

Date Printed: 04/20/2009

JTS Box Number: IFES_63
Tab Number: 139
Document Title: A Guide to the Candidate
Document Date: 1992
Document Country: Ghana
Document Language: English
IFES ID: CE00718



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PUBLIC DOCUMENT



REPUBLIC OF GHANA

A GUIDE TO THE CANDIDATE



INTERIM NATIONAL ELECTORAL COMMISSION

A GUIDE TO THE CANDIDATE

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EXECUTIVE CHAIRMAN'S MESSAGE

To be nominated as a candidate for public office is an honour. To accept to be a candidate is a challenge and, hopefully, an expression of your willingness to serve our people.

Please remember always that every candidate is permitted to conduct his or her campaign freely within the laws of Ghana. As you face the challenges of your campaign during this crucial period of our transition to constitutional democracy, I sincerely urge you to play it fair with other candidates and with the people of Ghana. The manner in which you conduct your campaign will, no doubt, have a bearing on whether or not the elections take place in a calm and peaceful atmosphere.

Remember, also, that it is only where fair play is the rule and the name of the game of competitive party politics that the outcome of an election becomes a true reflection of the people's choice.

As the body charged by law to administer the Presidential and Parliamentary elections, we of the Commission wish you good luck and assure you of a free and fair conduct of the elections.



JUSTICE JOSIAH OFORI-BOATENG
EXECUTIVE CHAIRMAN
(Interim National Electoral Commission).

FOREWORD

This booklet has been prepared by the Interim National Electoral Commission (INEC) as a guide to a candidate seeking election as President or Member of Parliament of Ghana in the 1992 elections. The information provided here is by no means exhaustive. Prospective candidates should refer directly to the laws relating to the 1992 Presidential and Parliamentary elections for specific provisions and additional details on candidature.

This guide is divided into four sections: Part I gives information about qualifications and eligibility for election to Parliament; Part II contains similar information for a Presidential candidate; Part III gives general information for candidates; and Part IV summarizes election offences relevant to the candidate.

Further enquiries about candidature for the elections may be made at the headquarters of the Commission in Accra; or at any of our regional offices located at the regional capitals. Written enquiries may be addressed to:

**EXECUTIVE CHAIRMAN
INTERIM NATIONAL ELECTORAL COMMISSION
P.O. BOX M.214
ACCRA.**

EXPLANATION OF SOME TERMS IN THIS GUIDE

VOTER or ELECTOR: means a person who has duly registered and therefore has his or her name listed in the Voters' Register prepared by the Electoral Commission as somebody certified to vote in a public election.

POLLING STATION: means the designated area where the facilities for the conduct of the poll or election are situated. There are thousands of polling stations spread all over Ghana in order to make it as convenient as practicable for people to vote.

NOMINATION DAY: means the last day for filing the nomination of a candidate. The day represents the end of a period within which nominations are accepted.

CANDIDATE: means a person who is nominated for election to office in accordance with the law, and whose nomination is certified by the Electoral Commission.

POLLING DAY: means the specific day on which the election or poll is held.

CONSTITUENCY CENTRE: refers to the designated place in the constituency where nominations of candidates are received and the results of all the polling stations in the constituency will be brought to be checked and collated for purposes of declaring the winner of the election in the constituency. The centre is selected primarily with a view to expediting the receipt of results from the polling stations scattered over the constituency.

POLLING STAFF. These are the officers appointed by the Electoral Commission to administer the election at the constituency level. They consist of: Returning Officers, Deputy Returning Officers, Presiding Officers and Polling Assistants.

One Returning Officer and two Deputy Returning Officers supervise the election in the whole constituency. Based at the constituency centre, the Returning Officer is the officer responsible for checking

and collating the results from all the polling stations in the constituency. He or she is, therefore, the only officer who has authority to declare the results and the winner of the election for the constituency.

