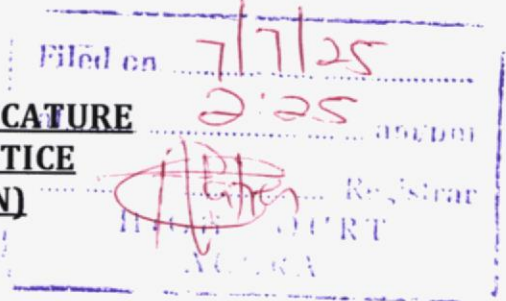


**THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**(GENERAL JURISDICTION)**  
**ACCRA- A.D 2025**



**SUIT NO:**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW IN THE NATURE  
OF CERTIORARI AND PROHIBITION**

**THE REPUBLIC**

*GJ/0953/2025*

**VRS**

**ELECTORAL COMMISSION OF GHANA**  
Ridge, Accra

**RESPONDENT**

**EX-PARTE: NANA AKUA OWUSU AFRIYIE**  
Accra

**APPLICANT**

**EWURABENA AUBYNN**

**1<sup>ST</sup> INTERESTED PARTY**

**NATIONAL DEMOCRATIC CONGRESS**  
National Headquarters, Adabraka, Accra

**2<sup>ND</sup> INTERESTED PARTY**

---

**MOTION ON NOTICE:**  
**APPLICATION FOR JUDICIAL REVIEW IN THE NATURE OF CERTIORARI AND  
PROHIBITION**

**ARTICLES 141, 45(c), 50 of the 1992 CONSTITUTION**  
**SECTION 16 OF THE COURTS ACT 1993 (ACT 459) AS AMENDED,**  
**REGULATIONS 1, 3, 42, 43 OF THE PUBLIC ELECTION REGULATIONS 2020, C.I.**  
**127**  
**ORDER 55 OF C.I. 47**

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**TAKE NOTICE** that, Gary Nimako Marfo, Esq. Counsel for and on behalf of the Applicant herein will move this Honourable Court on an application praying for an Order of Certiorari to quash the decision of the Respondent contained in a letter dated 1<sup>st</sup> July, 2025 and a press statement dated 2<sup>nd</sup> July, 2025 under the authorship of the Deputy Chairman, Operations, to re-run 19 out of the 281 Polling Stations in the Ablekuma North Constituency on **11<sup>th</sup> July, 2025** and for a further Order prohibiting the Respondent from proceeding to re-run the Parliamentary Election in the said 19 Polling Stations upon grounds contained in the accompanying affidavit and for such further Order(s) as this Court may deem meet.

## GROUND FOR THE APPLICATION

1. The Respondent committed a grave administrative error when it failed to comply with the Ruling/Order(s) of the High Court to collate and declare the winner of the Parliamentary Election in the Ablekuma North Constituency in accordance with the case entitled **The Republic vrs Electoral Commission of Ghana; Ex-parte: Nana Akua Owusu Afriyie (Applicant), Ewurabena Aubynn and National Democratic Congress (Interested Parties), Suit No. GJ/0293/2025; Coram: His Lordship Justice Forson Agyapong Baah, dated 4<sup>th</sup> January, 2025.**
2. The Respondent acted in excess of jurisdiction when it decided to re-run 19 out of 281 Polling Stations in the Ablekuma North Constituency in the absence of any Court Order varying, vacating, and/or overturning a subsisting High Court Judgment dated 4<sup>th</sup> January, 2025.
3. The decision of the Respondent to re-run 19 out of 281 Polling Stations in the Ablekuma North Constituency is arbitrary, capricious, unreasonable, and wrongful exercise of discretionary power.

**COURT TO BE MOVED** on.....the .....day of July, 2025, 9 O'clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

**DATED AT ACCRA, THIS 3<sup>RD</sup> DAY OF JULY, 2025**

  
**Gary Nimako Marfo Esq.**  
**MARFO & ASSOCIATES**  
**Solicitors for Applicant**  
**Solicitor's Number: eGAR00780/25**  
**Chamber's License No: ePP09463/24**

**THE REGISTRAR**  
**HIGH COURT (GENERAL JURISDICTION)**  
**ACCRA**

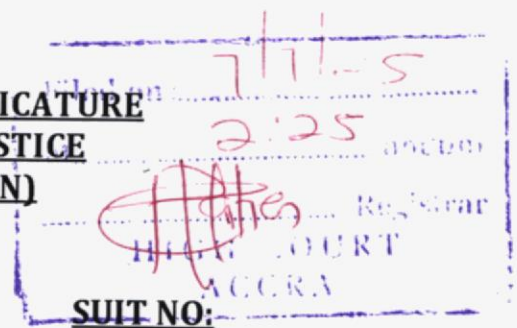
**AND FOR SERVICE ON**

1. **TO THE ABOVE-NAMED RESPONDENT, ELECTORAL COMMISSION OF GHANA, RIDGE, ACCRA.**
2. **1<sup>ST</sup> INTERESTED PARTY, EWURABENA AUBYNN, ACCRA**
3. **2<sup>ND</sup> INTERESTED PARTY, NATIONAL DEMOCRATIC CONGRESS, NATIONAL HEADQUARTERS, ADABRAKA, ACCRA**

**MARFO & ASSOCIATES**  
**LEGAL PRACTITIONERS**  
**BLK. 9, SCIENCE MUSEUM**  
**WORKERS COLLEGE, ACCRA**  
**TEL: 0244292509 / 0264292599**



**THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**(GENERAL JURISDICTION)**  
**ACCRA- A.D 2025**



**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW IN THE NATURE  
OF CERTIORARI AND PROHIBITION**

**THE REPUBLIC**

**VRS**

**ELECTORAL COMMISSION OF GHANA**  
Ridge, Accra

**RESPONDENT**

**EX-PARTE: NANA AKUA OWUSU AFRIYIE**  
Accra

**APPLICANT**

**EWURABENA AUBYNN**

**1<sup>ST</sup> INTERESTED PARTY**

**NATIONAL DEMOCRATIC CONGRESS**  
National Headquarters, Adabraka, Accra

**2<sup>ND</sup> INTERESTED PARTY**

---

**AFFIDAVIT OF NANA AKUA OWUSU AFRIYIE IN SUPPORT OF AN  
APPLICATION FOR JUDICIAL REVIEW**

---

**I NANA AKUA OWUSU AFRIYIE** of House No. A4 14/19, Sakaman, Accra make  
oath and say as follows:

1. That I am the Applicant herein and contested as the Parliamentary Candidate on the ticket of the New Patriotic Party (NPP) in the parliamentary election held on 7<sup>th</sup> December, 2024 in the Ablekuma North Constituency and the Deponent hereto.
2. That the contents of this affidavit are matters within my personal knowledge, information and belief by virtue of my position as the NPP Parliamentary Candidate in the Ablekuma North Constituency parliamentary election.

