

# **ESTABLISHMENT OF ELECTORAL COMMISSION**

## **Articles 43, 44 and 45 (1992 Constitution)**

### ***Article 43. (1992 Constitution)***

(1) There shall be an Electoral Commission which shall consist of -

- (a) a Chairman;
- (b) two Deputy Chairmen; and
- (c) four other members.

(2) The members of the Commission shall be appointed by President under article 70 of this Commission.

### ***Article 44. (1992 Constitution)***

- (1) A person is not qualified to be appointed a member of the Electoral Commission unless he is qualified to be elected a member of Parliament.
- (2) The Chairman of the Electoral Commission shall have the same terms and conditions of service as a Justice of the Court of Appeal.
- (3) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service as are applicable to a Justice of the High Court.
- (4) The Chairman and the two Deputy Chairmen of the Commission shall not, while they hold office on the Commission, hold any other public office.
- (5) The other four members of the Commission shall be paid such allowances as Parliament may determine.
- (6) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoints a qualified person to fill the vacancy.

### ***Article 45. (1992 Constitution)***

The Electoral Commission shall have the following functions.

- (a) to compile the register of voters and revise it at such periods as may be determined by law;
- (b) to demarcate the electoral boundaries for national and local government elections;
- (c) to conduct and supervise all public elections and referenda;
- (d) to educate the people on the electoral process and its purpose;
- (e) to undertake programmes for the expansion of the registration of voters; and
- (f) to perform such other functions as may be prescribed by law.

**Article 46. (1992 Constitution)**

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.

**Articles 47 (1992 Constitution)**

***Constituencies.***

47 (1) Ghana shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission may prescribe, and each constituency shall be represented by one member of Parliament.

(2) No constituency shall fall within more than one region.

(3) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purposes of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(5) The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and many, as a result, alter the constituencies.

(6) 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.

(7) For the purposes of this article, "population quota" means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under this article.

**3.2 Articles 48 (1992 Constitution)**

***Appeals From Decisions of Commission.***

48. (1) A person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a boundary, may appeal to a tribunal consisting of three persons

appointed by the Chief Justice; and the Electoral Commission shall give effect to the decision of the tribunal.

(2) A person aggrieved by a decision of the tribunal referred to in clause (1) of this article may appeal to the Court of Appeal whose decision on the matter shall be final.

## **ARTICLE 55 ; 1992 CONSTITUTION OF GHANA)**

- (2) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers and shall satisfy the Commission that –
- (a) there is ordinarily resident, or registered as a voter, in each district of Ghana, at least one founding member of the party;
  - (b) the party has branches in all the regions of Ghana and is, in addition, organized in not less than two-thirds of the districts in each region; and
  - (c) the party's name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to a part of Ghana.

## **The Electoral Commission Act, 1993. Act 451**

### ***Establishment of the Electoral Commission.***

1. There is established by this Act an Electoral Commission which shall consist of –
  - (a) a Chairman
  - (b) two deputy chairmen; and
  - (c) four other members.
  
2. The functions of the Electoral Commission are –
  - (a) to compile the register of voters and revise it at such periods as may be determined by Law;
  - (b) to demarcate the electoral boundaries for both national and local government elections;
  - (c) to conduct and supervise all public elections and referenda;
  - (d) to undertake the preparation of identity cards;
  - (e) to educate the people on the electoral process and its purpose;
  - (f) to undertake programmes for the expansion of voters registration;
  - (g) to store properly election material; and
  - (h) to perform such other functions as may be prescribed by law.

### ***Independence of the Commission.***

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

### ***Qualification and appointment of members of the Commission.***

4. (1) A person is not qualified to be appointed a member of the Commission unless he is qualified to be elected as a member of Parliament.

- (2) The President shall, acting on the advice of the Council of State appoint the Chairman, Deputy Chairmen and the other members of the Commission.

***Conditions of service of members.***

5. (1) The Chairman of the Commission shall have the same terms and conditions of service as a Justice of the Court of Appeal.
- (2) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service as are applicable to a Justice of the High Court.
- (3) The Chairman and the two Deputy Chairmen of the Commission shall not, while they hold office of the Commission, hold any other public office.
- (4) The other four members of the Commission shall be paid such allowances as Parliament may determine.
- (5) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoint a qualified person to fill the vacancy.

***Meetings of the Commission.***

6. (1) The Commission shall meet at such times and such places as the Chairman shall determine but shall meet at least once in every two months.
- (2) The Chairman shall preside over every meeting of the Commission at which he is present and in his absence, one of the Deputy Chairmen shall preside.
- (3) The quorum at every meeting of the Commission shall be four and shall include the Chairman or one of the Deputy Chairmen.
- (4) There shall be given to members a notice of four clear days for every meeting called by the Commission.
- (5) Decisions at meetings of the Commission shall be that of the majority of the members present and voting and in the event of equality of votes the person presiding at the meeting shall have a second or casting vote.
- (6) Subject to the provisions of this Act, the Commission shall regulate the procedure for the conduct of its meetings.

***Committee of the Commission.***

7. (1) The Commission may appoint such committees as it considers necessary for the discharge of its functions. A committee appointed by the Commission may include non-members of the Commission but shall be chaired by a member of the Commission.

***Appointment of staff of the Commission.***

8. (1) The Commission shall appoint such officers and other employees as it may require for the effective implementation of its functions.  
  
(2) The appointment of officers and other employees of the Commission shall be made by the Commission acting in consultation with the Public Services Commission.

***Regional and District representatives of the Commission.***

9. (1) There shall be in every Region and District of Ghana a representative of the Commission.  
  
(2) Regional and District representatives of the Commission shall perform such functions as shall be assigned to them by the Commission.

***Expenditure of Commission charged on Consolidated Fund.***

10. The administrative expenses of the Commission including salaries, allowances and persons payable to, or in respect of, persons serving with the Commission shall be charged on the Consolidated Fund.

***Accounts and audit.***

11. The Commission shall keep proper books of account and proper records in relation to them and the account books and records of the Commission shall be in a form approved by the Auditor-General.  
  
(2) The books and accounts of the Commission shall be audited annually by the Auditor-General or by an auditor appointed by him.

***Regulations.***

12. (1) The Commission shall by Constitutional instrument, make regulations for the effective performance of its functions under this Act or any other law, and in particular for –
  - (a) the registration of voters for public elections and referenda;

- (b) the conduct and supervision of public elections and referenda, including provision for voting by proxy;
- (c) the issue of identity cards; and
- (d) other matters connected with the foregoing.

(2) Regulations made under subsection (1) of this section may prescribe for the contravention of any provision of the regulations a fine not exceeding ₪500,000.00 or a term of imprisonment not exceeding six months or both.

***Offence.***

13. Any person who willfully obstruct the Commission or otherwise interferes with the Commission in the discharge of its functions under this Act commits an offence and is liable on conviction to a fine not exceeding ₪500,000.00 or to a term of imprisonment not exceeding six months or both.

***Interpretation.***

14. In this Act unless the context otherwise requires –  
“Commission” means the Electoral Commission.

***Repeal and savings.***

15. (1) The Interim National Electoral Commission Law, 1992 (P.N.D.C.L.271) is repealed by this section.
- (2) Notwithstanding the repeal under subsection (1) of this section any regulation, orders or notices, made or issued under the repealed Law or any other law and in force immediately before the coming into force of this Act shall until revoked, amended or cancelled, continue in force as if they were made or issued under this Act.
- (3) The register of voter for public elections and referenda in existence immediately fore the coming into force of this Act shall until revised have effect on the coming into force of this Act as if it was compiled under this Act.

# **THE POLITICAL PARTIES LAWS**

## **THE POLITICAL PARTIES LAW ACT 574, 2000**

### **PART I - FOUNDING AND REGISTRATION OF POLITICAL PARTIES**

#### ***Founding of Political parties.***

1. (1) Political parties may be founded to further purposes which are not contrary to the Constitution and the laws of the Republic.  
  
(2) Subject to the Constitution and this Act, every citizen of voting age has the right to form or join a political party.  
  
(3) A political party may, subject to the Constitution and this Act, participate in shaping the political will of the people, disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for public elections other than elections to District Assemblies or lower local government units.

#### ***Participation in politics.***

2. (1) Subject to the Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and politicizes of the government.  
  
(2) No member of any organization or interest group shall be required to join any particular political party by virtue of his membership of the organization or group.  
  
(3) Any person who

- (a) suppresses or attempts to suppress the lawful political activity of another person contrary to subsection (1); or
- (b) requires any person to join any particular political party contrary to subsection (2),

commits an offence and shall on summary conviction be liable to a minimum fine of two million cedis or to imprisonment for a term not exceeding five years or to both.

***Prohibition of ethnic or religious parties.***

3.. (1) No political party shall be formed

- (a) on ethnic, gender, religious, regional, professional or other sectional divisions; or
- (b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or other sectional divisions.

