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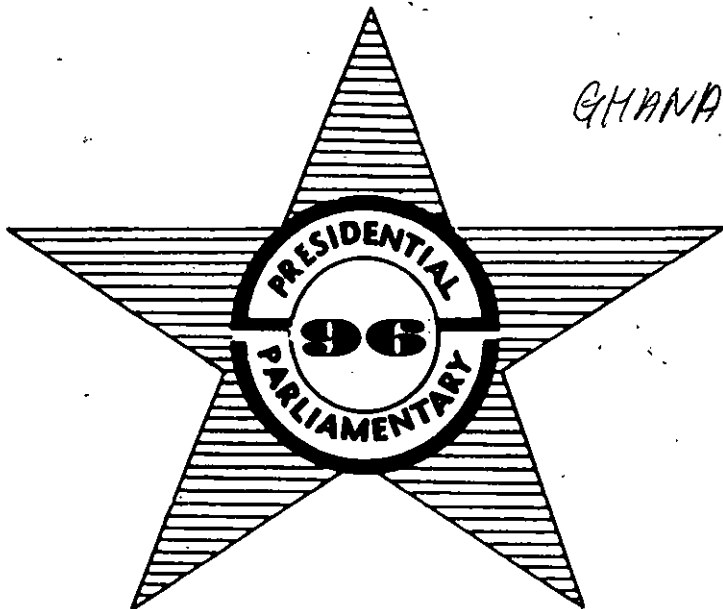


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A GUIDE TO THE VOTER



ELECTORAL COMMISSION

A GUIDE TO THE VOTER

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CHAIRMAN'S MESSAGE

On Saturday, December 7, 1996, Ghana goes to the polls to elect a President and Members of Parliament. On that day, you, as a registered voter, will be called upon to take part in selecting the men and women who will hold the destiny of our country in their hands for the next four years.

As a voter, you occupy the centre stage in the elections. You have the right to vote in freedom and peace. You have a duty to vote according to your own conscience. The secrecy of your vote is guaranteed.

Please do not do anything which will disrupt or undermine the election process or corrupt its outcome. Remember that other citizens have the same right and duty as you. Let us allow each qualified voter to exercise his or her right to vote under free and fair conditions; so that, in the end, we can all say that the results of the elections represent the true will of our people.

DR. K. AFARI-GYAN
CHAIRMAN
Electoral Commission

FOREWORD

The Electoral Commission has produced this small booklet to give you information about the election process; and to tell you some of the dos and donts in connection with the forthcoming Presidential and Parliamentary elections on Saturday, 7th December, 1996.

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 any other 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 for each polling station 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 of 7 a. m. to 5 p. m.

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.
- ★ Remember to go with your VOTER ID CARD.
- ★ Join the queue, if there is one, and wait for your turn to vote.
- ★ When it comes to your turn, an election officer will inspect your voter ID Card and 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, you will be directed to the next election officer who will paint your thumbnail with indelible ink. This is done to prevent anybody from voting more than once. So if you appear before the election officer wanting to vote and it is discovered that you bear the marks of the voting process, meaning that you have already voted, you have committed an election offence and you will be arrested.

- ★ After you have been marked, you will proceed to the next election officer who will give you a Presidential ballot paper.
- ★ Having been given the ballot paper, you will be directed to a polling booth 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. You will find a thumbprint pad in the booth for the purpose. Place your thumbprint in the box provided for it next to the symbol of the candidate of your choice.
- ★ After making your choice, take care to fold the ballot paper so that you do not soil it.
- ★ Come out of the booth and put your folded ballot paper into the Presidential ballot box in open view of the public.
- ★ The above procedures on how to vote will be repeated in respect of the Parliamentary ballots.

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 spoiled one from you and writing on it the word SPOILT.

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 however be allowed to vote after 5.00 p.m. if you have been waiting in the queue at the station for your turn to vote before the hour of 5.00 p.m. Nobody will be allowed to join the queue after 5.00 p.m..

Remember 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 and those 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 any 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.

Ballot Paper

Your ballot paper will NOT be counted as a valid vote:

- ★ If there is no thumbprint on the paper at all;
- ★ If you thumbprint more than one space;
- ★ 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.
- ★ If it has on it any mark by which you can be identified.

Special Voters

For the presidential election, registered voters who, by reason of their duties in connection with the election (e.g. security personnel or election officers 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 other polling stations. 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 counted and added to the votes cast at the regular polling stations.

Transferring Your Vote

If you have been resident for **at least two months** in a constituency other than the one in which you originally registered, you may apply to the returning officer of 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:

- ★ Your application must be received at least 21 days before the day set for the election in order for the necessary arrangements to be completed;
- ★ You must have lived at your new place for at least two months.
- ★ 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 of 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, in which case the proxy cannot vote on your behalf.