3. That at the hearing of this application, Counsel shall seek leave of this Honourable Court to refer to all processes filed as if the same were set out in extenso and sworn to on oath.
4. That the Respondent is a creature of the 1992 Constitution and charged with the mandate to, among others, conduct and supervise all public elections in Ghana.
5. That the 1<sup>st</sup> Interested Party contested in the 7<sup>th</sup> December, 2024 Parliamentary elections held at Ablekuma North Constituency of the Greater Accra region on the ticket of the 2<sup>nd</sup> Interested Party.
6. That the 2<sup>nd</sup> Interested Party is Political Party registered under the laws of Ghana.
7. That in accordance with Respondent's constitutional mandate, parliamentary elections were conducted on December 7, 2024, in the 276 constituencies across the nation including the Ablekuma North Constituency of the Greater Accra region.
8. That I am advised and believe same to be true that the 1992 Constitution provides as follows:

***Article 45***

***The Electoral Commission shall have the following functions –  
(c) to conduct and supervise all public elections and referenda***

***Article 50.***

***(1) Subject to the provisions of this Constitution, where at the close of nominations and on the day before a public election –***

***(a) two or more candidates have been nominated, the election shall be held and the candidate who receives the largest number of votes cast shall be declared elected;***

9. That I am further advised and believe same to be true that Regulations 3 and 43 of the Public Elections Regulations, 2020, CI 127 also provide as follows:

***Duties of a returning officer***



**3. (1) A person appointed as a returning officer under paragraph (a) of subregulation (3) of regulation 2 shall**

**(j) publicly declare as elected in a parliamentary election the candidate who had the highest vote;**

**Declaration and publication of parliamentary election results**

**43. (1) Subject to regulation 42, immediately after the results of the poll for all the polling stations in the constituency of the returning officer have been given to the returning officer the returning officer shall, in the presence of the candidates or the representatives of the candidate or not more than two counting agents appointed by each candidate,**

**(a) assemble the results from the polling stations without re-counting the ballots in the ballot boxes, except where there is a challenge by a candidate or a counting agent in respect of a specific ballot box;**

**(b) fill the Parliamentary Election Results Summary Sheet as set out in Form One D of the Schedule;**

**(c) give public notice of the total number of votes cast for each candidate;**

**(d) publicly declare as elected in a parliamentary election the candidate who had the highest votes;**

**(e) request the candidates, or the representatives or counting agents of the candidates to, together with the returning officer, sign the Parliamentary Elections Results Collation Form as set out in Form One C of the Schedule and the Parliamentary Election Results Summary Sheet as set out in Form One D of the Schedule and post a copy at the constituency collation centre;**

**(f) give each candidate, or the representative or counting agent of a candidate a completed and signed copy of the Parliamentary Elections Results Collation Form as set out in Form One C of the Schedule and the Parliamentary Election Results Summary Sheet as set out in Form One D of the Schedule;**

**(g) endorse on the writ specified in Form One B of the Schedule the name of the person elected**

10. **That polls were successfully conducted at all the 281 polling stations of the Ablekuma North Constituency and results were announced and declared in all the polling stations and same were forwarded to the Returning Officer.**
11. That in accordance with law, collation of election results commenced on 8<sup>th</sup> December, 2024 at the constituency collation centre.
12. That while collation was ongoing, supporters of the National Democratic Congress (NDC) party, many of them in party T-shirts and thugs entered the collation centre engaging in various acts of violence and threats which disrupted the collation process.
13. That the post polls acts of violence by the NDC Party supporters and thugs in the Ablekuma North and other constituencies resulting in the disruption of the collation processes became a matter of public concern in the country.
14. That as a result of the chaotic environment at the collation centre, the candidates were invited to the Respondent's Regional Collation Centre on Monday, 9<sup>th</sup> December, 2024, to complete the collation process but NDC supporters insisted they would not accept the continuation of the collation and demanded that the Respondent declare the 1<sup>st</sup> Interested Party as winner of the parliamentary elections.
15. That in the midst of the chaos, the NDC party supporters and thugs began to threaten the Returning officer to declare the NDC candidate as winner of the election even though collation had not been completed.
16. **That I together with other Parliamentary Candidates filed an originating motion for judicial review in the nature of Mandamus on 17<sup>th</sup> December, 2024 in the High Court, Accra compelling the Respondent to collate and declare the winner of the Parliamentary Elections held on 7<sup>th</sup> December, 2024 at the Ablekuma North Constituency.**
17. **That on 4<sup>th</sup> January, 2025, the High Court, General Jurisdiction, Accra, presided over by His Lordship Justice Forson Agyapong Baah in its Ruling granting the application for Mandamus, ordered the Respondent to collate the then sixty-two (62) outstanding polling station results and add them to the already collated polling station results and declare the winner of the Ablekuma North Constituency**



**Parliamentary election held on 7<sup>th</sup> December, 2024. Attached herewith and marked as exhibit AF is a copy of the ruling of the High Court dated 4<sup>th</sup> January, 2025.**

18. That from the terms of the Ruling, the High Court expressly ordered the Respondent to collate the outstanding results and declare the winner of the Ablekuma North Constituency Parliamentary election held on 7<sup>th</sup> December, 2024 and nothing else.
19. That till date the Ruling of the High Court dated 4<sup>th</sup> January, 2025 has not been appealed or overturned by any superior court.
20. That in a Press Release dated 17<sup>th</sup> January, 2025, the Respondent published that full collation exercise in accordance with the Orders of the High Court dated 4<sup>th</sup> January, 2025 had not been completed because three (3) out of the 281 polling stations were outstanding and that they needed police security to enable them complete and declare the winner of the Ablekuma North Constituency Parliamentary election held on 7<sup>th</sup> December, 2024. Attached herewith and marked as exhibit AF1 is a copy of the Press Release dated 17<sup>th</sup> January, 2025.
21. That in a subsequent letter addressed to the General Secretary of the New Patriotic Party, dated 11<sup>th</sup> June, 2025, the Respondent reiterated the position that three (3) out of the 281 polling stations were outstanding and that they are ready for the completion of the collation process once police security is provided. Attached herewith and marked as exhibit AF2 is a copy of the letter dated 11<sup>th</sup> June, 2025.
22. That as recent as 19<sup>th</sup> June, 2025, the Deputy Chairman, Corporate Affairs, Dr. Bossman Eric Asare, of the Respondent when he appeared before the Parliament of Ghana to answer questions, also confirmed to the House the three (3) outstanding polling station results and that the Respondent was only waiting for the security agency to provide them with security to enable them conclude the collation process and declaration of the winner in the Ablekuma North Parliamentary election. Attached herewith and marked as exhibit AF3 is a copy of the video footage of Dr. Bossman Eric Asare confirming same in Parliament.
23. That despite the facts and assurances from the Respondent and the clear terms of the Orders of the High Court, the Respondent in a letter dated 1<sup>st</sup> July, 2025 addressed to the General Secretary of the New Patriotic Party



under the authorship of the Deputy Chairman, Operations, of the Respondent, **decided to re-run elections in selected nineteen (19) polling stations of the Ablekuma North Constituency. Attached herewith and marked as exhibit AF4 is a copy of the letter dated 1<sup>st</sup> July, 2025, communicating Respondent's decision to re-run elections in 19 polling stations.**

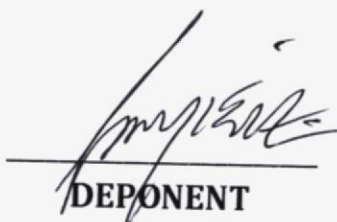
24. That the Respondent in a further Press release dated 2<sup>nd</sup> July, 2025, reiterated their decision to re-run elections in 19 polling stations in the Ablekuma North Constituency. **Attached herewith and marked as exhibit AF5 is a copy of the Press Release dated 2<sup>nd</sup> July, 2025.**
25. **That the decision of the Respondent to re-run elections in 19 polling stations in the Ablekuma North Constituency is not only arbitrary and unreasonable but same violates the right of the Applicant.**
26. That the said decision of the Respondent also violates the express and pending Orders of the High Court dated 4<sup>th</sup> January, 2025 as well as its own Regulations under C.I 127.
27. That per Regulation 42 of CI 127, the Respondent is empowered to re-run parliamentary election only where equal number of votes are obtained by contesting candidates.
28. **That I am advised by Counsel and believe same to be true that having not declared that the two contesting candidates obtained equal number of votes in the Ablekuma North Constituency Parliamentary election, the Respondent per its own regulations lacks the jurisdiction to organize a re-run of elections in the Ablekuma North Constituency.**
29. That in the circumstances, the Applicant prays the Honourable Court as follows:
  - a. **A declaration that the decision of the Respondent to re-run the Parliamentary Election in the 19 out of 281 Polling Stations in the Ablekuma North Constituency on 11<sup>th</sup> July, 2025 violates the express and pending Orders of the High Court dated 4<sup>th</sup> January, 2025 which said Orders directed the Respondent to collate and declare the winner of the Parliamentary Election in Ablekuma North Constituency.**

- b. A declaration that the decision of the Respondent to re-run Parliamentary Election in 19 out of 281 Polling Stations in the Ablekuma North Constituency, is arbitrary, capricious, unreasonable, and wrongful exercise of discretionary power.
- c. An Order of Certiorari by this Honourable Court quashing the decision of the Respondent in the letter dated 1<sup>st</sup> July, 2025 and reiterated in the Press Release dated 2<sup>nd</sup> July, 2025 to re-run the Parliamentary Election in the 19 out of 281 Polling Stations in the Ablekuma North Constituency on 11<sup>th</sup> July, 2025.
- d. An Order of prohibition directed at the Respondent from proceeding to re-run the said Parliamentary Election in the 19 Polling Stations in the Ablekuma North Constituency on 11<sup>th</sup> July, 2025.
- e. An Order of Court directed at the Respondent to comply with the express Orders of the High Court dated 4<sup>th</sup> January, 2025.
- f. An Order of injunction restraining the Respondent from re-running election in any of the 281 Polling Stations in the Ablekuma North Constituency in respect of the 7<sup>th</sup> December, 2024 Parliamentary Election.
- g. Any other Order(s) as the Honorable Court may deem fit.