(2) For the purpose of subsection (1), a political party is formed on ethnic, gender, religious, regional, professional or other sectional divisions if its membership or leadership is restricted to members of any particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.

***Registration of political parties.***

4. (1) A political party shall be registered in accordance with this Act and shall pay in respect of the registration such fees as the Electoral Commission shall by constitutional instrument determine

(2) A fee paid under subsection (1) is not refundable.

(3) A political party shall upon registration under this Act be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name, and shall have the power to acquire, hold, manage or dispose of movable or immovable property and enter into any contract or other transaction as any legal person.

***Commission to register political parties.***

5. The Commission, shall register all political parties in accordance with this Act.

***Prohibition of canvassing unless the party is registered.***

6. No person shall for a public election

- (a) canvass for votes; or
- (b) put forward a person for election,

on behalf of or in the name of any organization unless the organization is registered as a political party under this Act.

***Qualification of founding and executive members of political parties***

7. (1) Subject to this Act, a political party shall have such executive and other officers as the founding members shall determine.

(2) A political party shall not have as a founding member, a leader or a member of its executive, a person who

(a) is not qualified to be elected as a member of Parliament; or

(b) is not qualified to hold any public office.

(3) Only a citizen may be appointed to an office or be a founding, ordinary or other member of a political party.

***Method of registration of a political party.***

8. (1) An application to register a political party shall be made to the Commission and shall be accompanied with

(a) a copy of the constitution and the rules or regulations, if any, of the political party duly signed by the interim national chairman or leader and by the interim national or general secretary of the party;

(b) the written names and addresses of its national officers;

(c) a full description of the identifying symbols, slogans, and colours, if any, of the political party;

(d) the registration fee specified in subsection (1) of section 4; and

(e) such other particulars as the Commission may reasonably require.

(3) The Commission shall, not later than seven days after the receipt of the application, issue to the political party a provisional certificate of registration and shall cause a

notice of the application to be published in the Gazette after receipt, inviting objections from any person, concerning the name, aim, objects, constitution, rules, symbols, slogans and colours of the party.

- (4) The Commission may in addition to inviting objections to the application under subsection (2), cause independent inquiries to be made so as to ascertain the truth or correctness of the particulars submitted with the application for registration.
- (5) On expiration of thirty days after the date of the publication of the Gazette notice, the Commission shall, if satisfied that the relevant provisions of this Act on registration have been complied with, register the political party.
- (6) Where within the thirty day period an objection has been brought to the notice of the Commission, it shall not register the political party until the objection has been disposed of to the satisfaction of the Commission.
- (7) Where the Commission upholds the objection or if enquiries made under subsection (3) disclose that any of the particulars submitted with the application for registration are false, the Commission may refuse to register the party and cancel the provisional certificate issued to that party under subsection (2).

***Conditions for registration.***

9. The Commission shall not register a political party under this Act unless
  - (a) the internal organization of the party conforms with democratic principles and its actions and purposes are not contrary to or inconsistent with the Constitution;
  - (b) the party has on its national executive committee one member from each region;
  - (c) the party has branches in all the regions and is, in addition organized in not less than two-thirds of the districts in each region;
  - (d) there is in each district at least one founding member of the party who is ordinarily resident in the district or is a registered voter in the district;
  - (e) the party's name, emblem, colour, motto or any other symbol has not ethnic, gender, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to part of the country and
  - (f) the party is not in breach of any of the provisions of this Act.

***Prohibition of certain identifying symbols.***

10. No prospective political party shall submit to the Commission for the purpose of registration under this Act any identifying symbol, slogan, colour or name which is the same as the symbol, slogan, colour or name

- (a) of any other registered political party; or
- (b) of the Republic; or

which so closely reassembles the symbol, slogan, colour or name of a registered political party or the Republic as to be like to deceive or confuse members of the public.

***Final certificate of registration.***

11. The Commission shall upon registration of a political party issue to that party a final certificate of registration.

***Appeal on refusal of registration.***

12. (1) A political party whose application for registration is refused by the Commission under this Act, may at any time apply to the Commission for the reconsideration of its decision not to register the political party.

(2) If, within seven days after an application has been made to it under subsection (1), the Commission refuses or fails to register the political party, the party may appeal to the Court of Appeal against the decision of the Commission.

(3) The appeal shall be on notice to the Commission and such other persons as the Court of Appeal may direct.

**PART II - OPERATION OF POLITICAL PARTIES**

***Declaration of assets and expenditure by political parties.***

13. (1) Every political party shall, within ninety days after the issue to it of a final certificate of registration under section 11 or such longer period as the Commission may allow, submit to the Commission a written declaration giving details of all its assets and expenditure including contributions or donation in cash or in kind made to the initial assets of the political party.

(2) A declaration submitted to the Commission under subsection (1) shall state the sources of funds and other assets of the political party.

- (3) The declaration shall also contain such other particulars as the Commission may in writing direct.
- (4) The declaration shall be supported by a statutory declaration made by the national treasurer and the national or general secretary of the political party.
- (5) The Commission shall, within thirty days after receipt of the declaration required under subsection (1), cause it to be published in the Gazette.
- (6) Without prejudice to any other penalty prescribed by this Act or any other enactment, where a political party
  - (a) refuses or neglects to comply with this section; or
  - (b) submits a declaration which is false in any material particular, the Commission may cancel the registration of that political party.

***Declaration of assets, liabilities and expenditure in relation to elections.***

14. (1) A political party shall, within twenty-one days before a general election, submit to the Commission a statement of its assets and liabilities in such form as the Commission may direct.
- (2) A political party shall, within six months after a general or by-election in which it has participated, submit to the Commission a detailed statement in such form as the Commission may direct of all expenditure incurred for that election.
- (3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.
- (4) Without prejudice to any other penalty provided in this Act or any other enactment, where a political party
  - (a) refuses or neglects to comply with this section; or
  - (b) submits a statement which is false in any material particular, the Commission may cancel the registration of the political party.

***Provisions of particulars of national, head or regional, district and constituency offices and officers.***

15. (1) Within ninety days after the issue to it of a final certificate of registration, a political party shall furnish the Commission with details of the existence and location of its national, regional, district and constituency offices.

(2) A political party shall also within the period specified in subsection (1) submit to the Commission

(a) the names, titles and addresses of its officers at the national, regional, district and constituency levels and also at such other levels of organization as the Commission may direct; and

(b) the name and address of the auditors of the political party.

(3) Where a political party

(a) refuses or neglects to comply with this section; or

(b) makes a statement in a matter submitted to the Commission under this section which is false; or

(c) has refused, neglected or failed to establish or maintain a national office or to establish or maintain a regional office in every region, the Commission may cancel the registration of that political party.

***Appeal against cancellation of registration.***

16. A political party whose registration is cancelled by the Commission under sections 13, 14 or 15 may appeal to the Court of Appeal against the cancellation.

***Selection of executive officers.***

17. (1) Every political party shall elect such persons as may be determined by the members of the party as executive officers of the party.

(2) The election of the national, regional and constituency executive officers of every political party shall be conducted under the supervision of the Commission.

(3) Pending the election of executive officers of a political party, an application for registration of the political party shall be submitted to the Commission by such interim executive officers as the members of the party shall determine.

***Notification of changes or alterations.***

18. (1) Where a political party registered under this Act changes or alters

(a) its constitution

- (b) its rules or regulations, if any;
- (c) the title or address of any person or office submitted to the commission under section 15 of this Act; or
- (d) its identifying symbol, slogan, colour or name,

it shall notify the Commission of the change or alteration and the Commission shall within fourteen days from the date of receipt of the notification cause to be published in the Gazette the change or alteration.

- (2) Every change or alteration shall come into effect, if no objection is made to the change or alteration, seven days after publication by the Commission of the notice under subsection (1).

***Merger of registered political parties.***

- 19. Where two or more registered political parties come together and merge as one party
  - (a) the registration of each party existing immediately before the effective date of the merger shall lapse; and
  - (b) the new party shall require registration for the purposes of this Act.

***Political parties in alliance.***

- 20. (1) Where two or more registered political parties form an alliance of their parties the following provisions shall apply.
  - (a) each party shall remain as a separate registered party for the purposes of this Act;
  - (b) each party shall furnish the Commission within such period as the Commission shall direct a copy of the terms of the agreement of the alliance;
  - (c) in any public elections each candidate shall be identified by his portrait and the symbol of his party on the ballot paper;
  - (d) where the parties nominate separate candidates to contest an election in the same constituency each candidate shall be identified separately on the ballot paper and in relation to his party only; and
  - (e) fees payable under this Act or any regulations made under this Act by or in respect of a candidate for elections shall be paid separately by or for each candidate

as standing for the elections in the name of his own party, the alliance notwithstanding.

