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**PUBLIC DOCUMENT**



**REPUBLIC OF GHANA**

**A GUIDE TO POLITICAL PARTIES**



**INTERIM NATIONAL ELECTORAL COMMISSION**

# **A GUIDE TO POLITICAL PARTIES**

## EXECUTIVE CHAIRMAN'S MESSAGE

Free and fair elections are essential to the integrity of a democratic process based on competition among political parties. Accordingly, we of the Interim National Electoral Commission consider it a collective duty along with all political parties and candidates for public office to ensure that the forthcoming Presidential and Parliamentary elections are completely free and fair.

Congratulations and good luck to all parties and candidates accepting the challenge to contest election to public office.



JUSTICE JOSIAH OFORI-BOATENG  
*EXECUTIVE CHAIRMAN*  
Interim National Electoral Commission

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## FOREWORD

This booklet has been prepared by the Interim National Electoral Commission (INEC) as a convenient guide to an organization seeking registration as a political party. The information provided here is not exhaustive. Persons wishing to form political parties should refer directly to the Political Parties Law, 1992 (PNDCL 281), as well as the relevant sections of the 1992 Constitution, for specific provisions and additional details on political parties in the Fourth Republic.

Further enquiries about the registration of political parties may be made at the headquarters of the Commission in Accra, or at any of our Regional Offices located at the Regional capitals. But an application for registration can be processed only at our headquarters, where it must be brought **by hand**. Our offices are located at E 199/2, Eighth Avenue, near Ridge Hospital, Accra. Written enquiries may be addressed to:

The Executive Chairman  
Interim National Electoral Commission  
P.O. Box M.214  
Accra.

## CONSTITUTIONAL STATUS OF POLITICAL PARTIES

The Constitution guarantees the existence of political parties as freely formed organizations of citizens, provided they are national in character and orientation. Accordingly, every citizen of appropriate age may join or form a political party.

The Constitution assigns to political parties an important role in our democratic system. It says that a political party is free to:

- (a) participate in shaping the political will of the people;
- (b) propagate and pursue political ideas and social and economic programmes of a national character; and
- (c) put up candidates for election to public office.

As a way of achieving transparency and accountability of political parties, the Constitution requires them to account publicly for their assets and the sources and uses of their funds, and to conform to democratic principles in their internal organization.

It is envisaged that the generality of the Ghanaian people will exert influence on their government through their membership and **active participation** in freely competing political parties. But, as important as political parties are envisaged to be in our democratic system, the Constitution does not give them monopoly on political activity. Other organizations, groups, and individuals are also free to initiate and carry out political activity calculated to influence the policies and programmes of the government or a political party. So it is an offence under the Constitution to seek to suppress any such lawful activity. Also, a person need **not** be a member of a political party to contest election to public office.

### How Many Political Parties?

There is no limitation on the number of political parties that could be formed. However, an organization can operate in Ghana as a political party only when it is duly **registered** as such by the

Electoral Commission. It is also important to note that, according to the Political Parties Law 1992, only a person who is at least 21 years of age can be a leader, a founding member, or an executive member of a political party.

### **Requirements for Registration**

For purposes of registration and continued recognition as a political party, an organization must satisfy the following conditions relating to national character, transparency, and accountability:

- (a) It must be national in character. As evidence of national character:
  - (i) the organization must have one founding member in **each** of the 110 Districts of the country. A founding member must be ordinarily resident or a registered voter in the District;
  - (ii) the prospective party must have branches in all the ten Regions of Ghana; and it must be organized in not **less** than two-thirds of the Districts in **each** Region.
  - (iii) the name, slogan or motto, and the identifying symbols and colours of the organization should not have any **ethnic, regional, religious, professional, or other sectional** connotation or give the appearance that its activities are confined only to a part of Ghana;
  - (iv) the members of the executive committee must include a registered voter from **each** Region of Ghana.
- (b) The leader/chairman and the executive members must:
  - (i) be persons qualified to be elected as members of Parliament; and
  - (ii) have complied with the provisions of the Public Office Holders (Declaration of Assets and Eligibility) Law, 1992.
- (c) It must account **publicly** for its assets and the sources and uses of its funds (Transparency); and
- (d) It must conform to democratic principles in its **internal** organization (Accountability).

### **How to apply for Registration**

- (a) Fill the form entitled APPLICATION FOR REGISTRATION OF A POLITICAL PARTY, obtainable from the



Commission at a fee. The following information is required on the form:

1. The full name of the organization and its abbreviated form;
  2. Two copies of the organization's constitution (plus the rules or regulations if they are not embodied in the constitution);
  3. The organization's slogan/motto;
  4. A full description of the identifying symbols and colours;
  5. The location, address, and telephone number of the National Headquarters/Office;
  6. Particulars of the principal officers (Leader/Chairman, General Secretary, National Treasurer);
  7. Particulars of ten National Executive members, chosen from the ten Regions;
  8. Location, address, and telephone number of the organization's Regional Offices;
  9. A list to be attached to the application indicating the location, address, and telephone number (if any) of the District Offices of the organization;
  10. Particulars of 110 Founding Members, one from each District of Ghana; and
  11. A declaration by the Leader/Chairman and the General Secretary.
- (b) Submit three copies of the form with a **non-refundable** fee of ₵500,000.00.

### **Processing an application**

- (a) The Commission will issue the prospective party with a **Provisional** Certificate of Registration within eight days of the receipt of its application and the non-refundable fee.
- (b) A notice of the application will be given in the Gazette and objections invited from the general public concerning the name, aim, objects, constitution, rules or regulations, symbol, slogan/motto, or colours of the organization.
- (c) The Commission will make its own enquiries to ascertain the truth or correctness of the particulars submitted in the application.

