to each of the candidates after the Court's decision and orders were made. The defects in Nduom's nomination forms, according to press reports, have now moved from one (1) to one hundred and five (105). This is in spite of the fact that the case of Ex Parte Papa Kwesi Nduom in the High Court for which the Commissioner went to the Supreme Court was decided upon the one defect conveyed to Nduom in writing by the Commissioner dated 10th October 2016 which was an exhibit in the case.

The change in the number of defects allegedly now detected by the Commissioner after her letters of 10th October 2016 to each of the candidates shows that she is using the Supreme Court ruling to change the goal post in her determination to disqualify all the 13 candidates and permit the rigging of the 2016 Presidential Elections. I take the view that she is again taking advantage of the Supreme Court's ruling to wager on the fact that she is entitled by the Court's ruling within the new nomination period to put forth alleged new and profound errors that will make it impossible for even Nduom and those others who have judgments in their favour to alter or amend the specific errors for which they obtained their respective judgments in the High Court.

I am of the view that she cannot do that, based upon the Supreme Court's ruling even though the Court quashed the order of the High Court directing the Commissioner to allow Papa Kwesi Nduom permission to make alterations and amendments necessary to correct the double subscription to his nomination paper. This is because Nduom's action in the High Court was for a hearing specifically to correct the double subscription to his nomination paper and not new ones. That is the hearing the Supreme Court ordered for Nduom and all the other candidates who received letters pinpointing their errors on or around 10th October 2016.

The Commissioner appears to be relying upon a tricky part of the Supreme Court ruling in which, after quashing the order of the High Court permitting Nduom to make alterations and amendments necessary to correct the double subscription to his nomination paper, the Court also ordered that "in appropriate cases to afford candidates the opportunity to comply with regulation ((2) of the Public Election Regulations, 2016 (C.I. 94)". I do not think the Court intended to go beyond the subsisting judgments in favour of some of the applicants and those without judgments to allow the Commissioner to change the goal posts anew.

Nduom and the others may rush to the Supreme Court again for interpretation of its decision of yesterday. My worry is that the Commissioner is still deliberately determined to rig the elections

by disqualifying the 13 candidates and is wagering on the fact that before the Court interprets its decision there would be no further time left before the close of today 8th November 2016. I wait to see whether or not the candidates have sufficient time to apply to the Supreme Court today for interpretation and whether or not there would be enough time to consider them before the close of day.

I fear the Commissioner is determined to render nugatory the decision and orders of the Supreme Court on technical grounds. Let us wait for how the Supreme Court will rise to the occasion of this new twist to its ruling should any applications be made to it today. In the meantime patriotic citizens should continue defending the Constitution by vigilantly watching the rigging conduct of the Commissioner in this election year.

Martin A. B. K. Amidu
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