***Returns and accounts of political parties.***

21. (1) A political party shall, within six months from 31<sup>st</sup> December of each year, file with the Commission

(a) return in the form specified by the Commission indicating:

- (i) the state of its accounts
- (ii) the sources of its funds
- (iii) membership dues paid
- (iv) contributions or donations in cash or kind
- (v) the properties of the party and time of acquisition
- (vi) such other particulars as the Commission may reasonably require, and

(b) audited accounts of the party for the year.

(2) Any person may, on payment of a fee determined by the Commission, inspect or obtain copies of the returns and audited accounts of a political party filed with the Commission under this section.

(3) Notwithstanding the provisions of this section, the Commission may at any time upon reasonable grounds order the accounts of a political party to be audited by an auditor appointed by the Commission whose fees and expenses shall be paid by the Commission and also request the political party to file with the Commission the audited accounts at a time to be specified by the Commission.

***Duty of political parties to provide information to Commission.***

22. (1) The Commission may by writing upon state grounds request an executive officer of a political party to furnish for inspection by the Commission records of the party or such other information as is reasonably required by the commission to enable it ensure that the provisions of this Act are complied with.

(2) A political party or an executive officer of a political party shall comply with a request made to it or to him by the Commission under subsection (1).

**PART III - FUNDING OF POLITICAL PARTIES**

***Contribution by citizens.***

23. (1) Only a citizen may contribute in cash or in kind to the funds of a political party.

- (2) A firm, partnership, or enterprise owned by a citizen or a company registered under the laws of the Republic at least seventy-five percent of whose capital is owned by a citizen is for the purposes of this Act a citizen.

***No contribution by non-citizens.***

24. A non-citizen shall not directly or indirectly make a contribution or donation or loan whether in cash or in kind to the funds held by or for the benefit of a political party and no political party or person acting for or on behalf of a political party shall demand or accept a contribution donation or loan from a non-citizen.

***Contraventions of this Part.***

25. (1) Where any person contravenes section 23 or 24, in addition to any penalty that may be imposed under this Act, any amount whether in cash or in kind paid in contravention of the section shall be forfeited to the State and the amount shall be recovered from the political party as debt owed to the State. The political party or person in whose custody the amount is for the time being held shall pay it to the State.

- (2) A non-citizen found guilty of contravention of section 24 shall be deemed to be a prohibited immigrant and liable to deportation under the Aliens Act, 1963 (Act 160).

- (3) The provisions of sections 23 and 24 do not preclude a government of any country or a non-governmental organization from providing assistance in cash or in kind to the Commission for use by the Commission for the collective benefit of registered political parties.

**PART IV - GENERAL AND MISCELLANEOUS PROVISIONS**

26. (1) A chief or any other person who is not eligible to be elected to Parliament does not qualify to
- (a) be a founding member, a leader or a member of the executive of a political party; or
  - (b) hold office in a political party.
- (2) A chief or a public officer shall engage in canvassing in support of or against a political party or a candidate standing for a public election.

***Cancellation of registration and its effect.***

27. (1) Without prejudice to the penalty provided for under section 31, where a political party contravenes any of the provisions of this Act and is convicted the High Court may order the Commission to cancel the registration of that political party.

- (2) Where the registration of a political party is cancelled under subsection (1) no person shall
- (a) summon a meeting of members or officers of the political party;
  - (b) attend a meeting in the capacity of a member or officer of the political party;
  - (c) publish a notice or advertisement relating to a meeting of the party;
  - (d) invite persons to support the political party;
  - (e) make a contribution or loan to funds held by or for the benefit of the political party or accept a contribution or loan; or
  - (f) give a guarantee in respect of such funds.

***Political meeting.***

28. A political party that intends to hold a public meeting shall comply with the provisions on the holding of special event as provided under the public Order Act 1994 (Act 491).

***Gazette notices.***

29. Where a provision of this Act requires the Commission to publish anything in the Gazette, it may in addition to or in exceptional circumstances in lieu of the publication, cause it to be published in the national daily newspapers and on the radio and television and the provisions of this Act shall have effect accordingly.

***Penalty.***

30. (1) Any person who contravenes a provision of this Act commits an offence.
- (2) Any person who in furnishing particulars or information required to be furnished by a political party or by him under this Act makes a statement which he knows to be false or which he has no reason to believe to be true or makes a false statement reckless whether it true or not commits an offence.
- (3) An offence under this Act, unless otherwise specifically provided for, shall be punishable with a fine not exceeding ten million cedis or a term of imprisonment not exceeding two years or both.
- (4) Where an offence under this Act is committed by a political party, every executive officer of that party shall also be guilty of that offence.
- (5) Where an offence under this Act is committed by a body of persons other than a political party, then
- (a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be guilty of the offence; and
  - (b) in the case of a partnership, every partner shall also be guilty of the offence.

(6) No person shall be guilty of an offence by virtue of subsection (4) or (5) if he proves to the satisfaction of the court that the act in respect of which he is charged was committed by a person other than himself, and was without his consent or connivance and that he exercised all diligence to prevent the commission of that act as he ought to have exercised having regard to all the circumstances.

***Winding up political parties.***

31. On an application made by the Commission the High Court may make such orders as appears to the Court just and equitable for the winding up and dissolution and disposition of the property, assets, rights and liabilities of a political party whose registration has been cancelled.

***Regulations.***

32. (1) The Commission may by constitutional instrument make such regulations as may appear to it to be expedient for giving full effect to the provisions of this Act.

(2) The signature of the chairman of the Commission or in his absence of a Deputy Chairman shall be sufficient to authenticate any act or action by the Commission.

***Interpretation.***

33. In this Act, unless the context otherwise requires –

“Commission” means the Electoral Commission;

“district” means the area of authority of a District Assembly;

“executive officers of a political party” means the national chairman, the leader, the general secretary or equivalent designation, the national treasurer and the other members of the national executive committee of the political party;

“founding members of a political party” means the persons who are specified in the written declaration under section 13 to have contributed or offered to contribute either in cash or in kind to the initial assets of the party;

“political party” means a free association or organization of persons, one of whose objects may be to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or influence the actions of government;

“registered” means registered under of this Act;

“symbol” includes motto.

***Repeal and savings.***

34. (1) The Political Parties Law 1992 (PNDCL.281) and the Political Parties (Amendment) Law, 1992 (P.N.D.C.L.283) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1) any regulation or registration made and any certificate issued under the repealed enactment shall continue to be valid as if made under the corresponding provision of this Act.

(3) The repeal of the enactments specified in subsection (1) does not vest in any person or body a right to lay claim to any assets of a political party proscribed under the repealed enactments.

**PUBLIC AND POLITICAL PARTY OFFICE HOLDERS  
(DECLARATION OF ASSETS AND ELIGIBILITY) LAW, 1992  
P.N.D.C.L.280**

**PART I - DECLARATION OF ASSETS**

***Specified public and other office holders to declare assets.***

1. (1) A person is not eligible –
- (a) to be elected or appointed to any of the public offices specified in the First Schedule to this Law; or
  - (b) to be elected or appointed a principal office holder of a political party,

unless he has completed and submitted a written declaration of all property or assets owned by him, directly or indirectly, on a questionnaire provided for the purpose by the Auditor-General or the Interim National Electoral Commission.

- (2) The written declaration referred to in subsection (1) of this section shall be submitted –
- (a) in respect of a public office specified in the First Schedule, to the Auditor-General; or
  - (b) in the case of a principal office holder of a political party, to the Interim National Electoral Commission within thirty days of the election to the office.
- (3) The Auditor-General or the Interim National Electoral Commission as appropriate shall cause to be published in the Gazette the declaration submitted under subsection (2) of this section within fourteen days of its receipt.

- (4) The Chairman and members of the Interim National Electoral Commission and the Auditor-General shall make written declarations of their property or assets to the Council.

***Assets declaration to be periodically reviewed.***

(2) (1) A person required to declare his property or assets under section 1 of this Law shall be further required to declare his assets and liabilities in the same manner as under section 1 –

(a) at the end of every two year; and

(b) at the end of his term of office.

(2) Assets declared under this section shall be published in the Gazette within fourteen days of submission.

***P.N.D.C. appointees to declare assets.***

3 (1) A person who has held an office specified in the Second Schedule to this Law at any time since the 31<sup>st</sup> day of December 1981 shall declare his property or assets in respect his property or assets in respect of the period he held office including the date on which he ceases to hold office to the Auditor-General.

(2) Where a person to whom subsection (1) applies ceases to hold office before the 7<sup>th</sup> day of January 1993 or has ceased to hold office, the declaration shall be made in respect of the period he held office including the date on which he ceased to hold office.

(3) Assets declared under this section shall be published by the Auditor-General within fourteen days of submission.

(4) Any person who willfully fails to declare his assets in contravention of subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding ₡1,000,000.00 or to imprisonment not exceeding two years or to both.