- (d) After 30 days of the Gazette notification, the Commission will issue the organization with a final Certificate of Registration if:
- (i) all requirements for registration have been satisfied; and
  - (ii) no objections to the application are outstanding.

### **Rejection of Application**

An application for registration will be refused and the organization's provisional certificate, if any, cancelled if:

- (a) objections raised against it are upheld;
- (b) enquiries show any particulars submitted to be false;
- (c) the constitution and any rules or regulations submitted do not conform to democratic principles;
- (d) the purpose of the organization is not lawful;
- (e) the executive officers (other than interim) were not elected under the supervision of the Commission;
- (f) the organization uses any name, abbreviation, symbol, slogan/motto, or colour of a party which has been proscribed under any law for the time being in force; or which is so similar to that of a proscribed party as to reasonably suggest that the organization is a successor to that proscribed party; and
- (g) the name, identifying symbol, slogan/motto, or colour of the organization is the same as, or closely resembles, that of an existing party or the Republic of Ghana.

### **Appeal Against Rejection of Application**

- (a) An organization whose application for registration is rejected may appeal to the Commission to reconsider its decision.
- (b) If the Commission does not change its original decision within 14 days, the organization may appeal to the Court of Appeal, and the court's decision will be final.

### **Cancellation of Registration**

A final Certificate of Registration issued to a political party will subsequently be cancelled by the Commission if:

- (a) within a time specified by the Commission, but not less than 60 days after receiving its final certificate, the party

fails to declare to the Commission **in writing**:

- (i) details of all contributions, donations, or pledges of contributions or donations, in **cash or in kind** made by the Founding Members in respect of the first year of its existence;
  - (ii) the sources of all funds and other assets of the party; and
  - (iii) details of all its expenditure.
- (b) the party fails to submit to the Commission a statement of its assets and liabilities within 21 days **before** a public election.
- (c) within 40 days **after** a public election, the party fails to submit to the Commission a detailed statement of all expenditure incurred on **each candidate** put up or supported by the party, specifying how the money was spent.
- (d) the party fails to submit to the Commission within 60 days after receiving its final certificate.
- (i) satisfactory evidence of the existence and location of its national, regional, and district offices. (For **each** office, the evidence should include the exact location, the nature of ownership, and the name, address, and nationality of the owner);
  - (ii) the names, titles, and addresses of its officers at the national, regional, district, and constituency levels; and
  - (iii) the name and address of its auditor.
- (e) any declaration required by law to be made to the Commission by the party is shown to be false in any material particular.
- (N.B. A statement or declaration required by law to be made to the Commission concerning assets and funds should **always** be supported by a statutory declaration made by the National Treasurer and the National or General Secretary of the party).
- (f) the Commission is satisfied at **any time** that the party does not have a national office or an office in each Region of Ghana.

## **Appeal against Cancellation of Certificate**

A political party may appeal to the Court of Appeal against the cancellation of its certificate.

### **OTHER USEFUL INFORMATION**

#### **A. Public Meeting and Canvassing for Votes**

1. A prospective party cannot organize or hold a public meeting until it has received a final certificate of registration.
2. No person is allowed to canvass for votes or put forward a candidate for public election in the name of an organization which is not registered as a political party.
3. A political party is required to notify the senior police officer in charge of the place where it plans to hold a public meeting at least 48 hours (2 days) before the day of the meeting.

#### **B. Assets and Finances**

1. No citizen may contribute more than €200,000.00 in cash or in kind to a political party in any one year. (Note Well: The founding members of a party are exempted from this upper limit during the party's first year of existence).
2. A company, partnership or firm or business enterprise is prohibited from making a contribution in cash or in kind to a political party.
3. A political party is required to publish its audited accounts once a year and to file a copy with the Commission.

#### **C. Aliens**

1. An alien cannot be a member of a political party in Ghana.
2. An alien is prohibited from making a contribution or donation or a loan in cash or in kind to a political party; and it is an offence for a party or a person to demand any such thing from an alien.
3. An alien who violates any of the above provisions will be deemed to be a prohibited immigrant and liable to deportation.

#### **D. Records to be kept at Offices**

1. A political party is required to maintain at its head office an accurate and permanent record of:
  - (i) a list of its members;
  - (ii) any contribution, donation or pledge of contribution or donation in cash or in kind made by its founding members;
  - (iii) a statement of its accounts, showing the sources of its funds, the names of all contributors, membership dues paid, all donations in cash or in kind, and all the financial transactions conducted through, by or with the office; and
  - (iv) any property that belongs to the party, and when and how it was acquired.
1. A regional office of a party is also required to maintain the same kind of records in respect of the Region and the Districts and constituencies in the Region.

#### **E. Access to State-Owned Media**

1. All presidential candidates are entitled to the same amount of time and space on the state-owned media of mass communication to present their programmes to the people.
2. All political parties must be given fair opportunity to present their programmes to the people by way of equal access to the state-owned media of mass Communication.

#### **F. Miscellaneous**

1. No person can be required to join a particular political party by reason of his or her membership of a particular organization or group.
2. A political party is prohibited from putting up, supporting, or campaigning for a candidate for election to a District Assembly or a lower local government unit.
3. The following categories of persons cannot be founding members or office holders of a political party; nor canvass in support of a political party or a candidate for public office or speak in public or publish anything on matters of political party controversy:

A chief or a person who is a member of 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.

4. The Constitution enjoins political parties to be guided in their activities by the relevant provisions of the Directive Principles of State Policy.
5. Parliament has power to regulate the establishment and functioning of political parties; but it is forbidden to impose a religious or political ideology on the people of Ghana.
6. An offence against the Political Parties Law 1992, may attract a fine of up to two million cedis or a term of imprisonment not exceeding two years or both.

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