

P.N.D.C.L. 284
REPRESENTATION OF THE PEOPLE LAW, 1992

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P.N.D.C.L. 284
REPRESENTATION OF THE PEOPLE LAW, 1992(1)

AN ACT to provide for the division of the Republic into constituencies for the purposes of the election of members of Parliament and to provide for related matters.

Constituencies for Parliamentary Elections

1. Constituencies of Ghana for Parliamentary elections

(1) In accordance with article 47 of the Constitution, Ghana shall be divided into as many constituencies for the purpose of election of members of Parliament as the Electoral Commission, shall by constitutional instrument prescribe.²⁽²⁾

(2) Each constituency shall be represented by one member in Parliament.

(3) The boundaries of a constituency shall not fall within more than one region.

(4) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(5) For the purposes of subsection (4), the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(6) For the purpose of this section “**population quota**” means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under subsection (1).

2. Appeal from decision of Commission

(1) In accordance with article 48 of the Constitution, a person aggrieved by a decision of the Commission in respect of a demarcation of a boundary may appeal to a tribunal consisting of three persons appointed by the Chief Justice and the Commission shall give effect to the decision of the tribunal.

(2) A person aggrieved by a decision of the tribunal referred to in subsection (1) may appeal to the Court of Appeal.³⁽³⁾

3. Review of constituencies

(1) In accordance with clause (5) of article 47 of the Constitution, the Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier and may, as a result, alter the boundaries of the constituencies.

(2) Where the boundaries of a constituency established under section 1 are altered as a result of a review, the alteration shall come into effect on the next dissolution of Parliament by virtue of clause (6) of article 47 of the Constitution.

4. Polling divisions

(1) The Commission shall divide each constituency into polling divisions and a polling division may be divided into as many polling stations as the Commission may prescribe.

(2) Where the boundaries of a constituency are varied, and in any other circumstances in which the Commission thinks it appropriate to do so, the Commission may alter the number and area of polling divisions within the constituency.

(3) Whenever the Commission divides a constituency into polling divisions or alters the number or area of polling divisions within a constituency, it shall, by legislative instrument, specify the polling divisions into which the constituency has been divided into or the alteration which has been made.

5. Appointment of election committee

(1) The Commission shall appoint for each constituency an election committee which shall be a committee of the Commission.

(2) The members of an election committee shall be appointed from the registered voters in the relevant constituency.

(3) An election committee shall consist of not less than three members and not more than five members of whom one shall be appointed as a presiding member by the committee.

(4) The presiding member of an election committee shall be the returning officer.

(5) An election committee shall be charged with the responsibility for the conduct and supervision of public election in the constituency under the supervision and direction of the Commission.

6. Presiding officers and deputies

(1) The Commission shall appoint a presiding officer for each polling division and the number of deputy or assistant officers as it considers necessary.

(2) Subject to the directions given by the Commission, the duties imposed by this Act on a presiding officer may be performed by the deputy or the assistant.

Qualification of Voters and Members of Parliament

7. Qualification of voters

(1) A person qualifies to be registered as a voter if he is

(a) a citizen of eighteen years of age or above, and

(b) of sound mind, and

(c) resident in the polling division or hails from the constituency, and^{3a(4)}

(d) not otherwise disqualified to be registered as a voter by law.

(2) A person is not entitled to have that person's name included at any one time in the register of more than one constituency or in more than one divisional register in a constituency.

(3) Subject to subsection (2) a person is, for the purpose of this section, resident in a polling division on the qualifying date if that person has a place of abode in the division on that date.

(4) A person is not resident in a polling division if that person has been absent from that person's place of abode for a continuous period of six months ending on the qualifying date.

(5) A person who is a patient in an establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in legal custody in a place shall not be treated as resident there for the purposes of this section.

(6) A person who is resident in more than one place and who would, but for subsection (2) be entitled to have that person's name included in the register of more than one constituency or in more than one divisional register in a constituency shall select one constituency and one polling division for the purpose of registration and voting.

8. Registration of Ghanaian citizens abroad^{3b(5)}

(1) A person who is a citizen resident outside the Republic is entitled to be registered as a voter if the person satisfies the requirements for registration prescribed by law other than those relating to residence in a polling division.

(2) The Commission may appoint the Head of a Ghana Mission or Embassy abroad or any other person or institution designated in writing by the Commission as a registration officer to register a person to be a voter for an election.

(3) The Commission may give such directions as it considers appropriate to a person appointed as a registration officer.