**PART II – INELIGIBILITY TO HOLD PUBLIC OFFICE**

***Certain persons ineligible to hold public office.***

4. (1) A person shall not be eligible to be elected to or appointed to any of the public offices specified in the First Schedule to this Law or to be elected or appointed as a principal office holder of a political party if he is a person in respect of whom a Commission or Committee of Enquiry, the National Investigations Committee or the Office of Revenue Commissioner, in this Law referred to as a “competent authority” has found that he, while holding a public office –

- (a) acquired any assets unlawfully; or
- (b) defrauded the State; or
- (c) misused or abused his office; or
- (d) prejudicial to the interest of the State; or
- (e) willfully acted in a matter which a reasonable person in his position having regard to all the circumstances ought to have known to be prejudicial to the interests of the State.

(2) In this section, the expression “public office” in relation to which the finding must have been made means –

- emoluments attached to which are paid from funds provided by the Government or Parliament;
- (b) an office in any statutory corporation or board established by or under any enactment;
- (c) an office in a company in which the Government or a statutory corporation has shares; and
- (d) the office of Member of Parliament and Member of a District Assembly or other local authority established by law.

(3) The ineligibility under subsection (1) of this section applies to any person who has been found by a competent authority to have willfully evaded the payment of taxes or other state revenue.

(4) Subject to subsection (5) of this section, a person shall not be taken to be ineligible to hold public office under subsections (1) and (2) of this section if –

- (a) ten years or more have passed since the date of the publication of the report of the competent authority; or
- (b) he has been pardoned.

(5) The dispensation granted under subsection (4) of this section shall not apply to a person seeking office as President or Vice President under the Constitution or under the law on presidential elections in force immediately before the coming into force of the Constitution.

***Time when ineligibility commences.***

5. The ineligibility prescribed by section 4 of this Law shall commence on the date of publication to the general public by the Government of the findings of the competent authority in question together with the White Paper on it or from the date when the finding made by the competent authority was brought to the notice of the person against whom the finding was made whichever is earlier.

***Status of finding vis-à-vis Government White Paper.***

6. Where the findings of a competent authority are not accepted by the Government in the published White Paper, or where the findings of the competent authority are not approved by Government, they shall not be enforceable.

***Ineligibility to include convicted persons.***

7. (1) For the avoidance of doubt, it is hereby declared that a person is not eligible to be elected to or appointed to any of the public offices specified in the First Schedule to this Law or to be appointed or elected as a principal office holder of any political party if he has been convicted and sentenced to death or imprisonment for an offence involving fraud, dishonesty, violence or has been convicted of an offence relating to, or connected with public elections under any enactment in force in Ghana at any time.

(2) Subject to subsection (3) of this section a person shall not be taken to be ineligible to hold public office under subsection (1) of this section if –

- (a) ten years or more have passed since the end of the sentence; or
- (b) he has been pardoned.

(3) The dispensation granted under subsection (2) of this section shall not apply to a person seeking office as President or Vice President under the Constitution or under the law on Presidential elections in force immediately before the coming into force of the Constitution.

**PART III – GENERAL PROVISIONS**

***Complaints against declared assets.***

8. (1) An allegation that a person has made a false declaration in his assets published under this Law may be lodged with the Ombudsman.

(2) The Ombudsman shall, on receipt of a complaint under subsection (1), cause the matter to be investigated and shall, where he finds a false declaration has been willfully made by the appointed to a public office specified in the First Schedule to this Law or to be elected or appointed as a principal office holder of a political party and may take such further action as he considers appropriate in respect of the results of the investigation.

***Repeals.***

9. The following enactments are hereby repealed –

- (a) the Elections and Public Offices (Disqualification) Decree, 1979 (S.M.C.D.224); and
- (b) the Standing Investigation of Assets and Other Matters Commission Decree, 1979 (S.M.C.D.225).

***Interpretation.***

10. In this Law, unless the context otherwise requires –

“assets” includes liabilities and includes also the assets and liabilities of a spouse;

“Commission” means the Interim National Electoral Commission established under the Interim National Electoral Commission Law, 1991 (P.N.D.C.L. 271);

“Constitution” means the Constitution approved at the Referendum held on 28<sup>th</sup> April 1992;

“Council” means the Provisional National Defense Council;

“principal office holder of a political party” means the national chairman, the leader, general secretary or equivalent designation, the national treasurer of the party, and the other members of the national executive of the political party.

## **6.3 ACT 699 REPRESENTATION OF THE PEOPLE (AMENDMENT)**

### **ACT 2006 (ROPAL)**

#### **PNDCL 284 amended.**

1. The Representation of the People Law, 1992 (PNDCL 284) as amended is further amended as follows:

(a) in paragraph (c) of section 7(1) by the addition of the words “ or hails from the constituency” after “division”.

(b) by the substitution for section 8 of the following:

“Registration of Ghanaian citizens abroad

8. (1) A person who is a citizen of Ghana resident outside the Republic is entitled to be registered as a voter if the person satisfies the requirements for registration prescribed by law other than those relating to residence in a polling division.

(2) The Commission may appoint the Head of a Ghana Mission or Embassy abroad or any other person or institution designated in writing by the Commission as a registration officer to register a person to be a voter for an election.

(3) The Commission may give such directions as it considers appropriate to a person appointed as a registration officer”;

(c) by the insertion of the following after “by-election” in section 50, “citizen” means a citizen of Ghana under the Citizenship ‘Act, 2000 (Act 591)”

***Modalities for the implementation of the Act.***

2. The Electoral Commission shall, by Constitutional Instrument, make Regulations to prescribe the modalities for the implementation of this Act..

**PNDCL 284 REPRESENTATION OF THE PEOPLE LAW, 1992.**

**PART I - CONSTITUENCIES FOR PARLIAMENTARY ELECTIONS**

***Constituencies of Ghana for Parliamentary elections.***

1. (1) Ghana shall be divided into as many constituencies for the purpose of election of member of Parliament as the Interim National Electoral Commission, in this Law referred to as “the Commission”, shall by legislative instrument prescribe.

(2) Each constituency shall be represented by one member in Parliament.

(3) The boundaries of a constituency shall not fall within more than one region.

(4) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(5) For the purpose of subsection (4) of this section, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(6) For the purpose of this section “population quota” means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under subsection (1) of this section.

***Appeal from decision of Commission.***

2. (1) A person aggrieved by a decision of the Commission in respect of a demarcation of a boundary may appeal to a tribunal consisting of three persons appointed by the Chief Justice and the Commission shall give effect to the decision of the tribunal.

(2) A person aggrieved by a decision of the tribunal referred to in subsection (1) of this section may appeal to the Court of Appeal those decision on the matter shall be final.

***Review of constituencies.***

3. (1) The Commission shall review the division of Ghana into constituencies as intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier and may, as a result, alter the boundaries of the constituencies.

(2) Where the boundaries of a constituency established under section 1 are altered as a result of a review, the alteration shall come into effect on the next dissolution of Parliament.

***Polling divisions.***

4. (1) The Commission shall divide every constituency into polling divisions and a polling division may be divided into as many polling stations as the Commission may prescribe.

(2) Where the boundaries of a constituency are varied, and in any other circumstances in which the Commission thinks it appropriate to do so, the Commission may alter the number and area of polling divisions within the constituency.

(3) Whenever the Commission divides a constituency into polling divisions or alter the number or area of polling divisions within a constituency, it shall, by legislative instrument, specify the polling divisions into which the constituency has been divided into or the alteration which has been made.

***Appointment of election committee.***

5. (1) The Commission shall appoint for every constituency an election committee which shall be a committee of the Commission.

(2) The members of an election committee shall be appointed from the registered voters in the relevant constituency.

(3) An election committee shall consist of not less than three members and not more than five members of whom one shall be appointed as a presiding member by the Commission.

(4) The presiding member of an election committee shall be the returning officer.

(5) An election committee shall be charge with the responsibility for the conduct and supervision of public election in the constituency under the supervision and direction of the Commission.

***Presiding officer and deputies.***

6. (1) The Commission shall appoint a presiding officer for each polling division and such number of deputy or assistant presiding officer as it considers necessary.

(2) Subject to such directions as may be given by the Commission, the duties imposed by this Law on a presiding officer may be performed by his deputy or his assistant.

**PART II - QUALIFICATION OF VOTERS AND MEMBERS OF PARLIAMENT**

***Qualification of voters.***

7. (1) A person qualifies to be registered as a voter if -

(a) he is a citizen of Ghana of eighteen years of age or above; and

(b) he is of sound mind; and

(c) he is not otherwise disqualified to be registered as a voter by any law for the time being in force.

(d) he is not otherwise disqualified to be registered as a voter by any law for the time being in force.

(2) No person shall be entitled to have his name included at any one time in the register of more than one constituency or in more than one divisional register in a constituency.