WHEREFORE I swear to this affidavit in support.

SWORN at Accra this  
day of July, 2025

7/19 }  
}

  
DEPONENT

BEFORE ME

REGINA AMOO  
COMMISSIONER FOR OATHS  
TEL: 024 393 4444

COMMISSIONER FOR OATHS.



**THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**(GENERAL JURISDICTION)**  
**ACCRA- A.D 2025**

**SUIT NO:**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW IN THE NATURE OF  
CERTIORARI AND PROHIBITION**

**THE REPUBLIC**

VRS

**ELECTORAL COMMISSION OF GHANA**  
Ridge, Accra

**EX-PARTE: NANA AKUA OWUSU AFRIYIE**  
Accra

**EWURABENA AUBYNN**

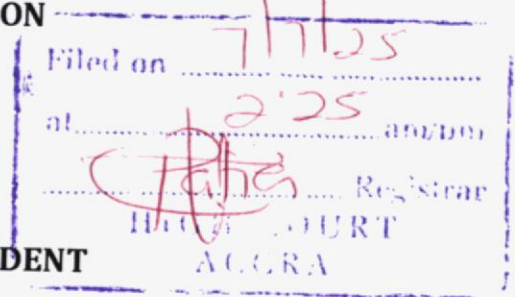
**NATIONAL DEMOCRATIC CONGRESS**  
National Headquarters, Adabraka, Accra

**RESPONDENT**

**APPLICANT**

**1<sup>ST</sup> INTERESTED PARTY**

**2<sup>ND</sup> INTERESTED PARTY**



**CERTIFICATE OF EXHIBITS**  
**ORDER 20 RULE 14 of C.I. 47**

I RECIMA AMOO....., Commissioner for Oaths of Accra, do hereby  
certify that the under listed has been exhibited to the affidavit sworn before me.

1. *Exhibit AF - Ruling of the High Court dated 4<sup>th</sup> January, 2025.*
2. *Exhibit AF1 - Press Release dated 17<sup>th</sup> January, 2025.*
3. *Exhibits AF2 - Letter dated 11<sup>th</sup> June, 2025*
4. *Exhibits AF3 - video footage of Dr. Bossman Eric Asare in Parliament.*
5. *Exhibit AF4 - letter dated 1<sup>st</sup> July, 2025.*
6. *Exhibit AF5 - Press Release dated 2<sup>nd</sup> July, 2025.*

**BEFORE ME**

**RECIMA AMOO**  
**COMMISSIONER FOR OATHS**  
TEL: 024 370 8444  
**COMMISSIONER FOR OATHS**



EXHIBIT AF

THIS IS EXHIBIT MARKED, .....  
REFERRED TO IN THE AFFIDAVIT  
DATE: 07/07/2025

SGD: .....  
REGINA AMOO  
COMMISSIONER FOR OATHS  
HIGH COURT ACCRA, GHANA

IN THE HIGH COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION DIVISION "2" HELD IN ACCRA ON SATURDAY,  
THE 4<sup>TH</sup> OF JANUARY, 2025 BEFORE HIS LORDSHIP JUSTICE FORSON  
AGYAPONG BAAH, JUSTICE OF THE HIGH COURT

SUIT NO: GJ/0293/2025

THE REPUBLIC

VRS.

ELECTORAL COMMISSION OF GHANA ... RESPONDENT

EX-PARTE: NANA AKUA OWUSU AFRIYIE ... APPLICANT

AND

1. EWURABENA AUBYNN ... 1<sup>ST</sup> INTERESTED PARTY
2. NATIONAL DEMOCRATIC CONGRESS ... 2<sup>ND</sup> INTERESTED PARTY

JUDGMENT

Before I proceed, I wish to bring to your notice that the judgment I delivered today, 4<sup>th</sup> January, 2025 in Suit No. GJ/0297/2025 titled: The Republic v. Electoral Commission of Ghana; Ex-parte: Charles Forson (Ebi Bright & Anor. Interested Parties) shall apply mutatis mutandis to this judgment with respect to The application of the law and the analysis of the evidence/facts placed before the court.

This is an originating "Motion on Notice: Application for Judicial Review in the Nature of Mandamus..." under Articles 141, 45 and 46 of the 1992 Constitution, section 16 of the Court Act, 1993 (Act 459) as Amended, Order 55 of C.I. 47, Regulations 3 and 43 of the Public Election Regulations, 2020 (C.I. 127), filed on 17<sup>th</sup> December, 2024. By the said motion, the Applicant sought from the Court the Following reliefs:

CERTIFIED TRUE COPY

Page 1 of 18

REGISTRAR  
HIGH COURT  
GENERAL JURISDICTION, LCC-ACCRA

- “(a) An order of mandamus directed at the Respondent compelling it to collate and declare the results and winner of the Ablekuma North Constituency Parliamentary election held on 7<sup>th</sup> December, 2024 through the Returning Officer as required by law.
- (b) An order directed at the Inspector General of Police to provide adequate and armed security to the Respondent at the designated collation centre to enable it perform its constitutional and statutory duty of conducting and supervising public elections.
- (c) Any other order(s) as the Honourable Court may deem fit.”

The application is supported by a 21-paragraph affidavit and Supplementary Affidavit filed on 30<sup>th</sup> December, 2024, both deposed to by the Applicant, Nana Akua Afriyie and three (3) exhibits attached to same and marked as:

Exhibits “**NA1**” - videos showing violent acts of the thugs.

Exhibit “**NA2**” – copy of demand letter dated 12<sup>th</sup> December, 2024.

Exhibit “**NA3**” – a pen drive containing videos of threats on the Electoral Commission Officer.

The facts of this case are that the Applicant herein contested as the Parliamentary Candidate on the ticket of the New Patriotic Party (NPP) in the parliamentary election held on 7<sup>th</sup> December, 2024 in the Ablekuma North Constituency whilst the Respondent is a creature of the 1992 Constitution and charged with the mandate to, among others, conduct and supervise all public elections in Ghana and is the party affected by this application, portions of which Constitution were reproduced in paragraph 5 of the Affidavit in Support as follows:

“45. The Electoral Commission shall have the following functions -  
(c) to conduct and supervise all public elections and referenda

46. Except as provided in this Constitution or in any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission, shall not be subject to the direction or control of any person or authority.