9. Qualifications and eligibility of members of Parliament

(1) In accordance with article 94 of the Constitution, a person is not qualified to be a candidate for the office of member of Parliament unless that person,

- (a) is a citizen, has attained the age of twenty-one years and is a registered voter,
- (b) is resident in the constituency for which that person stands as a candidate for election to Parliament or has resided there, for a total period of not less than five years out of the ten years immediately preceding the election for which that person stands or that person hails from that constituency, and
- (c) has paid all taxes due or made arrangements satisfactory to the appropriate authority for the payment of the taxes.

(2) A person is not qualified to be a member of Parliament if that person

- (a) owes allegiance to a country other than Ghana, or
- (b) has been adjudged or otherwise declared,
 - (i) bankrupt under a law in force in Ghana and has not been discharged,
 - (ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana, or
- (c) has been convicted,
 - (i) for treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude, or
 - (ii) for any other offence punishable by death or by a sentence of not less than ten years imprisonment, or
 - (iii) for an offence relating to, or connected with public elections under a law in force in the Republic at any time, or
- (d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or defrauded the Republic or misused or abused the office; or wilfully acted in a manner prejudicial to the interest of the Republic, and the findings have not been set aside on appeal or judicial review, or

- (e) is under sentence of death or sentence of imprisonment imposed on that person by a Court, or
 - (f) is not qualified to be registered as a voter under a law relating to public elections, or
 - (g) is otherwise disqualified by a law in force at the time of the coming into force of this Act.
- (3) A person is not eligible to be a member of Parliament if that person
- (a) is prohibited from standing election by a law in force in Ghana by reason of holding or acting in an office the functions of which involve a responsibility for, or connected with, the conduct of an election or a responsibility for the compilation or revision of an electoral register, or
 - (b) is a member of the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Civil Service, the Audit Service, the Parliamentary Service, the Statistical Service, the National Fire Service, the Customs, Excise and Preventive Service, the Immigration Service or the Internal Revenue Service, or
 - (c) is a chief, or
 - (d) has not declared that person's assets in accordance with the provisions of the Public Office Holders (Declaration of Assets and Diqualfication) Act, 1998 (Act 550).
- (4) For the purpose of subsection (2) (d), in the case of a finding made by a commission or committee of inquiry which is not a judicial or quasi-judicial commission or committee of inquiry, without prejudice to appeal against or judicial review of that finding, the finding shall not have the effect of disqualifying a person under that subsection unless it has been confirmed by a Government White Paper.
- (5) For the purposes of paragraphs (c) or (d) of subsection (2)
- (a) ten years or more have passed since the end of the sentence or the date of the publication of the report of the commission or committee of inquiry, or
 - (b) that person has been pardoned.

10. Vacation of seat in Parliament postponed in certain circumstances

When a member of Parliament is adjudged or declared bankrupt or of unsound mind or sentenced to death or imprisonment, the decision shall not have the effect of causing that person to vacate that person's seat in Parliament until,

- (a) where an appeal is not lodged, the time within which an appeal may be lodged has expired, or
- (b) where an appeal is lodged, the appeal has been finally disposed of.

Nomination of Candidates and Voting at Elections

11. Nominations and election of candidates at public elections

(1) In accordance with article 50 of the Constitution, where in an election under this Act at the close of nominations and on the day before the elections,

- (a) two or more candidates have been nominated, the election shall be held and the candidate who receives the largest number of votes cast shall be declared elected; or

- (b) only one candidate is nominated, an election shall not be held and that candidate shall be declared elected.

(2) Where for the purpose of the election two or more candidates are nominated but at the close of the nominations and on the day before the election only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for a person nominated within that period of ten days to withdraw the nomination.

(3) Where at the close of nominations and after the expiry of the further period of ten days under subsection (2) only one candidate stands nominated, there shall be no election and that candidate shall be declared elected.4(6)

(4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency shall be postponed for twenty-one days.

(5) The Commission shall by Regulations prescribe the procedure for the nomination of candidates and shall in particular provide for

- (a) conditions of nomination,
- (b) declaration to be made by candidates, and
- (c) deposit to be paid and whether it is refundable or not and the conditions for the refund.

12. By-election

(1) Where a vacancy occurs in the membership of Parliament, the Clerk to Parliament shall notify the Commission in writing within seven days after the vacancy occurred, and a by-election shall be held within thirty days after the vacancy occurred.

