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REPUBLIC OF GHANA

A GUIDE TO THE VOTER



INTERIM NATIONAL ELECTORAL COMMISSION

A GUIDE TO THE VOTER

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EXECUTIVE CHAIRMAN'S MESSAGE

As a voter in the forthcoming Presidential and Parliamentary elections, you will be called upon to participate in the selection of the men and women who will govern the country in the Fourth Republic. I hope you see this not only as a civic duty but also as a great opportunity and a great responsibility.

This is a critical period in the history of our country; and we of the Commission expect you to exercise your right to vote on election day and to allow others freely to do the same. By your conduct before and during the elections, you can contribute positively or negatively towards making the elections peaceful, free and fair.

On our part, we of the Commission will do all we can to ensure free and fair conduct of the elections. Please remember that every vote counts towards the selection of our President and members of Parliament.



JUSTICE JOSIAH OFORI-BOATENG
EXECUTIVE CHAIRMAN
(INTERIM NATIONAL ELECTORAL COMMISSION)

FOREWORD

The Interim National Electoral Commission (INEC) has produced this small booklet to give you information about the election process; and to tell you some of the dos and don'ts in connection with the forthcoming Presidential (3 November) and Parliamentary (8 December) elections.

We believe that giving you the kind of information contained in the booklet will contribute towards making the elections peaceful, free and fair. We believe, too, that the responsibility to ensure peaceful, free and fair elections is as much yours, as a voter, as it is ours, as a Commission.

It is our hope that, as you read this booklet, you will come to realise that there is nothing mysterious or secretive about our election process; but rather that it is a simple, open process governed by definite rules and regulations. If all of us, as voters, obey these rules and regulations, the results of the elections will be a true reflection of the choices of our people.

CONSTITUENCIES

For purposes of electing members of Parliament, the country is divided into 200 constituencies, each of which elects one member of Parliament.

In the case of the presidential election, all the 200 constituencies are taken to constitute one national constituency.

WHO CAN VOTE?

To be allowed to vote, you must:

- be a citizen of Ghana;
- be at least 18 years of age;
- be a registered voter;
- be resident in the electoral area where you intend to vote;
- have your name on the voters' register or the transferred voters' list for the polling station; and
- not be under a sentence of death or serving a term of imprisonment for felony (a serious criminal offence).

WHERE TO VOTE

Please remember that you are assigned to a specific polling station and that you can vote only at that station, where your name is on the register of voters. This means that, on the day of the election, you will not find your name on the register if you go to the wrong polling station. This is one of the reasons why the register of voters is exhibited some time before an election takes place - so that you will know your polling station before the day of the election.

As far as practicable, polling stations are situated such that:

- you do not have to travel a long distance in order to vote; and
- there are not too many people to one station, so that you can vote within the stipulated time.

BEFORE VOTING BEGINS

Before voting begins, the election officer in charge of the polling station (the presiding officer) will open the ballot box and show it to the agents of the candidates contesting the election and the members of the general public who are present for them to see that it is empty. The ballot box will then be closed and sealed in such a way as to make it impossible to open it without breaking the seal. Thereafter, the ballot box will be placed in the full view of the general public throughout the voting period and the counting of votes after the election has closed.

The presiding officer will also similarly show the parcelled and sealed ballot papers to indicate to all present that they have not been tampered with.

HOW TO VOTE

- On the day of the election, you must go in person to the polling station where you have your name on the register.
- Join the queue, if there is one, and wait for your turn to vote.
- When it comes to your turn, an election officer will check your name on the register. Please note that if the officer or an accredited agent of any of the candidates contesting the election is in doubt about your identity or qualification to vote, you will be asked questions with a view to making sure that you are the same person whose name appears on the register. If it turns out that you are not the same person, or that you are not qualified to vote, you have committed an election offence and are liable to arrest. You are also liable to search and arrest if it is suspected that you are hiding a ballot paper on your person.

If the election officer is satisfied that you are qualified to vote, he or she will give you the ballot paper you need for the election.