- 50.(1) Subject to the provisions of this Constitution, where at the close of nominations and on the day before a public election –
- (a) two or more candidates have been nominated, the election shall be held and the candidate who receives the largest number of votes cast shall be declared elected;

It is the case of the Applicant that by the provisions of the Public Elections Regulations, 2020, C.I. 127, particularly, Regulations 3 and 43 reproduced in his Affidavit in Support, the **“duties of a returning officer”** and the **“declaration and publication of parliamentary election results”** are set out as follows:

**“Duties of a returning officer**

- 3 (1) A person appointed as a returning officer under paragraph (a) of sub regulation (3) of regulation 2 shall –

(j) publicly declare as elected in a parliamentary election the candidate who had the highest vote;

**Declaration and publication of parliamentary election results**

- 43 (1) Subject to regulation 42, immediately after the results of the poll for all the polling stations in the constituency of the returning officer have been given to the returning officer the returning officer shall, in the presence of the candidates or the representatives of the candidate or not more than two counting agents appointed by each candidate;

(a) Assemble the results from the polling stations without recounting the ballots in the ballot boxes, except where there is a challenge by a candidate or a counting agent in respect of a specific ballot box;

(b) Fill the Parliamentary Election Results Summary Sheet as set out in Form One D of the Schedule;

(c) give public notice of the total number of votes cast for each candidate;

(d) publicly declare as elected in a parliamentary election the candidate who had the highest votes;

(e) request the candidates, or the representatives or counting agents of the candidates to, together with the returning officer, sign the Parliamentary



*Elections Results Collation Form as set out in Form One C of the Schedule and the Parliamentary Elections Results Summary Sheet as set out in Form One D of the Schedule and post a copy at the constituency collation centre;*

*(f) give each candidate, or the representative or counting agent of a candidate a completed and signed copy of the Parliamentary Elections Results Collation Form as set out in Form One C of the Schedule and the Parliamentary Election Results Summary Sheet as set out in Form One D of the Schedule;*

*(g) endorse on the writ specified in Form One B of the Schedule the name of the person elected."*

The Applicant deposed that in accordance with the Respondent's constitutional mandate, parliamentary elections were conducted on December 7, 2024 in the 276 constituencies across the nation including the Ablekuma North Constituency of the Greater Accra Region.

According to the Applicant, polls were successfully conducted in all the 281 polling stations in the Ablekuma North Constituency and the results were announced and declared in all the polling stations and same were forwarded to the Returning Officer.

The Applicant further deposed that in accordance with law, collation of election results commenced on 8<sup>th</sup> December, 2024 at the constituency collation centre during which some young men and thugs entered the collation centre, engaged in various acts of violence and threats which disrupted the collation process and had to be escorted from the centre by the police security due to the hostile environment.

The Applicant contended that in the midst of the chaos, the thugs began to threaten the Returning Officer to declare one candidate as winner of the election when collation had not been done. See exhibit "NA1".

According to the Applicant, after few days, the candidates were informed by the Respondent to report at the Police Training School, Tesano in Accra to continue with the collation of the results but she was later informed by the Respondent that the collation could not continue anymore and till date the Respondent has failed to

collate the results and to declare the winner of the Ablekuma North Constituency parliamentary elections as required and prescribed by law

the Applicant stated that on the 13<sup>th</sup> of December, 2024, she was compelled in the circumstance to write to the Respondent to demand for the collation and declaration of the results of the winner of the Ablekuma North Constituency parliamentary elections within the next 24 hours. See exhibit "NA 2" (therein marked as "NA3").

It is the case of the Applicant that even though the demand letter was served on the Respondent on the same 13<sup>th</sup> December, 2024 and the Respondent acknowledged receipt of same, the Respondent has failed or refused to collate and declare the results and winner of the parliamentary elections at the Ablekuma North Constituency, hence the present application for the reliefs reproduced in this judgment supra.

Pursuant to order of the Supreme Court dated 27<sup>th</sup> December, 2024, the Interested Parties were joined to this Suit after which they filed an Affidavit in Opposition on 30<sup>th</sup> December, 2024, vehemently opposing the Applicant's application. Attached to the said Affidavit in Opposition are five (5) exhibits and Statement of case filed on behalf of the Interested Parties. The said exhibit are as follows:

Exhibit "1" – a copy of the ruling of the Supreme Court;

Exhibit "2" – a copy of the declaration sheet of the 1<sup>st</sup> Interested Party as the elected Member of Parliament

Exhibit "3" a copy of the video of the declaration of the 1<sup>st</sup> Interested Party as the elected Member of Parliament;

Exhibit "4" – a copy of the Petition and the response.

Exhibit "5" – a copy of Suit No. GJ/0275/2025 and position motion filed by counsel for the Applicant.

The Interested Parties stated that the 1<sup>st</sup> Interested Party is the duly elected Member of Parliament for the Ablekuma North Constituency in the Greater Accra Region whilst the 2<sup>nd</sup> Interested Party, the National Democratic Congress is a registered political party in the Republic of Ghana and on whose ticket the 1<sup>st</sup> Interested Party contested in the 2024 parliamentary elections

The grounds of the Interested Parties' Affidavit in Oppotion are three-fold, namely, the application:

"(a) is incompetent;



- (b) *has been initiated in abuse of the court process; and*
- (c) *lacks merit*".

According to the Interested Parties, the application, particularly the motion paper fails to comply with strict and mandatory rules of the Honourable Court in the sense that the Applicant failed to endorse on the motion paper the grounds and the reliefs being sought.

It is the case of the Interested Parties that the instant application is legally defective and incompetent, does not properly invoke the jurisdiction of this Court and therefore ought to be dismissed *'in limine'*.

The Interested Parties contended that there is no indication on the face of the Applicant's letter dated 13<sup>th</sup> December, 2024 and marked as exhibit "NA2" that the Electoral Commission actually received same and also there is no evidence attached to the Affidavit in Support suggesting that the Electoral Commission refused to perform the acts demanded in the letter upon being served with same for which reason the instant application has been mounted.

It is the case of the Interested Parties that an order of mandamus will not be granted unless the party complained of has known what it was that he was required to do so that he would have the means of considering whether or not he should comply and that it must be shown by evidence that there was a distinct demand of that which the party seeking the mandamus desires to enforce and that the demand was met with a refusal.

The Interested Parties contended that the Applicant has not been able to demonstrate that there was a specific demand on the Electoral Commission to recollate and re-declare parliamentary election results in the Ablekuma North Constituency parliamentary elections and accordingly pray that the instant application be dismissed.

According to the Interested Parties, the application is disingenuous, misconceived and misleading because at the time the Applicant purported to have written to the Electoral Commission to perform the function of collating the Parliamentary results and declare the winner, the Applicant knew or ought to have known that the collation of the results and the declaration of the winner had already been done by the authorised officer of the Electoral Commission for the said constituency and the 1st Interested Party had been declared the winner of the said election. See



also exhibits "2" and "3"; a video of and the declaration of the 1<sup>st</sup> Interested Party as the elected Member of Parliament for Ablekuma North Constituency.

The Interested Parties' further case is that once a winner of the parliamentary election has been declared, the election is complete and therefore to the extent that the 1<sup>st</sup> Interested Party has been declared by the Electoral Commission as the elected Member of Parliament for Ablekuma North Constituency, the parliamentary election in Ablekuma North Constituency is complete and the Electoral Commission has become functus officio and cannot seek to re-open matters in relation to the collation and declaration of election results and that is the position the Electoral Commission as contained in a letter issued by the Electoral Commission in 2020 when a request for re-collation of results was made to it. See exhibit "4".

According to the Interested Parties, neither the 1992 Constitution nor C.I. 127, imposes a statutory duty on the Electoral Commission to re-collate and re-declare already collated and declared parliamentary election results and that where there is no provision of law which imposes a duty on the constitutional or statutory body to perform any act, mandamus would not lie.

The Interested Parties asserted that where there is a dispute as to whether a duty has been performed or not, mandamus would not lie to compel the performance of that duty. According to the Interested Parties, the Applicant's contention that the duty has not been performed whilst the N.D.C. contends that the duty has been performed shows that there is a clear dispute and as such mandamus cannot lie until the dispute is resolved on its merits through an election petition.

The Interested Parties contend that any allegations of intimidation, fraud and duress in relation to the declaration of election results are matters of fact and that declaration can only be set aside on grounds outlined in section 20 of PNDCL 284 and that is only the High Court that is clothed with the powers under Article 99 of the Constitution and sections 16 and 20 of PNDCL 284 that can cancel a declaration of election results and order a recount, re-collation and declaration of election results on grounds of intimidation and duress or that the declaration was not made in compliance with electoral laws.