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.

Where two or more candidates receive the same highest number of voters in a parliamentary election, a second election will be held for those candidates within thirty (30) days of the receipt of the results by the chairman of the Commission.

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 for the candidates who obtained the two highest number of votes 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 by a citizen 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.

YOUR RIGHTS AS A VOTER

As a citizen who is 18 years of age or older, you have the right to register to vote. Having registered as a voter, you have certain

rights in relation to an election. They include the following:

★ **the right to vote as your own conscience dictates.**

The total context of the entire election period is relevant to the exercise of this right. The general atmosphere must be democratic and free from intimidation, coercion or corruption.

★ **the right to make your choice of candidate in a secret ballot without any interference.**

This is achieved through the set up of the polling station and the arrangements and procedures for balloting.

★ **the right to an orderly, peaceful, and lawful conduct of the election.**

The realization of this right depends upon the ability of the security agencies generally to maintain law and order and prevent violence at the election. It also depends upon the readiness of the police to enforce election laws and regulations and of the courts to punish violations of such laws and regulations before and during election day. Most importantly, it depends on all citizens conducting themselves in an orderly, peaceful and lawful manner.

★ **the right to know the mechanics of the voting process.**

This is achieved through voter education of the general electorate. But it is often necessary to design appropriate strate-

gies to address the needs of special (target) groups - such as new voters (persons who will be voting for the first time) or illiterates (persons who cannot read or write) or persons who cannot be reached through television, radio or newspaper communication.

★ **the right to know the candidates and the important issues in the election.**

This right is achieved through a combination of factors, including: free campaigning; ample, fair and balanced reporting of election-related events; and general civic education by newspapers, radio and television.

★ **the right not to be disenfranchised on account of a mistake made by an election administrator or official.**

Election administrators and officials are human beings and do make mistakes. But it is important that election administrators take utmost care to ensure that administrative actions do not prevent otherwise eligible persons from voting. And a person must not be denied the right to vote because of a mistake committed by an election official. Also, election officials are required to put in place procedures that ensure that a mistake can be corrected.

★ **the right to have your vote counted if an inspection of the ballot paper reveals your intent in the choice of a candidate with a reasonable degree of certainty.**

In connection with this right, even though the prescribed

manner of marking the ballot is a thumbprint placed in the box or column provided for it on the ballot paper, if you make any lawful mark on the face of the ballot paper which indicates your clear intention to vote for a particular candidate, the ballot must be counted as cast in favour of that candidate.

★ **the right to the secrecy of your vote.**

There are two aspects to this right. You have the right not to reveal the candidate you voted for. Secondly, an election official is barred by law from revealing the candidate for whom you voted, if he should know.

★ **the right to express your political opinions without interference.**

You have the right to express your opinions about candidates, issues and the campaign without fear or intimidation. The right is enjoyed by everyone. You must, therefore, respect the opinions of others as you would like yours respected.

YOUR DUTIES AS A VOTER

Rights always go with duties. So, as a voter, you have duties too in relation to an election. They include the following:

★ **YOU MUST VOTE**

By registering to vote, you have clearly demonstrated that you are civic-minded, a citizen in good standing. You must

exercise your civic responsibility on election day. Please remember that your vote is your power in respect of how our country is governed. **GHANA NEEDS YOUR VOTE.**

★ **DO NOT SELL YOUR VOTE.**

Your right to vote is your birthright. It is more valuable than any temporary material gains. If you sell your vote, you have sold your voice in the selection of our leaders. "Essau" sold his birthright for a bowl of porridge. Don't sell yours for cedis.

★ **VOTE ONLY ONCE.**

A democratic election is based on the principle of one person one vote. Do not cheat, and do not allow others to cheat at an election. Cheating dilutes the vote and distorts the people's choice.

★ **LET OTHER CITIZENS VOTE.**

Obviously, you cherish your freedom to vote in peace. Allow other citizens also to freely exercise their franchise. As the saying goes, do unto others as you wish done unto you.

★ **KEEP YOUR VOTER ID CARD SAFELY.**

Your Voter ID Card belongs to you, and you alone. It is an important means of identifying yourself as a bona fide voter on election day. If you lose it or give it away, you may find that you have disenfranchised yourself on election day.

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 without lawful authority 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 for 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 and within 500 metres of a polling station:
 - (i) to seek to influence a person to vote for a particular candidate;
 - (ii) to wear or display any symbol or emblem (including items of clothing) indicating support for a particular party or candidate;
 - (iii) to make a speech or sing a song, or beat a gong-gong or a drum, in support of a party or candidate; or
 - (iv) to sell intoxicating liquor.

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