Each polling station in a constituency is manned by a Presiding Officer assisted by two Polling Assistants. The Presiding Officer, subject to supervision by the Returning Officers, has total charge of the conduct of the poll at his or her station. He or she is responsible for counting the votes and declaring the results of the election at the polling station.

Any person who holds an elective office under an electoral law (e.g. a member of a District Assembly) or who holds a position in a political party cannot be an election officer.

POLLING AGENT: means a person appointed by a candidate to monitor the election at a polling station on his or her behalf.

COUNTING AGENT: means a person appointed by a candidate to monitor the checking and collation of results at the constituency centre on his or her behalf.

ELECTION OFFENCE: means any act or omission in connection with an election in respect of which an offence is provided under the Criminal Code or which is a corrupt practice under the election law or regulations

**PART 1: QUALIFICATIONS AND ELIGIBILITY FOR
PARLIAMENT**

WHO IS QUALIFIED TO BE A PARLIAMENTARIAN?

You are qualified to contest election to Parliament if:

- you are a citizen of Ghana;
- you are, or will be, at least twenty-one (21) years old on the day of the election;
- you are a registered voter;
- you are resident in, or you hail from, the constituency concerned; or you have lived there for at least five (5) years out of the ten (10) years immediately preceding the election;
- you have paid all your taxes or made satisfactory arrangements for their payment.

WHO CANNOT BE A PARLIAMENTARIAN?

You cannot be a candidate for Parliament if:

- you owe allegiance to any other country;
- under any law in force in Ghana, you have been declared:
 - i. bankrupt and have not been discharged;
 - ii. to be of unsound mind.
- you have not been pardoned or ten (10) years have not passed since:
 - i. the end of your conviction for
 - treason or an offence involving the security of the State, fraud, dishonesty or moral turpitude;
 - any other offence punishable by death or by a sentence of not less than ten (10) years;
 - an offence in connection with an election;

- ii. the date you were found to be incompetent to hold public office or to have misused or abused your position as a public officer by a report of a judicial or quasi-judicial commission or committee of enquiry, or a commission or committee whose finding has otherwise been confirmed by a Government white paper.
- you are under a sentence of death or of imprisonment imposed by a court
- you have been disqualified by law from registering as a voter or standing as a candidate
- your official functions are connected with the conduct of elections or entail responsibility for the electoral register
- you have not declared your assets
- you are a chief
- you are a public servant in any of the following organizations; the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Civil Service, the Statistical Service, the Audit Service, the Parliamentary Service, the National Fire Service, the Customs, Excise and Preventive Service, the Immigration Service, and the Internal Revenue Service.

NB: A chief may become eligible by abdicating and a public servant by resigning.

PART II: QUALIFICATIONS AND ELIGIBILITY FOR PRESIDENT

WHO IS QUALIFIED TO BE PRESIDENT?

You are qualified to contest election to be President if:

- you are a citizen of Ghana by birth;
- you are a registered voter;
- you are at least forty (40) years of age;
- you are otherwise eligible to contest election to Parliament;
- you have paid all your taxes or made satisfactory arrangements for their payment.

WHO CANNOT BECOME PRESIDENT?

You are disqualified from being a candidate for the Presidency if:

- you owe allegiance to any other country;
- under any law in force in Ghana, you have been declared:
 - i. bankrupt and have not been discharged;
 - ii. to be of unsound mind;
- pardon or lapse of time notwithstanding, you have ever:
 - i. been convicted for an offence involving the security of the State, fraud, dishonesty, or moral turpitude;
 - ii. been convicted for any offence punishable by death or by a sentence of not less than ten (10) years;
 - iii. been convicted for an election offence;
 - iv. been found to be incompetent to hold public office or to have misused or abused your position as a public officer by a report of a judicial or quasi-judicial commission or committee of enquiry, or a commission or committee whose finding has otherwise been confirmed by a Government white paper;
 - v. been sentenced to imprisonment by a court;

- you have been disqualified by law from registering as a voter or standing as a candidate
- your official functions are connected with the conduct of elections or entail responsibility for the electoral register
- you have not declared your assets
- you are a chief, or a public servant not eligible for election to Parliament

NB: A chief may become eligible by abdicating, and a public servant by resigning.