(3) Subject to subsection (2) of this section a person shall, for the purpose of this section be deemed to be resident in a polling division on the qualifying date if he has a place of abode in the division on that date.

(4) A person shall not be deemed to be resident in a polling division if he has been absent from his place of abode for a continuous period of six months ending on the qualifying date.

(5) A person who is a patient in an establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in legal custody in any place shall not be treated as resident there for the purposes of this section.

(6) A person who is resident in more than one place and who would, but for subsection (2) of this section be entitled to have his name included in the register of more than one constituency or in more than one divisional register in a constituency shall select one constituency and one polling division for the purpose of registration and voting.

***Registration of officials abroad.***

8. (1) A person who is a citizen of Ghana employed in a post outside Ghana -

(a) in the service of the Republic; or

(b) in the service of the United Nations or of any other international organization,

shall be entitled to be registered as a voter if he satisfies the requirements for registration prescribed under this Law other than those relating to residence in a polling division.

(2) Subsection (1) of this section shall also apply to the spouse of a person to whom subsection (1) applies where the spouse is resident outside Ghana with the employed spouse.

(3) Unless otherwise disqualified under this Law, a person employed on Government duty outside Ghana who is a citizen of Ghana, shall be entitled to be registered as a voter notwithstanding that the person does not satisfy the requirements of this Law relating to residence in a polling division.

(4) The Commission may appoint the Head of a Ghana Mission or Embassy abroad as a registration officer for the purpose of receiving claims from a person entitled under subsection (1), (2) or (3) of this section to be registered as a voter.

(5) The Commission may give such directions as it thinks fit to a person appointed as a registration officer under subsection (4) and the person shall comply with the direction.

***Qualifications and eligibility of members of Parliament.***

9. (1) A person shall not be qualified to be a candidate for the office of member of Parliament unless -

- (a) he is a citizen of Ghana, has attained the age of twenty-one years and is a registered voter;
- (b) he is resident in the constituency for which he stands as a candidate for election to Parliament or has resided there, for a total period of not less than five years out of the ten years immediately preceding the election for which he stands or he hails from that constituency; and
- (c) he has paid all his taxes or made arrangements satisfactory to the appropriate authority for the payment of his taxes.

(2) A person shall not be qualified to be a member of Parliament if he –

- (a) owes allegiance to a country other than Ghana; or
- (b) has been adjudged or otherwise declared –
  - (i) bankrupt under any law in force in Ghana and has not been discharged; or
  - (ii) to be of sound mind or is detained as a criminal lunatic under any law in force in Ghana; or
- (c) has been convicted -
  - (i) for treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
  - (ii) for any other offence punishable by death or by a sentence of not less than ten years imprisonment; or
  - (iii) for an offence relating to, or connected with public elections under a law in force in Ghana at any time; or
- (d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office; or willfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or
- (e) is under sentence of death or sentence of imprisonment imposed on him by any court; or

- (f) is not qualified to be registered as a voter under any law relating to public elections; or
- (g) is otherwise disqualified by a law in force at the time of the coming into force of this Law.

(3) A person shall not be eligible to be a member of Parliament if he -

- (a) is prohibited from standing election by a law in force in Ghana by reason of his holding or acting in an office the functions of which involve a responsibility for, or connected with, the conduct of an election or a responsibility for the compilation or revision of an electoral registrar; or
- (b) is a member of the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Parliamentary Service, the Statistical Service, the National Fire Service, the Customs, Excise and Preventive Service, the Immigration Service or the Internal Revenue Service; or
- (c) is a chief or
- (d) has not declared his assets in accordance with the provisions of the Public and Political Office Holders (Declaration of Assets and Eligibility) Law, 1992 (P.N.D.C.L.280).

(4) For the purpose of subsection (2) (d) of this section, in the case of any finding made by a commission or committee of inquiry which is not a judicial or quasi-judicial commission or committee of inquiry, without prejudice to any appeal against or judicial review of that finding, the finding shall not have the effect of disqualifying a person under that subsection unless it has been confirmed by a Government White Paper.

(5) A person shall not be taken to be disqualified to be a member of Parliament under paragraph (c) or (d) of subsection (2) of this section if –

- (a) ten years or more have passed since the end of the sentence or the date of the publication of the report of the commission or committee of inquiry; or
- (b) he has been pardoned.

***Vacation of seat in Parliament postponed in certain circumstances.***

10. When a member of Parliament is adjudged or declared bankrupt or of unsound mind or sentenced to death or imprisonment, the decision shall not have the effect of causing him to vacate his seat in Parliament until -

- (a) where an appeal is lodged, the time within which an appeal may be lodged has expired; or

(b) where an appeal is lodged, the appeal has been finally disposed of.

### **PART III - NOMINATION OF CANDIDATES AND VOTING AT ELECTIONS**

#### ***Nominations and election of candidates at public elections.***

11. (1) Where in any elections under this Law at the close of nominations and on the day before the elections -

(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; or

(b) only one candidate is nominated, there shall be no election and that candidate is nominated, there shall be no election and that candidate shall be declared elected.

(2) Where for the purpose of the election two or more candidates are nominated but at the close of the nominations and on the day before the election only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for a person nominated within that period of ten days to withdraw his nomination.

(3) Where at the close of nominations and after the expiry of the further period of ten days under subsection (2) of this section only one candidate stands nominated there shall be no elections and that candidate shall be declared elected.

(4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency shall be postponed for twenty-one days.

(5) The Commission shall by regulations prescribe the procedure for the nomination of candidates and shall in particular provide for –

(a) conditions of nomination;

(b) declaration to be made by candidates; and

(c) deposit to be paid and whether it is refundable or not and the conditions for such refund.

#### ***By-election.***

12. (1) Whenever a vacancy occurs in the membership of Parliament, the Clerk to Parliament shall notify the Commission in writing within seven days after the vacancy occurred, and a by-election shall be held within thirty days after the vacancy occurred.

(2) Notwithstanding subsection (1) of this section, a by-election shall not be held within three months before the holding of a general election.

***Voting at public elections.***

13. (1) At a public election voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such of the candidates or the representatives and their polling agents as are present, proceed to count, at that polling station, the ballot papers of that station and record the votes cast in favour of each candidate.

(3) The presiding officer, the candidates or their representatives and the polling agents shall then sign a declaration stating –

(a) the total number of voters entitled to vote at that polling station; and

(b) the number of votes cast in favour of each candidate, and the presiding officer shall, there and then announce the results of the voting at that polling station before communicating them to the returning officer.

***Candidate to conduct campaign freely.***

14. every candidate for election to Parliament has the right to conduct his campaign freely and in accordance with law.

***Conduct of elections.***

15. The Commission may by legislative instrument make regulations generally for the conduct of elections including provisions for voting by proxy.

**PART IV – ELECTION PETITIONS AND OTHER LEGAL PROCEEDINGS**

***Methods of questioning election.***

16. (1) The validity of an election to Parliament may be questioned only by a petition brought under the Part.

(2) Every election petition shall be presented before the High Court for hearing.

***Presentation of election petition.***

17. An election petition may be presented by one or more of the following persons -

(a) a person who lawfully voted or had a right to vote at the election to which the petition relates;

(b) a person claiming to have had a right to be elected at the election;

(c) a person alleging himself to have been a candidate at the election;

- (d) a person claiming to have had a right to be nominated as a candidate at the election.

***Time for presentation of petition.***

18. (1) An election petition shall be presented within twenty-one days after the date of the publication in the Gazette of the result of the election to which it relates, except that a petition questioning an election on an allegation of corrupt practice and specifically alleging a payment of money or other award to have been made by the person whose election is questioned or to have been made by the person whose election is questioned or to have been made on his behalf to his knowledge, may be presented within twenty-one days after the date of the alleged payment.

(2) The presentation of an election petition under subsection (1) shall not be valid unless within the time specified in subsection (1), the petitioner gives ₦20,000 as security for costs.

(3) The time limit promoted by this section for the presentation of an election petition shall not be extended.

***Relief which may be granted.***

19. After the hearing of an election petition the High Court may make any of the following orders -

- (a) declare that the election to which the petition relates is void;
- (b) declare that a candidate other than the member whose election is questioned was duly elected.
- (c) dismiss the petition and declare that the member whose election is questioned was duly elected.

***Grounds for canceling election results.***

20. (1) The election of a candidate shall be declared void on an election petition if the High Court is satisfied -

- (a) that general bribery, general treating, general intimidation or other misconduct or circumstances, whether similar to those specified in this Law or not, have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;
- (b) that there has been non-compliance with any provision of this Law or of regulations made under this Law and that it appears that the election was not conducted in accordance with the principles laid down by law and that such non-compliance affected the result of the election;

- (c) that the candidate was at the time of his election a person not qualified or a person not qualified or a person disqualified for election.