The Interested Parties conclude that if the Applicant is aggrieved with the declaration of the 1<sup>st</sup> Interested Party as the winner of the parliamentary election in Ablekuma North Constituency, his remedy lies in filing a parliamentary petition



as has been the case or position of counsel for the Applicant in the Suit titled "Amenorpe Philibert Fummey v. Frank Anno-Dompreh & Anor. Suit No. GJ/0275/2025.

The Respondent on the other hand also filed its Affidavit on 30<sup>th</sup> December, 2024 by one Francis Opoku, who described himself as an officer of the Respondent and the Electoral Officer for the Ablekuma North Municipality.

According to the Respondent, its general response to the application is that the Honourable Court should make such orders that would enable the Respondent to proceed with and complete its constitutional mandate with regard to the completion of collation and declaration of results in respect of the Ablekuma North Constituency.

The Respondent stated that on the 7<sup>th</sup> of December, 2024, it conducted the 2024 general election across the whole country including the Ablekuma North Constituency and that after close of voting the ballots were sorted and the votes counted in all the polling stations within the Ablekuma North Constituency.

The deponent deposed that he and the Returning Officers for the constituencies under his supervision were waiting at the constituency collation centre to receive the results from the 281 polling stations (including special voting) for collation and declaration of the winner in the Ablekuma North Constituency.

According to the deponent, they had a report from their officers at the Kwashiman Cluster of Schools that some thugs were attacking them and preventing them from bringing the polling station results for collation and the party officials and supporters continue to mass up at the Kwashieman Cluster of Schools to disrupt the transmission of the polling results to the collation centre for the collation process to continue.

The Respondent stated that the ensuing event caused the security officer to fire warning shots and tear gas to calm the situation, but it rather escalated as some officers of the Respondent collapsed and passed out while the party officials and supporters continued to mass up and disrupt the collation process. This according to the Respondent resulted in a pandemonium as the aggression by the massed-up crowd of party officials and supporters heightened and the officers who sustained injuries rushed to the Rock Hospital within the Ablekuma North Constituency.



The deponent deposed that in the process of the pandemonium, some electoral materials including BVDs, ballot boxes and screens were destroyed and some of the officers of the Respondent had to run for their lives and the thugs proceeded to the collation centre at the St Peters Methodist Church where the deponent was and chased away the presiding officers who were coming to submit their statements of polls and declarations of results sheets from the various polling stations.

The Respondent asserted that the officers and supporters of the Interested Parties together with the thugs and the crowd broke into the church auditorium where the collation was going on in the full glare of the police and demanded the Returning Officer declare the results in favour of the 2<sup>nd</sup> Interested Party (it is rather the 1<sup>st</sup>) and when the Returning Officer refused to do so, the thugs seized and set ablaze all the pink sheets he was working on.

According to the deponent, at that point, the Resident Priest of the church took him and the Returning Officer to his office to save them from physical harm by the thugs.

The Respondent stated that on Monday, the 9<sup>th</sup> of December, 2024, they left the church premises and resumed the collation at the Regional Collation Centre of the Respondent and were able to collate the results for 54 more polling stations bringing the total to 219 out of 281 by 8.30 pm relying on the duplicate copies of the statement of polls and declaration of results sheets in the custody of the political parties as given to them by the Presiding Officers and agreed by the parties. However, when the collation resumed on Tuesday, 10<sup>th</sup> December, 2024 at the Regional Collation Centre, the party agents disagreed on the remaining corresponding statement of polls and declaration of result sheets as presented by their opposing agents hence the process was halted.

It is the case of the Respondent that they were able to collate the results from 262 polling stations out of the 281 polling including that for special voting for the Ablekuma North Constituency and it was at that point that the officers and supporters of the Interested Parties started threatening mayhem and insisting that a declaration be made in favour of the 1<sup>st</sup> Interested Party based on the 219 polling stations results out of the 281.

The Respondent contended that the results as announced by tallying the results of the 219 polling stations out of the 281 are: 27,170 votes for the Applicant and 28151 for the 1<sup>st</sup> Interested Party.



The Respondent further contended that they explained the position of their guidelines and the law that declarations are to be based on collation of the results from all polling stations, but the officers and supporters of the Interested Parties disagreed and insisted that they declare the results without the outstanding 62 polling stations. According to the Respondent at the time the figures from the outstanding polling stations were capable of affecting the outcome of the already collated ones.

According to the Respondent's representative, he knew that to make a declaration based on 219 out of 281 polling stations was contrary to Regulation 43 of C.I. 127 which requires that the election results be collated from all the polling stations in the constituency as tallied and that the incomplete declaration made was the only way to save the security situation created by the massed up officers and supporters of the Interested Parties and the more supporters, as they understood from the security officers, were on their way to the collation centre.

The Respondent contended that upon the advice from the security officers they had to make the incomplete declaration with the 219 out of 281 polling stations and once this was done, the officers and supporters of the Interested Parties retreated in jubilation and the security situation de-escalated.

It is the Respondent's case that the declaration made without the outstanding polling stations results was incomplete and unlawful especially because the results from the remaining polling stations were capable of affecting the outcome of the results. He stated that after the said incomplete declaration, he filed a report to the Chairperson of the Respondent and attached a copy thereof as exhibit "AN 2".

The Respondent's said representative stated that the said declaration was made only to secure his safety and of other officers of the Respondent and property and that it is necessary to complete the collation exercise by factoring in the remaining polling stations as required by law to reflect the true mandate of the people.

The Respondent's representative, further stated on advice from his counsel that his incomplete results, especially when the number of registered voters at the outstanding polling stations is capable of affecting the outcome, is wrong in law and should not be countenanced.



In conclusion, the Respondent contended, on advice by its counsel, that the Respondent is under an existing constitutional and statutory duty to execute its mandate under Article 45 of the 1992 Constitution fully and section 13 of PNDCL 284 and in accordance with Regulation 43 of C.I. 127, regardless of whether the instant application is granted or not.

### **Points of Law on Judicial Review in the Nature of Mandamus**

The supervisory jurisdiction of the High Court is contained in **Articles 140(1) and 141 of the 1992 Constitution and Section 16 of the Courts Act, 1993 (Act 459)** and may be invoked and brought under **Order 55 of C.I. 47** captioned "Application for Judicial Review".

**Article 140(1) of the Constitution** provides:

*"The High Court shall, subject to the provisions of this Constitution, have jurisdiction in all matters and in particular, in civil and criminal matters and such original, appellate and other jurisdiction as may be conferred on it by this Constitution or any other law."*

**Article 141 of the Constitution** also provides:

*"The High Court shall have supervisory jurisdiction over all lower courts and any lower adjudicating authority; and may, in the exercise of that jurisdiction, issue orders and directions for the purpose of enforcing or securing the enforcement of its supervisory powers."*

**Section 16 of Act 459** on the other hand provides thus:

*"The High Court shall have supervisory jurisdiction over all lower courts and any lower adjudicating authority; and may, in the exercise of that jurisdiction, issue orders and directions including orders in the nature of habeas corpus, certiorari, mandamus, prohibition and quo warranto for the purpose of enforcing or securing the enforcement of its supervisory powers."*

See the **Republic v. Judicial Committee of Sekondi Traditional Council, Ex parte Abusuapanyin Kofi Susu (Subst. by Abusuapanyin Kofi Asante, Subst. by Osofo William Joshua Kwaku Donkor) (Abusuapanyin Kwesi Muu,**

Interested Party0 [2020] Unreported SC, Civil Appeal No. J4/25/2020 (25<sup>th</sup> November, 2020) Dordzie JSC (Mrs.) (Majority Opinion)

Order 55(1) of C.I. 47 under which the Applicant has mounted his application provides thus:

*"An application for (a) An order in the nature of mandamus, prohibition, certiorari or quo warranto; ... shall be made by way of an application for judicial review to the High Court."*

Order 55(2)(1): "On the hearing of an application for judicial review the High Court may make any of the following orders as the circumstances may require (a) an order for prohibition, certiorari or mandamus".