PART III: GENERAL INFORMATION FOR CANDIDATES

HOW TO BECOME A CANDIDATE

In order to have your name placed on the ballot, you must be nominated as a candidate. A prospective candidate must complete four (4) copies of a nomination form obtainable from the Electoral Commission.

Nomination forms are not valid unless:

- they are signed by the candidate
- for a Presidential candidate, they are also signed by at least two (2) registered voters resident in each District of Ghana
- for a Parliamentary candidate, they are also signed by twenty (20) other electors in the constituency
- in the case of a Parliamentary candidate, he or she has not already been nominated for another constituency for the election
- none of the signatories to the nomination has already nominated another candidate for the same election
- for a candidate for President, a vice-presidential candidate is designated. The person so designated must satisfy the same criteria of eligibility as himself or herself
- it is accompanied with a statutory declaration made by the candidate (including a Vice-Presidential candidate) before a District Magistrate and witnessed by at least one (1) person. The declaration form is obtainable from the Electoral Commission
- the prospective candidate or a person who has endorsed his or her nomination delivers them to the appropriate officer on or before nomination day, between the hours of 9.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m.

Nomination forms of a Presidential candidate should be delivered to the Executive Chairman of the Electoral Commission; and those of a candidate for Parliament, to the

Returning Officer of the constituency where he or she seeks election.

- a cash deposit of €100,000.00 (one hundred thousand cedis) for a Parliamentary candidate, and €2,000,000.00 (two million cedis) for a Presidential candidate, is paid.

PROCESSING THE NOMINATION FORMS

- The Executive Chairman of the Electoral Commission or the Returning Officer for the particular constituency, as the case may be, will verify all necessary requirements from the prospective candidate. Thereafter, he or she will declare on each copy of the nomination form the time it was received and accepted by him or her and sign it;
- The proposed candidate and any of his or her nominators present should also sign the forms;
- The candidate will be given a copy of the duly signed nomination form as a certification of his or her candidacy.

THE CANDIDATE'S SYMBOL

- If you are a candidate standing for election in the name of a political party, you should use that party's symbol. For this purpose, you should produce authority from the party's headquarters that you are a bona fide candidate of the party;
- If you are an independent candidate, you will select one of symbols to be provided by the Electoral Commission.

WITHDRAWAL OF NOMINATION

- a duly nominated candidate may withdraw his or her nomination at any time before 4.00 p.m. on nomination day
- the notice of withdrawal must be signed by the candidate himself or herself.

EXTRA PERIOD FOR NOMINATION

- Where two or more candidates are nominated for election but come nomination day only one candidate stands nominated, because of withdrawal of nomination, a further

period of ten (10) days will be allowed for the nomination of other candidates;

- Any person duly nominated as a candidate within the extra period cannot withdraw his or her nomination.
- If at the close of nomination, but before the elections, one of the candidates dies, a further period of ten (10) days will be allowed for nominations.

POSTPONEMENT OF ELECTION

If a candidate dies within 25 days of an election, the election in the affected constituency will be postponed.

REFUND OF ELECTION DEPOSIT

Your election deposit as a candidate will be refunded to you if you poll at least 25 percent of the total valid votes cast in the election: Otherwise it is forfeited to the State.

PERSONS ADMISSIBLE TO POLLING STATIONS

In addition to polling staff and persons proceeding to vote, the following persons are allowed to enter the appropriate polling stations:

- i. security personnel on polling duty
- ii. candidates and their spouses
- iii. polling agents
- iv. persons accompanying the physically handicapped who are proceeding to vote
- v. persons authorized by the Chairman of the Electoral Commission
- vi. journalists with official identity cards authenticated by the Electoral Commission

Please note that the Presiding Officer may regulate access at any one time in order not to create congestion at the station.