(2) Notwithstanding subsection (1) of this section –

- (a) where at the hearing of an election petition the High Court finds that a candidate has been guilty through his agent or representative of a corrupt or illegal practice, and the High Court further finds, that the candidate has proved to the High Court –
  - (i) that no corrupt or illegal practice was committed by the candidate himself or with his knowledge or consent or approval; or
  - (ii) that even though there was corrupt or illegal practice the candidate took all reasonable steps to prevent the commission of corrupt or illegal practice at the election; and
  - (iii) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate,

then, if the High Court so recommends, the election of the candidate shall not because of the corrupt practice be void or illegal and the candidate shall not be subject to any incapacity under this Law;

- (b) where at the hearing of an election petition the High Court finds that there has been failure to comply with any provision of this Law or of regulations made under it, and the High Court further finds -
  - (i) that the election was conducted in accordance with this Law and regulations made under it; and
  - (ii) that the failure did not affect the result of the election,

The election of the successful candidate shall not because of the failure be void and the successful candidate shall not be subject to any incapacity under this Law or regulations made under it.

***Scrutiny.***

21. (1) Where on an election petition the election is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, the High Court may direct and examination of the votes cast at the election by the Commission or such other person as the Court may determine.

(2) On scrutiny, the following votes shall be struck off –

- (a) the vote of a person –

- (i) whose name was not included in the divisional register of the polling division in which the vote was recorded;
  - (ii) whose name was not included in that part of the register which contained the names of the voter assigned to the polling station at which the vote was recorded;
  - (iii) who had no right under this Law or regulations made under it to vote at the polling station at which his vote was recorded;
- (a) the vote of a person whose vote was procured by bribery, treating or undue influence;
  - (b) the vote of a person who committed or procured the commission of personation at the election;
  - (c) the vote of a person proved to have voted more than once at the election or in more than one constituency; and
  - (d) the vote of a person who has been disqualified from voting at the elections because of a conviction for a corrupt or illegal practice or because of a report made by a court under this Law.
- (3) A tendered ballot paper, proved on scrutiny to be a valid vote shall be added to the poll.

***Certification of decision.***

22. (1) At the conclusion of the hearing of an election petition the High Court shall certify its decision to the Commission which shall request the return by the returning officer in respect of the election to which the petition relates to be confirmed or altered accordingly.

(2) Where the decision certified by the High Court under subsection (1) is to the effect that the election to which the petition relates is void, a writ shall be issued for a fresh election in the constituency concerned.

***Report of court as to corrupt or Illegal practices.***

23. At the conclusion of the hearing of an election petition, the High Court shall, if it is of the opinion that a person has been proved to have omitted the offence of corrupt or illegal practice in connection with the election to which the petition relates, send a written report to the Attorney-General giving the name and description of the person and the nature of the practice and such other information as the High Court considers relevant and appropriate.

***Prohibition of disclosure of vote.***

24. A person who has voted at an election shall not be required to state for whom he has voted in any proceedings questioning the election.

***Determination of certain questions as to membership of the Parliament.***

25. Any question as to whether in a public election the seat of any member of the Parliament has become vacant may be referred to and determined by the High Court on a petition presented by the Attorney-General.

***Procedure.***

26. (1) The rules of procedure for presentation and hearing of a petition under this Part shall be the same as the rules of procedure applicable to a civil cause or matter before the High Court.

(2) The provisions under section 1 of the State Proceedings Act, 1961 (Act 51) as amended, relating to one month notice to the Attorney-General before commencement of an action against the Republic shall not apply to election petitions against any act or omission of the Commission under this Part.

**PART V – ELECTION OFFENCES**

***Registration offences.***

27. A person who -

- (a) knowingly makes a false statement in or in connection with an application to have his name included in a register; or
- (b) having applied to have his name included in a divisional register, without withdrawing his application, applies to have his name included in another divisional register; or
- (c) by the use of force or threats prevents or attempts to prevent a person from exercising his right to register as a voter,

commits an offence and is liable on conviction to a fine not exceeding ₡1 million or to imprisonment for a term not exceeding two years or both and shall, for a period of five years from the date of the expiration of his term of imprisonment be disqualified from being registered as a voter or voting at an election.

***Offences relating to nomination papers and the ballot.***

28. A person who -

- (a) forges, fraudulently defaces, or destroys a nomination paper, or any other document relating to the registration of a voter, or delivers to a returning officer any nomination paper, knowing it to be forged; or
- (b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper; or

- (c) without authority supplies a ballot to any person; or
- (d) sells or offers to sell a ballot paper to any person or purchases or offers to purchase a ballot paper from any person; or
- (e) not being a person entitled under this Law or regulations made under it to be in possession of a ballot paper which has been marked with the official mark, has such a ballot paper in his possession; or
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (g) without authority, destroys, takes, opens or otherwise interferes with a ballot box, ballot paper or packet of ballot papers in use or intended to be used for the purposes of an election; or
- (h) without authority, prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (i) not being authorized to do so under this Law or regulations made under it, makes a mark on a ballot paper issued to a person, other than himself, with intent that the ballot paper shall be used to record the vote of the person,

commits an offence and is liable on conviction to a fine not exceeding ₪1 million or to imprisonment for a term not exceeding two years or both; and shall, for a period of five years from the date of the expiration of his term of imprisonment be disqualified from being registered as a voter or voting at an election.

***Unauthorized voting.***

29. A person who knowingly -

- (a) votes at an election at which he is not entitled to vote; or
- (b) votes more than once at an election,

commits an offence and is liable on conviction to a fine not exceeding ₪1 million or to imprisonment for a term not exceeding two years or both; and shall, for a period of five years from the date of the expiration of his term of imprisonment be disqualified from being registered as a voter or voting at an election.

***Offences by election officers.***

30. An election officer, clerk, interpreter or other person who has a duty to perform, whether under this Law or otherwise, in relation to an election and who -

- (a) makes in any record, return or other document, which he is required to keep or make in pursuance of this Law or of regulations made under it, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or
- (b) permits a person whom he knows or has reasonable cause to believe not to be a person who is blind or incapacitated from voting by other physical cause to vote in the manner provided for such persons; or
- (c) refuses to permit a person whom he knows or has reasonable cause to believe to be a person who is blind or incapacitated from voting by other physical cause to vote in the manner provided for such persons; or
- (d) willfully prevents a person from voting at the polling station at which he knows or has reasonable cause to believe the person is entitled to vote at; or
- (e) willfully counts a ballot paper as being cast for a candidate which he knows or has reasonable cause to believe was not validly cast for the candidate; or
- (f) without reasonable cause acts or fails to act in breach of his official duty,

commits an offence and is liable on conviction to a fine not exceeding ₱1 million or to imprisonment for a term not exceeding two years or both.

***Requirement of secrecy.***

31. (1) Every election officer, clerk, interpreter, candidate, election agent or polling agent on duty at a polling station shall maintain and help in maintaining the secrecy of voting and shall not, except for a purpose authorized by law, communicate to any person any information as to -

- (a) the name of a voter who has or has not applied for a ballot paper or voted at a polling station; or
- (b) the number on the register of a voter who has or has not applied for a ballot paper or voted at a polling station; or
- (c) the official mark.

(2) Every person present at the counting of votes shall maintain and help in maintaining the secrecy of voting and shall not communicate any information obtained at the counting of the votes as to the candidate for whom a vote is given on any particular ballot paper.

(3) No person shall –

- (a) interfere with or attempt to interfere with a voter when recording his vote; or
- (b) obtain or attempt to obtain in a polling station information about the candidate for whom a voter in that station is about to vote or has voted; or

- (c) communicate at any time to any person any information obtained in a polling station about the candidate for whom a voter in that station has voted or is about the number, if any, on the ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter to display his ballot paper after he has marked or selected it so as to make known to another person the name of the candidate for whom he has or has not voted.

(4) A person who has undertaken to assist –

- (a) a blind voter to vote; or
- (b) a voter who is incapacitated from voting by any other physical cause to vote,

shall not communicate at any time to another person information as to the candidate for whom that disabled voter intends to vote or has voted, or as to the number, if any, on the ballot paper given for the use of the disabled voter.

(5) A person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding €1 million or to imprisonment for a term not exceeding two years or both.

### ***Personation.***

32. A person commits the offence of personation if he -

- (a) votes as another person, whether that other person is living or dead or is a fictitious person; or
- (b) votes for a person whom he knows or has reasonable ground to believe to be dead or to be a fictitious person.

