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at... 9:50 am/pm
Registrar
SUPREME COURT OF GHANA

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA – A.D. 2020**

11/9/2020

SUIT NO:

WRIT TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT

BETWEEN:

**NATIONAL DEMOCRATIC CONGRESS
H/NO 12, ADAMA STREET, ADABRAKA
ACCRA**

PLAINTIFF

-AND-

- 1. ATTORNEY GENERAL
ATTORNEY GENERAL DEPARTMENT
MINISTRIES, ACCRA**
- 2. ELECTORAL COMMISSION OF GHANA
NEAR RIDGE HOSPITAL
ACCRA**

DEFENDANTS

TO:

**ATTORNEY GENERAL
ELECTORAL COMMISSION**

**IN THE NAME OF THE REPUBLIC OF GHANA, you are hereby commanded
within fourteen (14) days after the service on you of the statement of the**

Plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the Defendant's case in an action at the suit of:

NATIONAL DEMOCRATIC CONGRESS of Accra:

The nature of the reliefs sought is as follows:

1. A declaration that upon a true and proper interpretation of Article 45(a) of the 1992 Constitution, 2nd Defendant has the constitutional power to, and can, compile a register of voters only once, and thereafter revise it periodically, as may be determined by law. Accordingly, 2nd Defendant can only revise the existing register of voters, and lacks the power to prepare a fresh register of voters, for the conduct of the December 2020 Presidential and Parliamentary Elections.

OR IN THE ALTERNATIVE

2. A declaration that upon a true and proper interpretation of the provisions of the Constitution, specifically article 51 read conjointly with article 42 of the Constitution, the power of the 2nd Defendant to compile and review the voters' register must be exercised subject to respect for and the protection of the right to vote;
3. A declaration that, upon a true and proper interpretation of the provisions of the Constitution, particularly article 42, upon the registration of and issuance of a voter identification card to a person, that person has an accrued right to vote which cannot be divested in an arbitrary and capricious manner;
4. A declaration that, upon a true and proper interpretation of the provisions of the Constitution, particularly Article 42 of the Constitution, all existing voter identification cards duly issued by the 2nd Defendant to registered voters are valid for purposes of identifying such persons in the exercise of their right to vote;

5. A declaration that upon a true and proper interpretation of the Constitution, specifically Article 42, the 2nd Defendant's purported amendment of Regulation 1 subregulation 3 of the Public Elections (Registration of Voters) Regulations, 2016 (C.I 91) through the Public Elections (Registration of Voters)(Amendment) Regulations, 2020 to exclude existing voter identification cards as proof of identification to enable a person apply for registration as a voter is unconstitutional, null and void and of no effect whatsoever;
6. A declaration that the 2nd Defendant, in purporting to exercise its powers pursuant to article 51 of the 1992 Constitution to exclude the existing voter identification cards from the documents required as proof of identification to enable a person register as a voter without any justification is arbitrary, capricious, unreasonable and contrary to article 296 of the 1992 Constitution;
7. A declaration that upon a true and proper interpretation of the Constitution specifically Article 42 of the 1992 Constitution, proof of identification for registration as a voter should not be limited by the provisions of Public Elections (Registration of Voters) (Amendment) Regulations, 2020;
8. An order directed at the 2nd Defendant to include all existing voter identification cards duly issued by the 2nd Defendant as one of the documents serving as proof of identification for registration as a voter for the purposes of public elections;
9. Any other order or orders as this Honorable Court would deem fit in the circumstances.

The Capacity in which the Plaintiff is bringing this action is as follows:

The Plaintiff brings this action in its capacity as a citizen of Ghana to seek the interpretation and/or enforcement of the provisions of the Constitution under Articles 2(1) (b) and 130(1) (a) thereof.

The address for service for the Plaintiff is as follows:

National Democratic Congress

H/No 12, Adama Street, Adabraka, Accra

The address for service of Counsel for the Plaintiff is as follows:

LAW OFFICES OF AYINE&FELLI
NO.C808/29 1ST CLOSE LILY STREET,
EAST LEGON, ACCRA


The names and addresses of persons affected by this writ is as follows:

ATTORNEY GENERAL

ELECTORAL COMMISSION

DATED AT ACCRA THIS 19TH DAY OF MARCH, 2020

**THE REGISTRAR,
SUPREME COURT,
ACCRA.**


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GODWIN KUDZO TAMEKLO
LAWYER FOR THE PLAINTIFF
LIN NO.e GAR02107/20

AYINE & FELLI
Legal Practitioners & Consultants
1ST CLOSE LILY STREET, EAST LEGON
PMB 57 CT
TEL: 0302542092/3

AND FOR SERVICE ON:

ATTORNEY GENERAL

THE ELECTORAL COMMISSION

ACCRA