LISTS THAT MAY BE AT A POLLING STATION

In addition to the Voters' Register for a polling station, there may also be:

- i. the Transferred Voters' List, consisting of persons who registered elsewhere but who have transferred their votes to that station so that they can vote there;
- ii. the Absent Voters List, consisting of persons who have transferred their votes from that station or persons who have their names placed on a Special Voters List; in either case, they are not eligible to vote at the station.

SPECIAL VOTERS' LIST

- This is a list of registered voters who, by reason of their duties (e.g. security personnel on duty on polling day), will be unable to vote at their polling stations on polling day. An arrangement is made for them to cast their votes a few days before polling day.
- Whenever a name is placed on this list, it is also entered on the Absent Voters' List for the original polling station and therefore deleted from the register which will be used for voting at that station on polling day.

POLLING AGENTS

- Obviously, on the day of the election, a candidate cannot be present at all the polling stations in the constituency at the same time to see things for himself or herself. For this reason, he or she is permitted to appoint a Polling Agent to attend at each polling station.
- In order to facilitate a polling agent's work, he or she must be a resident of the polling area. It is also important that he or she be an able and responsible person.
- It must be noted that it is not the business of a polling agent to supervise the work of the polling staff; but rather to monitor the conduct of the poll. As a monitor, the polling agent is expected to cooperate with the polling staff to ensure that the election is properly carried out.

More specifically, the work of a polling agent includes the following:

detection of personation. You commit the offence of personation if:

- i. you pretend to be someone else (living, dead or fictitious) in order to vote in that person's name
- ii. you attempt to vote more than once, even if, at the time you are caught, you are trying to do so in your own name
- iii. you attempt to vote knowing that you are not qualified to do so.
- iv. you produce somebody to vote knowing that the person is not qualified to do so.

For purposes of exposing personation or fraud, the agent may challenge the identity or qualification of a person wishing to vote; or make a complaint if he or she has good reason to believe that a person about to vote has a ballot concealed on his or her person, whereupon that person is liable to search and arrest. But an agent must always have good grounds before making a complaint or challenge. Where a number of the agent's challenges or complaints are found to be baseless, any further challenges or complaints by him or her may be ignored in order not to slow down the process of voting;

observing to see that the polling staff perform their duties properly, so as to be able to ascertain whether or not any person could have had an opportunity to interfere with the ballot box or the general conduct of the poll;

accompanying the presiding officer at intervals to inspect the screened area of the polling station;

being present at the counting of the votes cast at the polling station. An agent may request that the votes be recounted, whereupon the presiding officer must comply. But votes cast at any polling station may be recounted there only once.

- signing the results declared at the polling station, of which he or she is entitled to a copy duly signed by the presiding officer and all the polling agents present.
- attending the ballot box. Every polling agent must attend the polling station's ballot box from the time it is opened for public inspection, just before polling begins, until it is delivered to the custody of the election officers at the constituency centre, after the poll has closed and the votes have been counted there and the results duly signed. This means that all the polling agents at the station should accompany the presiding officer and the security personnel all the way to deliver the ballot box to the constituency centre.

COUNTING AGENTS

Polling agents will act as their candidates' counting agents at the polling station after the poll closes.

At the constituency centre, in addition to the candidate and his or her spouse who are permitted access, each candidate should appoint one counting agent to monitor the checking and collation of the results from the various polling stations to ensure that they are properly done.

In order to expedite the release of results, only the votes from polling stations where a recount took place on the request of a polling agent are to be counted again at the constituency centre.

Candidates and/or their counting agents must sign the declaration of results form.

HOW THE WINNER IS DECIDED

Except where a candidate is declared elected unopposed, an election for Parliament is decided on a simple plurality or first-past-the-post basis. This means that the candidate who gets the highest number of the valid votes cast wins the election.