(2) Despite subsection (1), a by-election shall not be held within three months before the holding of a general election.

13. Voting at public elections

(1) In accordance with Article 49 of the Constitution, at a public election voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of the candidates or the representatives and the polling agents who are present, proceed to count, at that polling station, the ballot papers of that station and record the votes cast in favour of each candidate.

(3) The presiding officer, the candidates or the representatives of the candidates and the polling agents shall then sign a declaration stating

- (a) the total number of voters entitled to vote at that polling station, and
- (b) the number of votes cast in favour of each candidate,

and the presiding officer shall, there and then announce the results of the voting at that polling station before communicating them to the returning officer.

14. Candidate to conduct campaign freely

Each candidate for election to Parliament has the right to conduct that candidate's campaign freely and in accordance with law.

15. Conduct of elections

In accordance with article 50 of the Constitution, the Commission shall, by constitutional instrument, make Regulations generally for the conduct of elections including provisions for voting by proxy.

Election Petitions and other Legal Proceedings

16. Methods of questioning election

(1) The validity of an election to Parliament may be questioned only by a petition brought under sections 17 to 26.

(2) An election petition shall be presented before the High Court for hearing.⁵⁽⁷⁾

17. Presentation of election petition

An election petition may be presented by one or more of the following persons:

- (a) a person who lawfully voted or had a right to vote at the election to which the petition relates,
- (b) a person claiming to have had a right to be elected at the election,
- (c) a person alleging to have been a candidate at the election,
- (d) a person claiming to have had a right to be nominated as a candidate at the election.

18. Time for presentation of petition

(1) An election petition shall be presented within twenty-one days after the date of the publication in the *Gazette* of the result of the election to which it relates, but a petition questioning an election on an allegation of corrupt practice and specifically alleging a payment of money or any other award to have been made by the person whose election is questioned or to have been made on behalf of and to that person's knowledge, may be presented within twenty-one days after the date of the alleged payment.

(2) The presentation of an election petition under subsection (1) is not valid unless within the time specified in subsection (1), the petitioner gives as security for costs an amount of money determined by the High Court.

(3) The time limit provided by this section for the presentation of an election petition shall not be extended.

19. Relief which may be granted

After the hearing of an election petition the High Court may make any of the following orders:

- (a) declare that the election to which the petition relates is void,
- (b) declare that a candidate other than the member whose election is questioned was duly elected, or
- (c) dismiss the petition and declare that the member whose election is questioned was duly

elected.

20. Grounds for cancelling election results

(1) The election of a candidate shall be declared void on an election petition if the High Court is satisfied

- (a) that general bribery, general treating, general intimidation or other misconduct or circumstances, whether similar to those specified in this Act or not, have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;
- (b) that there has been non-compliance with a provision of this Act or of the Regulations and that it appears that the election was not conducted in accordance with the principles laid down by law and that the non-compliance affected the result of the election;
- (c) that a corrupt or illegal practice was committed in connection with the election by the candidate or with the knowledge or consent of the candidate, or by an agent of the candidate; or
- (d) that the candidate was at the time of the election a person not qualified or a person disqualified for election.

(2) Despite subsection (1),

- (a) where at the hearing of an election petition the High Court finds that a candidate has been guilty through the agent or representative of the candidate; of a corrupt or illegal practice, and the High Court further finds, that the candidate has proved to the High Court,
 - (i) that a corrupt or illegal practice was not committed by the candidate or with the knowledge or consent or approval of the candidate, or
 - (ii) that even though there was corrupt or illegal practice, the candidate took all reasonable steps to prevent the commission of corrupt or illegal practice at the election, and
 - (iii) that in all other respects the election was free from a corrupt or an illegal practice on the part of the candidate,

then, if the High Court so recommends, the election of the candidate shall not because of the corrupt practice be void or illegal and the candidate shall not be subject to an incapacity under this Act;

- (b) where at the hearing of an election petition the High Court finds that there has been failure to comply with a provision of this Act or of the Regulations, and the High Court further finds
 - (i) that the election was conducted in accordance with this Act and Regulations, and
 - (ii) that the failure did not affect the result of the election,

the election of the successful candidate shall not, because of the failure be void and the successful candidate shall not be subject to an incapacity under this Act or the Regulations.

21. Scrutiny

(1) Where on an election petition the election is claimed for an unsuccessful candidate on the ground that the candidate had a majority of lawful votes, the High Court may direct an examination of the votes cast at the election by the Commission or any other person determined by the Court.