The grounds on which an application for judicial review in nature of mandamus was stated by the Supreme Court, per Amadu JSC, in the case of the Republic v High Court, Commercial Division, Accra; Ex Parte Kwabena Duffour (Attorney General & Ors. – Interested Parties) [2021 Unreported SC, Civil Motion No. J5/05/2021 (10<sup>th</sup> February, 2021)] stated as follows:

*"... the grounds on which the supervisory jurisdiction of the Court may be invoked has been stated ad nauseam. In the Republic vs. High Court, Accra; Ex Parte Ghana Medical Association (Chris Arcmann - Akumey – Interested Party [2012] 2 GLR 768, the Court referred to its previous decision in Republic v Court of Appeal; Ex Parte Tsatsu Tsikata (2005-2006) SCGLR 612 and reiterated that the grounds upon which this Court proceeds to exercise its supervisory jurisdiction are as follows:*

1. *Want or excess of jurisdiction*
2. *Where there is an error of law on the face of the record.*
3. *Failure to comply with the rules of natural justice; and*
4. *The Wednesbury principles."*

See also Dotse JSC's (as he then was) in his concurring opinion in the Republic vrs High Court, (Commercial Division) Ex-parte Environs Solutions and Others (J5/20/2019[2020] (Unreported version) SC (29<sup>th</sup> April, 2020)

From the above statement of the law as stated by the apex court of the land, in order for an applicant to successfully invoke the supervisory jurisdiction of this



Court for judicial review and to succeed in his/her application, the applicant must, as a matter of law and necessity canvass one or more of the above grounds, failing which the applicant must fail.

In her book "The Handbook on Civil Procedure & Practice in Ghana: Rules, Cases, Commentary and Precedents, (2023)", at page 589 thereof, the learned author, Francisca Serwaa Boateng defines "Mandamus" as:

*"a prerogative order that is issued by a court to compel an administrative authority to perform a public duty."*

According to the learned author, there are five conditions that must be satisfied by a party who applies for an order of mandamus in order to be successful with the application. See the Republic (No. 2) vs. National House of Chiefs; ex parte Akrofa Krukoko II (Enimil VI: Interested Party) (No. 2 [2010] SCGLR 134; Republic vs. Chief Fire Officer; ex parte Azagba [1980] GLR 213.

The said five conditions as stated by the learned author are reproduced here under as follows:

- (i) *the applicant must show that there is a duty imposed by the statute on which the applicant relies.*
- (ii) *The applicant must show further that, the duty is of a public nature.*
- (iii) *Also, the applicant must demonstrate that, there has been a demand for the public duty to be performed. See Larbi Mensah IV alias Aryee Addoquaye vs. National House of Chiefs & Anor. [2011] 2 SCGLR 883.*
- (iv) *The applicant must show that, there is a refusal to perform that public duty enjoined by statute. See the the Republic (No. 2) vs. National House of Chiefs; ex parte Akrofa Krukoko II (Enimil VI: Interested Party) (No. 2 [2010] SCGLR 134; the Republic vs. Chieftaincy Secretariat; ex parte Adansi Traditional Council [1968] GLR 736].*
- (v) *a mandamus order will be granted where the applicant can demonstrate that, he has been substantially prejudiced by the respondent's procrastination. See the Republic (No. 2) vs. National House of Chiefs;*

**ex parte Akrofa Krukoko II (Enimil VI: Interested Party) (No. 2 [2010] SCGLR 134.”**

As stated above, the Applicant's grounds of their application are grounded in the Respondent's supposed refusal and or neglect to carry out its statutory duty under Article 50(1)(a) of the 1992 Constitution, Regulations 3 and 43 of the Public Elections Regulations, 2020 (C.I. 127) which are covered under the *Wednesbury* principle.

The law is that mandamus will lie to compel an administrative authority to perform a duty imposed on it by the statute. Thus, in the Supreme Court case of the **Republic v High Court, Kumasi; Ex parte Bank of Ghana & Others (Sefa & Asiedu Interested Parties) (No. 1); Republic v High Court, Kumasi; Ex parte Bank of Ghana & Others (Gyamfi & Others Interested Parties (No. 1) (Consolidated) [2013-2014] 1 SCGLR 477 @ 499**, the Supreme relying on its case in the *Republic v High Court, Accra; ex-parte Ghana Medical Association (Chris Arcmann -Akummey – Interested Party) supra*, laid the grounds upon which a court proceeds to exercise its supervisory jurisdiction as follows:

*“... want or excess of jurisdiction; an error of law on the face of the record, failure to comply with the rules of natural justice and the *Wednesbury* principle; namely, that administrative action or decision will be subject to judicial review on the grounds that it was illegal, irregular or procedurally improper....”*

**Issues for determination in the application:**

From the competing affidavits and exhibits as well as the submissions made by learned counsel for the parties, it is the considered view of the Court that the main issue for determination in this application, the resolution of which will help resolve this case one way or the other is as follows:

*“Whether the conditions precedent for the application for judicial review in the nature of mandamus have been met by the Applicant”.*

In my ruling in the preliminary objection to the propriety of the mandamus application, I found that the application for mandamus is properly laid before the Court. Therefore, the mandate in this judgment is to determine whether or not the conditions precedent for the grant of mandamus application have been met.



Applying the law to the facts of the case, the Applicant by his application has complained about non-performance of the Respondent's constitutional and statutory duties/functions. See: Article 50(1)(a) of the 1992 Constitution and Regulations 3 and 43 of the Public Elections Regulations, 2020, (C.I. 127).

By Article 50(1)(a), the Respondent is mandated to declare the candidate with the highest number of votes cast as the declared winner whilst the Regulations 3 and 43 require the Returning Officer to declare candidate who receives the largest number of votes cast as elected based on the results of all polling stations. In the instant case, the Respondent declared the results based on 219 out of the 281 polling stations leaving 62 outstanding polling stations results yet to be collated. Not having collated the results of all the 281 polling stations means that the mandatory duty has not been performed and, therefore, the 1<sup>st</sup> condition precedent has been met by the Applicant.

The public nature of the duties of the Respondent with respect to the conduct of elections in Ghana is not in doubt and therefore, I shall leave it as such.

On the demand by the Applicant for the performance of the Respondent's Constitutional and statutory duty, the Applicant tendered in evidence, exhibit "NA 2" which exhibit was not denied by the Respondent and therefore the Respondent is deemed to have admitted receipt of same.

See **Order 11 Rule 13 of C.I. 47** which provides as follows:

*"(1) Subject to subrule (4) of this rule, any allegation of fact made by a party in the party's pleading shall be deemed to be admitted by the opposite party unless it is traversed by that party in pleading or a joinder of issue under rule 14 operates as a denial of it".*

See also **Eric Osei v Unions and Loans Ltd. (2017) JELR 68985; [2017] DLHC 4155 dated 28<sup>th</sup> June, 2017** per His Lordship, Dr. Richmond Osei Hwere

See again **Foli vrs. Ayerebi [1966] GLR 627, SC** a most direct and helpful authority on the point about undenied averments, the Court held (as stated in holding (6):

*"When a party had made an averment and that averment was not denied, no issue was joined, and no evidence be led on that averment. Similarly,*

*when a party had given evidence of a material fact and was not cross examined upon it, he need not call further evidence of that fact ..."*

To the extent that the Respondent has admitted having received exhibit "NA2", I am satisfied that the demand notice has been met.

The next condition is refusal by the Respondent. For their inaction on the demand for the performance of its Constitutional and statutory duties in collating all the polling station results and the Returning Officer declaring the one with the highest votes as elected, it is my considered view that, that constitute a refusal.

See the Supreme Court case of The Republic v High Court, General Jurisdiction "5", Accra; Ex-parte Minister for Interior and Anor, Civil Appeal No. J5/10/2018 with cited the case of the Republic (No. 2) v National House of Chiefs; ex-parte Akrofa Krukoko II; (Enimil VI Interested Party) [2010] SCGLR 134, where the Court added that:

*"... mandamus would also lie where the Applicant has been substantially prejudiced by the Respondent's procrastination."*

In view of the urgency of the declaration of winner of the election for him/her to be sworn in on the 7<sup>th</sup> of January, 2025 and the Respondent, not having acted on the Applicant's demand, is deemed to have refused the demand.