- Having given you the ballot paper, the election officer will paint your nail and mark X in your palm, both with indelible

ink, to indicate that you have gone through the voting process. So if you appear before the election officer wanting to vote and it is discovered that you already bear the marks of the voting process, you have committed an election offence and you are liable to arrest.

- After you have been marked, proceed to the polling booth or screened area to select the candidate of your choice. Remember that you are allowed to select only one candidate.
- The official mode of marking the ballot paper is thumbprinting. So you are required to thumbprint your choice of candidate, whether you are literate or not.
- After making your choice, take care to fold the ballot paper so that you do not soil it.
- Come out of the booth or screened area and put your folded ballot paper into the ballot box in open view of the public.

NOTE WELL

If you accidentally spoil your ballot paper, for example, by spilling ink over it or tearing it, please inform the election officer. He or she will report the matter to the presiding officer, who will issue you with a fresh ballot paper after collecting the spoilt one from you and marking it as such.

Leave the polling station as soon as you finish voting. It is an offence to loiter about the voting area after you have voted.

TIME OF VOTING

On the day of the election, voting begins at 7.00 a.m. and ends at 5.00 p.m. Make it a point to vote as early as you can. You will not be allowed to vote after 5.00 p.m., even if you have been waiting in the queue for your turn to vote. In fact, it is an offence to attempt to vote either before the poll officially opens at 7.00 a.m. or after it closes at 5.00 p.m.

Remember, too, that the election for a particular office is held on the same day for all parties and candidates contesting the election,

and NOT on separate days for different parties or candidates. This means that the election for all the candidates who want to be President will be held on the same day; and, similarly, the election for all the candidates who want to be members of Parliament will be held on the same day.

COUNTING OF VOTES

The votes cast at your polling station will be counted at the station after the poll closes at 5.00 p.m.; and the results will be declared there and then.

Note that the results will be declared void, i.e. cancelled, if the number of votes cast at the station exceeds the total number of voters on the register for the station.

NOMINATING A CANDIDATE

As a registered voter, you can nominate a candidate for election. This means that you can propose, second or assent to the nomination of a candidate. But you can nominate only one candidate for a particular election.

KNOW YOUR ELECTION OFFICERS/AGENTS

CONSTITUENCY OFFICERS

The election in your constituency, of which your polling station is only one of a number of such stations, is under the general supervision of a Returning Officer for the constituency, assisted by two deputies. These officers are based at the constituency centre, where the results from the various polling stations in the constituency will be collated for purposes of declaring the winner of the election in the constituency.

OFFICERS AT THE POLLING STATION.

As a voter, the officers you are likely to come into contact with at the polling station are the Presiding Officer, Polling Assistants and security personnel.

The presiding officer has overall responsibility for the conduct of the election at the polling station. He or she is responsible

for counting the votes cast at the station and declaring the winner there. Remember that the presiding officer can only tell you who won the election at his or her polling station and not in the constituency as a whole.

You will also find at your polling station a security officer provided by the Ghana Police Service. The security officer is responsible for keeping order at the polling station and for effecting the arrest of persons who commit election offences.

CANDIDATES' AGENTS

In addition to the officers mentioned above, you will also find at your polling station agents or representatives appointed by the candidates contesting the election to monitor the conduct of the poll there on their behalf.

SPOILT BALLOT PAPER

Your ballot paper will be declared as a "spoilt ballot paper" and, therefore, NOT counted as a valid vote:

- if you do not thumbprint but use any other form of mark to indicate your choice of candidate;
- if you do not place your thumbprint in the space provided for it;
- if you thumbprint more than one space; or
- if your thumbprint is placed in such a way, or your ballot paper is soiled in such a way, that it is not clear which candidate you voted for.

SPECIAL VOTERS

For the presidential election, registered voters who, by reason of their duties in connection with the election (e.g. security personnel on election duty away from their stations), will be unable to be present at the polling stations where they are registered, may apply to the Commission for certificates authorizing them to vote at another polling station. Such an application must be endorsed by the applicant's superior officer.