### ***Bribery.***

33. (1) A person commits the offence of bribery -

- (a) if he directly or acting through another person –
  - (i) gives money or obtains an office for a voter in order to induce the voter to vote or refrain from voting; or
  - (ii) corruptly does such an act on account of a voter having voted or refrained from voting; or
  - (iii) makes a gift or provides something of value to a voter to induce the voter to vote in a certain way or to obtain the election of a candidate; or

- (b) if he advances or pays money or causes money to be paid to or for the use of a person with the intent that the money or part of it shall be expended in bribery at an election, or knowingly pays money or causes money to be paid to a person in discharge or repayment of money wholly or in part expended in bribery at an election; or
  - (c) if before or during an election he directly or indirectly, by himself or through another person acting on his behalf, receives, agrees or contracts for money, gift, a loan or valuable consideration or an office, place or employment for himself or for another person for voting or agreeing to vote or for refraining or agreeing to refrain from voting; or
  - (d) if after an election he directly or through another person receives money or valuable consideration on account of a person having voted or refrained from voting or having induced another person to vote or to refrain from voting.
- (2) For the purpose of subsection (1) -
- (a) references to giving money include giving, lending, agreeing to give or lend, offering, promising and promising to procure or to endeavour to procure money or valuable consideration; and
  - (b) references to procuring office include giving, procuring agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure an office, place or employment.

***Treating.***

34. A person commits the offence of treating -

- (a) if he corruptly either himself or through another person, before, during or after an election gives or provides or pays wholly or in part the expenses of giving or providing meat, drink, entertainment or provision to or for any person -
  - (i) for the purpose of corruptly influencing that person or another person to vote or refrain from voting; or
  - (ii) on account of that person or another person having voted or refrained from voting or being about to vote or refrain from voting; or
- (b) if he corruptly accepts or takes any meat, drink, entertainment or provision offered in the circumstances for the purposes mentioned in paragraph (a) of this section.

***Undue influence.***

35. A person commits the offence of undue influence -

- (a) if he directly or indirectly or through another person acting on his behalf –
  - (i) makes use of or threatens to make use of force, violence or restraint; or
  - (ii) inflicts or threatens to inflict on another person a temporal or spiritual injury, damage, harm or loss,
- (b) if by abduction, duress or any fraudulent method he impedes or prevents the free exercise of the franchise of a voter.

***Interference with electioneering activities of other persons.***

36. A person who, before or during an election for the purpose of effecting or preventing the return of a candidate either directly or indirectly -

- (a) by words, whether spoken or written, sign, or any other representation or in any manner whatsoever seeks to excite or promote disharmony, enmity or hatred against another person, group of persons or political party on grounds of religious, tribal, professional, regional or political affiliation; or
- (b) organizes a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to discredit, malign, disparage, condemn, insult or abuse another person or candidate or with a view to causing disharmony or a breach of the peace or to disturbing public tranquility so as to gain unfair advantage in the election over that other person or candidate; or
- (c) obstructs or interferes or attempts to obstruct or interfere with the free exercise of the franchise of a voter or compels or induces or attempts to compel or induce a voter to vote or to refrain from voting; or
- (d) compels, induces or attempts to compel or induce a candidate to withdraw his candidature or voter with injury or harm of any kind; or
- (e) in any manner whatsoever threatens any candidate or voter with injury or harm of any kind; or
- (f) induces or attempts to induce any candidate or voter to fear or believe that he will suffer illness or will become an object of divine, spiritual or fetish displeasure or censure;

commits an offence and is liable on conviction to a fine not exceeding ₱1 million or to imprisonment for a term not exceeding two years or both; and shall for a period of five years from the date of the expiration of his term of imprisonment be disqualified from being registered

as a voter at a public election and in the case of a political party that political party shall be declared a prohibited organization.

***Certain activities prohibited on polling day.***

37. (1) During the hours when a poll is open on polling day, no person shall, within five hundred metres of any polling station, seek to influence, in whatever manner, any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted.

(2) During the hours when a poll is open on polling day no person shall, within five hundred metres of any polling station, sell any intoxicating liquor.

(3) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding €500,000 or to a term of imprisonment not exceeding six months or both.

***False statements.***

39. (1) A person who before or during an election for the purpose of effecting or preventing the election of a candidate makes or publishes or causes to be made or published by words whether written or spoken, or by song a statement which is false or which he knows or has reason to believe to be false in relation to the personal character of another candidate or the conduct of a political party commits an offence.

(2) A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate for the purpose of promoting or procuring the return of another candidate commits an offence.

(3) A person who commits an offence under this section is liable on conviction to a fine not exceeding €1 million or to imprisonment for a term not exceeding two year or both.

(4) The provisions of this section shall not take away the right of a person to sue for defamation of character.

***Obstruction of officers.***

40. A person who willfully obstructs or interferes with an election officer in the execution of his duty commits an offence and is liable on conviction to a fine not exceeding €1 million or to imprisonment for a term not exceeding two years or both.

***Penalty and incapacity for corrupt and illegal practices.***

41. (1) A person convicted of the offence, of personation, bribery, treating or undue influence, under sections 32, 33, 34 or 35 of this law, shall be liable on conviction to a fine not exceeding €1 million or to a term of imprisonment not exceeding two years or both; and shall for a period of five years after the date of the expiration of his term of imprisonment be disqualified from being registered as a voter or voting at a public election.

(2) Where a court convicts a person of a corrupt or illegal practice under this Law, it shall report the conviction in writing to the Commission.

***Consent to prosecution.***

42. No person shall be prosecuted for an offence under this Law without the consent in writing of the Attorney-General, except that this section shall not prevent a person being -

- (a) charged with such an offence; or
- (b) arrested with or without warrant in respect of the offence; or
- (c) remanded on bail or in custody in respect of the offence,

without the consent of the Attorney-General.

**PART VI - MISCELLANEOUS PROVISIONS**

***Record of disqualified persons and removal from register.***

43. (1) The Commission shall keep a record of persons who by the operation of sections 27, 28, 29 or 41 of this Law are disqualified from being registered as voters, voting at an election or becoming members of Parliament.

(2) Where a person whose name is included in the register of a constituency is by the operation of sections 27, 28, 29 or 41 of this Law, disqualified from being registered as a voter, the Commission shall cause his name to be deleted from the register.

***Duty of registrars of courts to report certain convictions to Commission.***

44. Where a person is convicted of an offence under sections 27, 28 or 29 of this Law the Registrar of the court by which the person is convicted shall as soon as possible after the conviction report the conviction in writing to the Commission.

***Saving where election declared void.***

45. Where on an election petition or on a petition under section 25 of this Law, the election of a person as a member of Parliament is declared to be void, the declaration shall not invalidate anything done by that person during the period preceding the declaration in the purported exercise of the functions of that office.

***Inaccurate description of persons or place.***

46. No inaccurate description of a person or place named or described in a register, notice or other document prepared or issued under or for the purpose of this Law shall, if the person or place is so designated as to be commonly identifiable or understood, affect the validity of that register, notice or document or the operation of this Law or of regulations made under it in respect of that person or place.

***Regulations.***

47. The Commission may by legislative instrument, make regulations providing for -

- (a) issuing of writ and notice of election;
- (b) nomination of candidates;
- (c) allocation of symbols and colours to candidates;
- (d) notice of polls;
- (e) procedure for voting;
- (f) forms;

and generally for giving full effect to the provision of this Law.

***Fees and appeals under legislative instrument made under this Law.***

48. A legislative instrument made under this Law may prescribe fees or other payments to be made in respect of a matter provided for under that instrument and may also provide for a right of appeal to the High Court from a determination of a cause or matter made under that instrument.

***Exemption.***

49. A declaration of secrecy made for the purpose of a public election, shall not be liable for stamp duties.

***Interpretation.***

50. In this Law unless the context otherwise requires -

“by-election” means an election held to fill a vacancy occurring otherwise than on the dissolution of Parliament;

“Commission” means the Interim National Electoral Commission established under section 1 of the Interim National Electoral Commission Law, 1991 (P.N.D.C.L.271);

“constituency” means one of the constituencies into which Ghana is for the time being divided;

“corrupt practice” means the offence of personation, bribery, treating or undue influence or of aiding, abetting, counseling or attempting the commission of such an offence;

“counting agent” means a counting agent appointed under regulations made under this Law;

“divisional register” means the register relating to a polling division.

“election” means an election held to elect the members of Parliament;

“election officer” means a registration officer, a returning officer, a deputy or assistant registration or returning officer, a presiding officer or a polling assistant;

“nomination day” in relation to an election means the day appointed for the nomination of candidates;

“official mark” means the official mark with which a ballot paper is perforated or stamped;

“polling agent” means an agent appointed under regulations made under this Law;

“polling assistant” means a polling assistant appointed under regulations made under this Law;

“polling day” in relation to an election means the day appointed for the taking of a poll;

“polling division” means one of the polling divisions into which a constituency is for the time being divided by regulations made under this Law;

“presiding officer” means the presiding officer of a polling station appointed under regulations made under this Law;

“qualifying date” in relation to a constituency means, the date on which there is published by the Commission an instrument indicating that the constituency is affected by a decision of the Commission to cause a revision or replacement of registers to be undertaken;

“register” means a register of voters;

“returning officer” means the presiding member of an election committee appointed under this Law;

“scrutiny” means the examination of the votes cast at an election directed by the High Court;

“vote” means vote at an election;

“voter” includes a person entitled to vote, a person claiming to be so entitled and a person seeking or intending to vote.