From the Affidavit in Support of the Applicant's case plus the exhibits including videos of the incidents at the collation centre which were shown in the open court, I deduce that the Applicant's complaint is that not all the results of all the polling stations were collated before the alleged declaration.

Now the question agitating the mind of the Court is, for example:

- (i) If the Chairperson of the Electoral Commission of Ghana has declared Mr. A as the President-elect, after receipt of the results of only 100 out of 276 constituencies without any indication as to the effect of the remaining 176



on the results declared, will that constitute the performance of that constitutional/legal function of the Chairperson of the Electoral Commission of Ghana and for same to bind Ghanaians?

- (iii) Will it be constitutional/lawful to say that that declaration should be allowed and published and gazetted and for Mr. A to be sworn-in before any aggrieved person can later vindicate his/or her rights?

I respectfully think not, that is the answers to the above questions will be in the negative. On this, I am fortified by the Supreme decisions first above stated including the **Republic v High Court, Kumasi; ex-parte Bank of Ghana & Others** supra. For emphasis, I shall reproduce same here per holding (1) as follows:

*"(1) It was well settled that the Supreme Court, would exercise its supervisory jurisdiction on grounds of; want or excess of jurisdiction; failure to comply with the rules of natural justice; breach of the Wednesbury principle, namely, that an administrative action or decision would be subject to judicial review on the grounds that it was illegal, irregular or procedurally improper ..."*

On the strength of the authorities cited above and the facts of this case and the exhibits tendered in evidence and in answer to issue set down by the court supra, I find that the application meets the conditions precedent for the grant of the application. Accordingly, the application is granted as prayed and I make the following consequential orders:

- (a) An order of mandamus directed at the Respondent to collate the sixty-two outstanding polling station results and add same to the already collated polling station results and declare the winner of the Ablekuma North Constituency Parliamentary election held on 7<sup>th</sup> December, 2024 through the Returning Officer as required by law on or before 6<sup>th</sup> January, 2025.
- (b) An order directed at the Inspector General of Police to provide adequate and armed security to the Respondent at the designated collation centre to

enable the Respondent to perform its constitutional and statutory duty as contained in order (a).

(SGD.)

**H/L FORSON AGYAPONG BAAH (J)**  
**(JUSTICE OF THE HIGH COURT)**

**LAWYERS:**

**GARY NIMAKO MARFO ESQ. FOR APPLICANT**

**JUSTINE AMENUVOR ESQ. FOR RESPONDENT**

**GODWIN KUDZO TAMAKLOE ESQ. FOR INTERESTED PARTIES**

**CERTIFIED TRUE COPY**

**REGISTRAR**  
**HIGH COURT**  
**GENERAL JURISDICTION, LCC-ACCRA**  
06/01/2020





# PRESS RELEASE

17<sup>th</sup> January, 2025

## UPDATE ON THE COLLATION OF POLLING STATION RESULTS FOR THE ABLEKUMA NORTH CONSTITUENCY

The Electoral Commission wishes to bring to the attention of the General Public that, following the Order of the High Court on 4<sup>th</sup> January, 2025 directing the Commission to continue the collation of Polling Station results and declare the winners of the four outstanding Parliamentary Elections, the only Constituency still outstanding is Ablekuma North. It is instructive to state that the order of the High Court mandated the Ghana Police Service to provide the Electoral Commission security to conduct the collation of Polling Station results for the outstanding Constituencies.

The collation of Polling Station results for Ablekuma North took place on the 8<sup>th</sup> of January, 2025 at the Old Head Office of the Commission. However, the exercise was not completed because three out of the 281 Polling Station results were outstanding. The Commission wrote to the Ghana Police Service for the continuation of the collation on the 17<sup>th</sup> of January, 2025 at 8:00 am. On the day the collation was expected to take place, the Commission was alerted by the Police that per the intelligence available to them the exercise should be put on hold.

The Police however did not augment security at the premises of the Collation Centre (Old Head Office) and the new Corporate Head Office leading to some party supporters invading the Old Head Office of the Commission and destroying the property of the Commission including furniture and louvre blades. Some of the supporters also invaded the premises of the New Corporate Head Office of the Commission on motor bicycles. They issued threats to the Commission and the staff. This instilled fear in the staff and caused all staff members to flee because the environment had become unsafe as a result of the invasion. As a result of this, work has come to a standstill.

It is instructive to note that, the supporters were led by the Greater Accra Regional Organizer of the National Democratic Congress (NDC). Our staff also identified two men in military uniform without names in the company of the supporters. We call on the Police to swiftly bring the perpetrators to book by identifying, arresting and prosecuting them. Video footages are available showing the faces of the perpetrators of these heinous acts.

Once again we call on the Government to engage the Ghana Police Service to ensure that the Commission is provided adequate security to enable us to go to the Office and carry out our functions in a safe and secure environment. The threats to lives and property are unacceptable and should not be allowed to continue. The Commission is working round the clock to ensure that the people of Ablekuma North have their Member of Parliament. We need the cooperation of the Police to enable us achieve this.

Thank you.

Samuel Tettey  
Deputy Chairman, Operations

THIS IS EXHIBIT MARKED AF 1  
REFERRED TO IN THE AFFIDAVIT  
DATE: 27/01/2025  
SGD: REGINA AMOO  
COMMISSIONER FOR OATHS  
HIGH COURT ACCRA, GHANA



EXHIBIT AF2



THIS IS EXHIBIT MARKED AF2  
REFERRED TO IN THE AFFIDAVIT  
DATE: 07/07/2025

SGD: REGINA AMOO  
COMMISSIONER FOR OATHS  
HIGH COURT, ACCRA, GHANA

Our Ref: C/EC.29/SF.10/Vol.6

11<sup>TH</sup> JUNE, 2025

THE GENERAL SECRETARY  
NEW PATRIOTIC PARTY (N.P.P)



**RE: ABLEKUMA NORTH CONSTITUENCY PARLIAMENTARY  
ELECTION RESULTS COLLATION**

We bring you greetings from the Electoral Commission and trust that this letter finds you well.

Your letter dated 3<sup>rd</sup> June, 2025, with reference number OUR/REF/GS/EC/03/06 on the above subject matter refers.

**COMMITMENT TO THE HIGH COURT DIRECTIVE**

We wish to inform you that the Commission is committed to complete the collation of all the 281 Polling Station Results in the Ablekuma North Constituency and to declare the duly elected member of Parliament for the Constituency, as directed by the High Court on 4<sup>th</sup> January, 2025.

As you may recall, 37 Polling Station Results were outstanding for the completion of the collation process before the High Court directive on 4<sup>th</sup> January, 2025. Out of the outstanding 37 Polling Station Results, the Commission has collated 17, 13 and 4 Polling Station Results on 5<sup>th</sup>, 6<sup>th</sup> and 8<sup>th</sup> January, 2025, respectively. A total of 34 Polling Station Results have been collated since the High Court directive. Currently, 3 Polling Station Results are outstanding for the completion of the Collation process.

**EFFORTS TO COMPLETE THE COLLATION PROCESS**

The Commission has on several occasions, made efforts to complete the Collation Process. Unfortunately, the Police has not been able to provide the required security for the completion of the Collation Process. There have been several engagements between the Commission and the Police for the completion of the Collation Process, since the High Court directive.



## CURRENT STATUS

At a meeting with the National Election Security Task Force (NESTF) on the 8<sup>th</sup> May, 2025, at the Police Headquarters, the completion of the Collation Process was scheduled for 15<sup>th</sup> May, 2025, at the Old Headquarters of the Commission.

At another meeting with the NESTF on 13<sup>th</sup> May, 2025, the Commission was informed that there is a pending case at the Supreme Court with respect to the Ablekuma North Constituency Parliamentary Results. The Police Leadership indicated that in view of the legal process at the Supreme Court, they were unable to provide security to the Commission for the completion of the Collation Process, since it would amount to Contempt of Court.