In the case of the parliamentary election, upon application, such registered voters will be allowed to vote on an appointed day, usually within seven days to the actual election. This is to enable them to vote for the candidates of their choice in their various constituencies. The votes cast by these special voters are not counted immediately. Instead, the ballot boxes used are sealed and kept in the custody of the Police until the day of the election, when they are added to the votes cast at the relevant polling stations for counting.

TRANSFERRING YOUR VOTE

If you are now resident in a constituency other than the one in which you originally registered, you may apply to the returning officer for your new constituency or to the Commission (by filling a form designed for the purpose) for your name to be transferred from your original polling station to a polling station in your new area of residence, so that you can vote there on election day.

Please note that:

- you must have been resident at your new place for at least two months;
- your application must be received at least 21 days before the day set for filing the nomination of a candidate in order for the necessary arrangements to be completed.
- once your name has been transferred, you can only vote at your newly assigned station; NOT at your original station; and
- your name will continue to be on the register of your original station until the register is replaced. Before then, you have to apply to transfer your vote at every election.

VOTING BY PROXY

If you will be unable to present yourself at your polling station to vote on election day, because of illness or absence from your electoral area, you are allowed to appoint a person (proxy) to vote on your behalf.

For this purpose, please note that:

- you must apply to the returning officer for your constituency or to the Commission (by completing a form) at least 14 days before the day of the election;
- you can appoint only one proxy for a particular election;
- the same person cannot be appointed as proxy by two voters;
- the person you appoint as proxy must be qualified to be registered as a voter;
- once you have appointed a proxy, you cannot vote yourself; however,
- you may cancel voting by proxy if you happen to be available before voting day by applying to the Commission.

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 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 twenty-one (21) 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.

ELECTION OFFENCES

Election offences are acts or omissions which have been made unlawful with a view to ensuring peaceful, free and fair competitive elections. A person found guilty of an election offence may be fined or imprisoned or both.

The law on elections contains a long list of election offences. What is provided here is selective and a summary. Voters are encouraged to consult the law itself for a fuller view of such offences.

Note that election offences can be committed before, during, and after an election. In general, it is useful to remember that, in connection with a public election, it is an offence to do anything that interferes with, disrupts or impedes an electioneering process; or to inflict or threaten to inflict any form of physical or spiritual injury, harm, damage or loss on a person.

SOME ELECTION OFFENCES

It is an election offence:

- to have your name in the register of voters of more than one polling station;
- to attempt to vote before the poll officially opens or after it officially closes;

- to vote or attempt to vote if you are not entitled to do so;
- to vote or attempt to vote more than once at the same election;
- to vote in the name of another person, living, dead, or fictitious;
- to put anything other than a ballot paper into a ballot box;
- to remove any notice lawfully exhibited in connection with an election;
- to forge or destroy a nomination form or a ballot paper or a certificate of return (results) or any form related to an election;
- to print or be in possession of or supply somebody with a ballot paper without lawful authority;
- to be in possession of a ballot box or to tamper or interfere 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 give or receive money, a gift, a loan or something of value before or after an election for inducing a voter to vote or not to vote in a certain way;
- to give or accept meat, drink, entertainment or provision for purposes of voting or refraining from voting;
- to compel somebody to vote in a particular way.
- to impede or prevent a voter from freely exercising his or her vote;
- to disclose information about whom a voter is about to vote for or has voted or in any way to breach the secrecy of the vote;
- while in the process of voting, to display your marked ballot paper in such a way as to make it known to others the candidate you are voting for, or

- when voting is in progress:
- i. to seek to influence a person to vote for a particular candidate;
- ii. to seek to find out the candidate for whom a voter intends to vote or has voted;
- iii. to wear or display any symbol or emblem (including items of clothing) indicating support for a particular party or candidate;
- iv. to make a speech or sing a song, or beat a gong-gong or a drum, in support of a party or candidate; or
- v. to sell intoxicating liquor within 500 metres of a polling station.

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