To win a Presidential election, a candidate must obtain more than 50% of the total valid votes cast. So, any time a winner does not emerge, a run-off election will be held (after having eliminated

weaker candidates) within forty-two (42) days, until one candidate eventually obtains the required percentage of votes.

A person is deemed elected as Vice-President when the Presidential candidate who designated him or her as the running mate is duly elected.

CHALLENGING THE VALIDITY OF AN ELECTION

A citizen of Ghana may challenge the validity of the election of the President in the Supreme Court within twenty-one (21) days after the result has been declared.

The validity of the election of a member of Parliament may be challenged in the High Court, within twenty-one (21) days after the result has been declared, with a right of appeal to the Court of Appeal.

TERM OF OFFICE

The President's term of office is four (4) years from the day he or she is sworn in. A person can hold office as President for only two terms.

The term of a member of Parliament is four (4) years from the day of the first sitting of Parliament. A person can be a member of Parliament for as many terms as the electorate may vote him or her to office.

PART IV: ELECTION OFFENCES

Election offences are acts or omissions which have been made illegal with a view to ensuring free and fair competitive elections. A person found guilty of an election offence may be fined or imprisoned or both. For some offences, a person may, in addition, be disqualified from voting in subsequent elections or from holding public office.

The list of offences under the election law is long. Such offences can be committed by election officers, candidates, voters, and the general public. We summarize below some of the offences which we consider require the particular attention of candidates. But it is the responsibility of each candidate to apprise himself or herself of the various offences under the election law.

Please note that, as a candidate, you are held liable for an election offence committed by your agent or with your knowledge or consent.

BRIBERY, TREATING, UNDUE INFLUENCE

The election of a candidate will be declared void if it is proved that any of the offences of bribery, treating, or undue influence was committed in connection with his or her election.

BRIBERY: You commit the offence of bribery if you give or receive, or cause to be given or received, money, a gift, a loan, or something of value as a means of inducing a voter to vote or not to vote in a certain way.

TREATING: You commit the offence of treating if you personally or through an agent accept meat, drink, entertainment or provision for purposes of voting or refraining from voting.

UNDUE INFLUENCE: You commit the offence of undue influence if you personally or through an agent:

- i. use or threaten to use force, violence or restraint against a person
- ii. inflict or threaten to inflict temporal or spiritual injury, damage, harm or loss on a person

- iii. compel somebody to vote in a particular way
- iv. by abduction, duress or other fraudulent means, you impede or prevent a voter from freely exercising his or her vote.

OTHER OFFENCES

It is also an election offence for a person to do any of the following:

- to remove any notice lawfully exhibited in connection with an election
- to forge or destroy a nomination form or ballot paper or a certificate of return (results) or any form related to an election
- to print or be in possession of a ballot paper without lawful authority
- to be in possession of a ballot box or to interfere or tamper in any way with a ballot box or its contents during an election
- to wilfully obstruct or interfere with the work of an election officer
- to make or publish, or cause to be made or published, by written or spoken word or by song, a false statement about the personal character of another candidate or the conduct of a political party
- to seek in any manner whatsoever to excite or promote disharmony, enmity, or hatred against another person, group of persons, or political party on grounds of religious, ethnic, professional, regional, or political affiliation for election purposes.
- to organize or train a group of persons in the use of force, violence, abusive, insulting or vituperative songs or language calculated to discredit, malign, disparage, condemn, insult or abuse another person or candidate or with a view to either causing disharmony or a breach of the peace or gaining an unfair advantage in an election

- to compel or induce or attempt to compel or induce a candidate to withdraw his or her candidature when voting is in progress on polling day,
 - i. to seek to influence a person to vote for a particular candidate, or
 - ii. to seek to find out the candidate for whom a voter intends to vote or has votedwithin 500 metres of a polling station.

This publication has been made possible by
financial support from the Friedrich Ebert
Foundation of Germany.

F Clifton White Center
International Foundation for Election Systems

PRINTED BY YASARKO PRINTING WORKS ACCRA