

**ACT 451**  
**ELECTORAL COMMISSION ACT, 1993**

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**ACT 451**  
**ELECTORAL COMMISSION ACT, 1993(1)**

**AN ACT in respect of the Electoral Commission and for related purposes.**

**1. The Electoral Commission**

In accordance with article 43 of the Constitution, the Electoral Commission consists of:

- (a) the chairman,
- (b) two deputy chairmen, and
- (c) four other members.

**2. Functions of the Commission**

The functions of the Electoral Commission, as stipulated by article 45 of the Constitution are,

- (a) to compile the register of voters and revise the register at the periods determined by law;
- (b) to demarcate the electoral boundaries for both national and local government elections;
- (c) to conduct and supervise public elections and referenda;

- (d) to undertake the preparation of identity cards;
- (e) to educate the people on the electoral process and its purposes;
- (f) to undertake programmes for the expansion of voters registration;
- (g) to properly store election material; and
- (h) to perform any other functions that may be prescribed by law.

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

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, by virtue of article 46 of the Constitution, is not subject to the direction or control of a person or an authority.

### **4. Appointment of members of the Commission**

(1) In accordance with clause (1) of article 44 of the Constitution, a person is not qualified to be appointed a member of the Commission unless that person is qualified to be elected as a member of Parliament.

(2) The chairman, deputy chairmen and the other members of the Commission, in accordance with clause (2) of article 43 of the Constitution, shall be appointed by the President, acting on the advice of the Council of State.

### **5. Conditions of service of members**

By virtue of clauses (2) to (6) of article 44 of the Constitution,

- (a) the chairman shall have the same terms and conditions of service as are applicable to a Justice of the Court of Appeal;
- (b) the two deputy chairmen shall have the same terms and conditions of service as are applicable to a Justice of the High Court;
- (c) the chairman and the two deputy chairmen shall not, while they hold office on the Commission, hold any other public office;
- (d) the other four members of the Commission shall be paid the allowances that Parliament may determine; and
- (e) 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.

### **6. Meetings of the Commission**

(1) The Commission shall meet at least once in every two months at the times and at the places determined by the chairman.

(2) The chairman shall preside at the meetings of the Commission and in the absence of the chairman one of the deputy chairmen shall preside.

(3) The quorum at a meeting of the Commission is four including the chairman or one of the deputy chairmen.

(4) The chairman shall give to the other members a notice of four clear days for every meeting of the

Commission.

(5) Decisions at the meetings of the Commission shall be that of the majority of the members present and voting and in the event of an equality of votes the person presiding shall have a casting vote.

(6) Subject to this Act, the Commission shall regulate the procedure for the conduct of its meetings.

## **7. Committees of the Commission**

(1) The Commission may appoint the committees that it considers necessary for the effective performance of its functions.

(2) A committee may include non-members of the Commission but shall be chaired by a member of the Commission.

## **8. Staff of the Commission**

(1) The Commission shall appoint the officers and any other employees that it may require for the effective performance of its functions.

(2) An appointment under subsection (1) shall be made by the Commission acting in consultation with the Public Services Commission.

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

(1) There shall be in every Region and District a representative of the Commission.

(2) Regional and District representatives of the Commission shall perform the functions that are assigned to them by the Commission.

## **10. Expenditure charged on the Consolidated Fund**

In accordance with article 54 of the Constitution, the administrative expenses of the Commission including salaries, allowances and pensions payable to, or in respect of, persons serving with the Commission are charged on the Consolidated Fund.

## **11. Accounts and audit**

(1) The Commission shall keep proper books of account and proper records in relation to them in the 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 the Auditor-General.

## **12. Regulations**

(1) In accordance with article 51 of the Constitution, the Commission shall, by constitutional instrument, make Regulations for the effective performance of its functions and in particular for,

- (a) the registration of votes 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) any other matters connected with paragraphs (a), (b), and (c).

(2) The Regulations made under subsection (1) may prescribe, for the contravention of a provision of the Regulations, a fine not exceeding two hundred penalty units or a term of imprisonment not exceeding six months or both the fine and the imprisonment.

(3) The Regulations shall be signed personally by the chairman or in the absence of the chairman by the person acting as chairman of the Commission.

### **13. Offences**

A person who wilfully obstructs the Commission or otherwise interferes with the Commission in the performance of its functions commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

### **14. Interpretation**

In this Act, unless the context otherwise requires,

“**chairman**” means the chairman of the Commission;

“**Commission**” means the Electoral Commission established by article 43 of the Constitution.

### **15. Repeal and savings**

*Spent.2(2)*

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## Endnotes

### **1 (Popup - Footnote)**

1. The Act was assented to on 6th July, 1993.

### **2 (Popup - Footnote)**

2. The provision reads,

- “(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 regulations, 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 voters for public elections and referenda in existence immediately before 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.”