(2) References in this Law to “the registration officer” and “the returning officer” shall, unless the context otherwise requires be construed, in relation to any particular constituency, as

references to the registration officer or the returning officer, as the case may be, appointed for that constituency under this Law.

(3) Nothing in Part IV of this Law shall be construed as conferring on the High Court trying an election petition power to convict a person of a corrupt or illegal practice.

***Presidential elections and referenda.***

51. The Commission may by legislative instrument make such modification to this Law as may be necessary for the purpose of presidential elections and the holding of referenda.

***Repeals.***

52. The following enactments are hereby repealed -

- (i) Representation of the People Decree, 1968 (N.L.C.D. 255);
- (ii) Representation of the People (Amendment) Decree, 1968 (N.L.C.D.270);
- (iii) Representation of the People (Amendment) Decree, 1969 (N.L.C.D.350).
- (iv) Representation of the People (Amendment) (No.2) Decree, 1969 (N.L.C.D. 363);
- (v) Representation of the People (Amendment) Decree, 1978 (S.M.C.D. 191);  
and
- (vi) Representation of the People (Amendment) Decree, 1979 9D.M.C.D. 230).

## **6.4 PRESIDENTIAL ELECTIONS LAW PNDCL 285, 1992.**

### ***Qualification for election as a President.***

1. (1) A person is not qualified to be a candidate for the office of President of Ghana unless -
  - (a) he is a citizen of Ghana by birth;
  - (b) he has attained the age of forty years;
  - (c) he is a registered voter;
  - (d) he is resident in a constituency for which he can stand as a candidate for election to Parliament or has resided there for a total period of not less than five years out of the ten years immediately preceding the election for which he stands or he hails from that constituency; and
  - (e) he has paid all his taxes or made arrangements satisfactory to the appropriate authority for the payment of his taxes.
- (2) A person is not qualified to be a candidate for the office of President of Ghana if he -
  - (a) owes allegiance to a country other than Ghana; or
  - (b) has been adjudged or otherwise declared –
    - (i) bankrupt under any law in force in Ghana and has not been discharged; or

(ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or

(c) has been convicted -

(i) for treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence punishable by death or by a sentence of not less than ten years; or

(iii) for an offence relating to, or connected with elections under a law in force in Ghana at any time; or

(d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully, or defrauded the State, or misused or abused his office, or willfully acted in a manner prejudicial to the interest of the State and the findings have not been set aside on appeal or judicial review; or

(e) is under sentence of death or other sentence of imprisonment imposed on him by any court; or

(f) is not qualified to be registered as a voter under any law relating to public elections; or

(g) is otherwise disqualified by a law in force on the nomination day.

(3) The disqualifications specified in paragraphs (c), (d) and (e) of subsection (2) of this section are not subject to a grant of pardon or lapse of time.

(4) For the purpose of paragraph (d) of subsection (2) of this section, in the case of a finding made by a commission or committee of inquiry which is not a judicial or quasi-judicial commission or committee of inquiry without prejudice to any appeal against or judicial review of that finding, the finding shall not have the effect of disqualifying a person under that paragraph unless it has been confirmed by a Government white paper.

(5) A person shall not be eligible to be elected as the President of Ghana if he –

(a) is prohibited from standing election by a law in force in Ghana by reason of his holding or acting in an office the functions of which involve a responsibility for or are connected with the conduct of an election or responsibility for the compilation or revision of an electoral register; or

- (b) is a member of the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Civil Service, the Audit Service, the Parliamentary Service, the Statistical Service, the Fire Service, the Customs, Excise and Preventive Service, the Immigration Service, or the Internal Revenue Service or
- (c) is a chief; or
- (d) has not declared his assets in accordance with the provisions of the Public and Political Office Holders (Declaration of Assets and Eligibility) Law, 1992 (P.N.D.C.L. 280).

***Qualifications and disqualifications of Vice-President.***

2. The qualifications and disqualifications specified in section 1 of this Law shall apply to a candidate for the office of Vice-President.

***Election of President.***

3. (1) No person shall be a candidate in a presidential election unless he is nominated for election as President by a document which -

- (a) is signed by him;
- (b) is signed by not less than two persons who are registered voters resident in the area of authority of each district assembly;
- (c) is delivered to the Commission on or before the day appointed as nomination day in relation to the election; and
- (d) designates a person to serve as Vice-President.

(2) The document referred to in subsection (1) of this section shall be accompanied with –

- (a) a statutory declaration in the form specified in the Schedule to this Law made by the candidate; and
- (b) a deposit of such sum as the Commission shall direct.

(3) The statutory declaration shall be made before a magistrate, notary public, commissioner for oaths or any other person authorized by law to administer an oath who shall certify it under his signature.

(4) The statutory declaration provided in paragraph (a) of subsection (2) shall also be made by a person seeking election as Vice-President.

(5) A person who makes a statutory declaration under this section which he knows to be false in a material particular or recklessly whether it is true or not, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₵1 million or a term of imprisonment not exceeding two years or both and his deposit shall be forfeited to the State.

(6) Subject to subsection (5) of this section, a deposit made by a candidate under this section shall be refunded to him if he polls more than twenty-five per cent of the total votes cast in the election.

### ***Election result for Presidency.***

4. (1) A person shall not be elected as President of Ghana unless at the presidential election the number of votes cast in his favour is more than fifty per cent of the total number of valid votes cast at the election.

(2) Where at a presidential election there are more than two candidates and no candidate obtains the number or percentage of votes specified in subsection (1) of this section, a second election shall be held within twenty-one days after the previous election.

(3) The candidates for a presidential election under subsection (2) of this section shall be the candidates who obtained the two highest numbers of votes at the previous election, and the candidate who obtains the highest number of votes shall be declared elected.

(4) An instrument which –

(a) is executed under the hand of the Chairman of the Commission; and

(b) states that the person named in the instrument was declared elected as the President of Ghana at the election of the President,

shall be prima facie evidence that the person named was so elected.

### ***Challenge of election of President.***

5. (1) The validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the result of the election in respect of which the petition is presented.

(2) A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration.

(3) The Rules of Court Committee may, by legislative instrument, make Rules of Court for the practice and procedure for petitions to the Supreme Court challenging the election of a President.

(4) Until rules are made under subsection (3) of this section, the Supreme Court may direct the procedure to be followed in relation to the presentation and hearing of a petition for the purposes of this Law.

***Application of existing electoral laws.***

6. Subject to this Law, the provisions of the following enactment shall apply to the election of the President with such modifications as the Commission may direct -

(a) Representation of the People Law, 1992 (P.N.D.C.L.284); and

(b) Public Elections Regulations, 1992 (L.I. 1537).

***Interpretation.***

7. In this Law unless the context otherwise requires -

“Commission” means the Interim National Electoral Commission.

“nomination day” means the day appointed for the nomination of candidates by the Commission.

***Repeals.***

8. The following enactments are hereby repealed -

Presidential Elections Decree, 1979 (S.M.C.D. 228);

Presidential Elections (Amendment) Decree, 1979 (S.M.C.D. 232);

Presidential and Members of Parliament (Elections) (Amendment) Decree, 1979 (A.F.R.C. 1); and

Presidential Elections (Challenge) Decree, 1979 (A.F.R.C.D. 2).

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**NOTE: STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS PRESIDENT/VICE PRESIDENT OF GHANA. (SEE APPENDIX)**

## 6.5 ARTICLES 49 AND 50

49. (1) At any public election or referendum, voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such of the candidates or their representatives and their polling agents as are present, proceed to count at that polling station, the ballot papers of that station and record the votes cast in favour of each candidate or question.

(2) The presiding officer, the candidates or their representatives and, in the case of a referendum, the parties contesting or their agents and the polling agents if any, shall then sign a declaration stating –

(a) the polling station; and

(b) the number of votes cast in favour of each candidate or question;

and the presiding officer shall, there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

(3) Subject to the provisions of this Constitution, an issue for determination by referendum shall not be taken to be determined by referendum shall not be taken to be determined unless at least thirty-five percent of the persons entitled to vote at the referendum voted and, of the votes cast, at least seventy percent voted in favour of the issue.

### *Election of Candidates.*

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; or

(b) only one candidate is nominated, there shall be no election and that candidate shall be declared elected.

(2) Where for the purposes of a public election two or more candidates are nominated but at the close of the nominations and on the day before the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for any person nominated within that period of ten days to withdraw his nomination.

(3) Where at the close of nominations under clause (2) of this article only one candidate stands nominated, there shall be no election and that candidate shall be declared elected.

(4) Where at the close of nomination, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency or unit shall be postponed for twenty-one days.