In a letter dated 15<sup>th</sup> May, 2025, to the Ghana Police Service/NESTF, the Commission informed them of the fact that there was no injunction application pending or any other legal process to prevent the Electoral Commission from completing the Collation Process. The Commission further requested for Police protection to complete the process. The Ghana Police Service/NESTF, in a response to our letter, informed the Commission that the issue of completion of the Collation Process for Ablekuma North Constituency Parliamentary Election Results had been referred to the Attorney General and Minister for Justice for legal advice. They further stated that in view of the referral, the NESTF would hold on until the legal advice is received.

The Electoral Commission is ready for the completion of the Collation Process for the Ablekuma North Constituency Parliamentary Election Results. However, we require the protection of the Police to enable us complete the Collation Process and declare the Parliamentary Election Results for the Ablekuma North Constituency.

Thank you.



MR. SAMUEL TETTEY  
DEPUTY CHAIRMAN, OPERATIONS.  
for: CHAIRPERSON

EXHIBIT AF3



THIS IS EXHIBIT MARKED.....

REFERRED TO IN THE AFFIDAVITE

DATE: 07/07/2005

SGD:.....

REGINA AMOO  
COMMISSIONER FOR OATHS  
HIGH COURT ACCRA, GHANA

EXHIBIT AF 4



ELECTORAL COMMISSION  
GHANA

THIS IS EXHIBIT MARKED.....  
REFERRED TO IN THE AFFIDAVIT  
DATE: 07/07/2025  
SGD:.....  
REGINA AMOO  
COMMISSIONER FOR OATHS  
HIGH COURT ACCRA, GHANA

1<sup>ST</sup> JULY, 2025.

THE GENERAL SECRETARY  
NEW PATRIOTIC PARTY  
ACCRA

Dear Sir,

RE-RUN OF ELECTION IN SELECTED POLLING STATIONS IN THE ABLEKUMA NORTH  
CONSTITUENCY

I bring you warm greetings from the Electoral Commission and trust this letter finds you well.

Following our meeting with representatives of the National Democratic Congress and New Patriotic Party today, to discuss the completion of the Ablekuma North Parliamentary Election, this comes to inform you that a rerun will be held in nineteen (19) Polling Stations in the Ablekuma North Constituency.

The Commission arrived at the decision to rerun elections in nineteen (19) Polling Stations due to the fact that the scanned Pink Sheets provided by the NPP, which the Commission relied upon to collate the results, were not verified and confirmed by the Presiding Officers of these Polling Stations. In the case of the eighteen (18) Polling Stations, our Presiding Officers verified and confirmed the results of the scanned Pink Sheets. As such, the Commission will not rerun elections in those Polling Stations.

Kindly find attached the list of the nineteen (19) Polling Stations where the rerun will be held.

The Election will be held on Friday, 11<sup>th</sup> July, 2025.

Thank you.

Yours faithfully,

MR. SAMUEL TETTEY

DEPUTY CHAIRMAN, OPERATIONS

For: CHAIRPERSON





ELECTORAL COMMISSION OF GHANA

5<sup>th</sup> Jomo Kenyatta Road, Ridge - Accra • P. O. Box M 214, Accra, Ghana

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## ABLEKUMA NORTH CONSTITUENCY POLLING STATION LIST - RERUN

	PSCODE	PSNAME
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### NYAMEKYE

1	C160209	GOD FIRST INTERNATIONAL SCHOOL. DARKUMAN (1)
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### KAWSHIEMAN

2	C160411	PENTECOST CHURCH MOUNT ZION ASSEMBLY. KWASHIEMAN
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### AWOSHIE

3	C160606	DVLA OFFICE . AWOSHIE ADAMAMI (2)
4	C160607A	ASIEDU GYEDU MEMORIAL SCHOOL. AWOSHIE (1)

### BEEN TO

5	C160709B	LIVING SPRING DAY NURSERY. KWASHIE BU (1)
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### KWASHIE BU

6	C160808C	THE LORDS PENTECOSTAL CHURCH. KWASHIE BU
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### TSUIMAMI

7	C161004	PRESBY CHURCH. ODORKOR (4)
8	C161006	CHURCH OF PENTECOST. NORTH ODORKOR (2)
9	C161008	CHURCH OF PENTECOST. NORTH ODORKOR (4)
10	C161012A	METHODIST CHURCH. ODORKOR (1)
11	C161014	ST. JOHN THE BAPTIST CATHOLIC CHURCH. ODORKOR (1)
12	C161017	RADIANTWAY PREPARATORY SCHOOL. NORTH ODORKOR (2)

**ELECTORAL COMMISSION OF GHANA**

13	C161018A	ATECO SCHOOL COMPLEX. ODORKOR
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**OTATEN**

14	C161103	SOUTH ODORKOR SCHOOL. ODORKOR (3)
15	C161105A	PENTECOST CHURCH. TWENEBOA (2)

**AKWEI BU**

16	C161204	LIGHT OF GOSPEL MIRACLE CHAPEL. TWENEBOA (2)
17	C161208	MTTD ODORKOR DIVISIONAL STATION. ODORKOR (1)

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## ABLEKUMA NORTH CONSTITUENCY POLLING STATION LIST - RERUN

	PSCODE	PSNAME
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**SAKAMAN**

18	C161401	ROMAN CATHOLIC CHURCH. BUSIA JUNCTION ODORKOR (1)
19	C161407B	BETHEL BAPTIST CHURCH. SAKAMAN (1)

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EXHIBIT AF5

THIS IS EXHIBIT MARKED.....  
REFERRED TO IN THE AFFIDAVIT  
DATE: 07/07/2025  
SGD:.....  
REGINA AMOO  
COMMISSIONER FOR OATHS

TRANSPARENCY FAIRNESS INTEGRITY



ELECTORAL COMMISSION  
GHANA

## PRESS RELEASE

2nd July, 2025.

### ELECTIONS IN SELECTED POLLING STATIONS IN ABLEKUMA NORTH CONSTITUENCY

As part of its commitment to resolve the impasse regarding the Ablekuma North Constituency Parliamentary Election, the Electoral Commission yesterday, Tuesday, 1<sup>st</sup> July, 2025, met with the representatives of the National Democratic Congress (NDC) and New Patriotic Party (NPP).

The meeting which was a follow up to an earlier meeting held on Thursday, 12<sup>th</sup> June, 2025, provided both Parties the opportunity to brief the Commission on any new developments regarding the said Constituency. The Parties informed the Commission that their positions put forward at the last meeting remained unchanged.

- The NDC held the view that the Election should be rerun in thirty-seven (37) Polling Stations because scanned Pink Sheets from 37 Polling Stations which were used to collate the results, were provided by the NPP.
- The NPP was of the view that the results from three (3) outstanding Polling Stations, be collated and a winner declared, since the NDC Agents had verified and confirmed the scanned Polling Station results they presented.

It is important for the Public to understand that the issue in contention, has to do with the fact that 37 Pink Sheets provided by the NPP and used to collate the results, were scanned copies.

The Public may recall that Political Party supporters besieged our Collation Centre and destroyed a number of the Pink Sheets for the Ablekuma North Parliamentary Election during the collation of results following the December 7<sup>th</sup> General Election.



**TRANSPARENCY FAIRNESS INTEGRITY**

## **PRESS RELEASE**

After extensive deliberations, the Commission informed the Political Parties that it would proceed to rerun the election in 19 out of the 37 Polling Stations. The Commission arrived at the decision to rerun the election in the underlisted Polling Stations because, the 19 scanned Polling Station results used for the collation, though approved by Agents of both Political Parties, were not verified by the Presiding Officers responsible for those Polling Stations.

It is instructive to note that, the Commission was able to secure the Presiding Officers' verification and confirmation for 18 scanned Polling Station results – Agents of both parties also approved same. A rerun will therefore not be held in those Polling Stations.

The Election will be held on Friday, 11<sup>th</sup> July, 2025.

We count on the Ghana Police Service to provide the needed security to ensure a safe environment for the conduct of the Election.

Thank you.

**Samuel Tettey**  
**Deputy Chairman, Operations.**