(2) On a scrutiny, the following votes shall be struck off:

- (a) the vote of a person,
 - (i) whose name was not included in the divisional register of the polling division in which the vote was recorded,
 - (ii) whose name was not included in that part of the register which contained the names of the voters assigned to the polling station at which the vote was recorded,
 - (iii) who did not have the right under this Act or Regulations to vote at the polling station at which the vote was recorded;
- (b) the vote of a person whose vote was procured by bribery, treating or undue influence;
- (c) the vote of a person who committed or procured the commission of personating at the election;
- (d) the vote of a person proved to have voted more than once at the election or in more than one constituency; and
- (e) the vote of a person who is disqualified from voting at the elections because of a conviction for a corrupt or illegal practice or because of a report made by a Court under this Act.

(3) A tendered ballot paper, proved on scrutiny to be a valid vote shall be added to the poll.

22. Certification of decision

(1) At the conclusion of the hearing of an election petition the High Court shall certify its decision to the Commission which shall request the return by the returning officer in respect of the election to which the petition relates to be confirmed or altered accordingly.

(2) Where the decision certified by the High Court under subsection (1) is to the effect that the election to which the petition relates is void, a writ shall be issued for a fresh election in the constituency concerned.

23. Report of court as to corrupt or illegal practices

At the conclusion of the hearing of an election petition, the High Court shall, if satisfied that a person has been proved to have committed the offence of corrupt or illegal practice in connection with the election to which the petition relates, send a written report to the Attorney-General giving the name and description of that person and the nature of the practice and any other information that the High Court considers relevant and appropriate.

24. Prohibition of disclosure of vote

A person who has voted at an election shall not be required to state for whom that person has voted in proceedings questioning the election.

25. Determination of certain questions as to membership of Parliament

A question as to whether in a public election the seat of a member of the Parliament has become vacant may be referred to and determined by the High Court on a petition presented by the Attorney-General.⁶⁽⁸⁾

26. Procedure

(1) The Rules of procedure for presentation and hearing of a petition shall be the same as the rules of procedure applicable to a civil cause or matter before the High Court.

(2) *Omitted.*⁷⁽⁹⁾

Election Offences

27. Registration offences

A person who

- (a) knowingly makes a false statement in or in connection with an application to have that person's name included in a register, or
- (b) having applied to have that person's name included in a divisional register, without withdrawing the application, applies to have the name included in another divisional register, or
- (c) by the use of force or threats prevents or attempts to prevent any other person from exercising the right to register as a voter,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment, and is disqualified for a period of five years from the date of the expiration of the term of imprisonment, from being registered as a voter or voting at an election.

28. Offences relating to nomination papers and the ballot

A person who

- (a) forges, fraudulently defaces, or destroys a nomination paper, or any other document relating to the registration of a voter, or delivers to a returning officer any nomination paper, knowing it to be forged, or
- (b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper, or
- (c) without authority supplies a ballot paper to any person, or
- (d) sells or offers to sell a ballot paper to a person or purchases or offers to purchase a ballot paper from a person, or
- (e) not being a person entitled under this Act or regulations made under it to be in possession of a ballot paper which has been marked with the official mark, has such a ballot paper in his possession, or
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper which that person is authorised by law to put in, or
- (g) without authority, destroys, takes, opens or otherwise interferes with a ballot box, ballot paper or packet of ballot papers in use or intended to be used for the purposes of an election, or

- (h) without authority, prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election, or
- (i) not being authorised to do so under this Act or the Regulations, makes a mark on a ballot paper issued to a person, other than that person, with intent that the ballot paper shall be used to record the vote of the person,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment; and is disqualified, for a period of five years from the date of the expiration of the term of imprisonment, from being registered as a voter or voting at an election.

29. Unauthorised voting

A person who knowingly votes

- (a) at an election at which that person is not entitled to vote, or
- (b) more than once at an election,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment; and is disqualified, for a period of five years from the date of the expiration of the term of imprisonment, from being registered as a voter or voting at an election.

30. Offences by election officers

An election officer, clerk, interpreter or any other person who has a duty to discharge, whether under this Act or otherwise, in relation to an election and who

- (a) makes in a record, return or any other document, which is required to be kept or made in pursuance of this Act or of the Regulations, an entry which that person knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (b) permits a person whom that person knows or has reasonable cause to believe not to be a person who is blind or incapacitated from voting by any other physical cause to vote in the manner provided for those persons, or
- (c) refuses to permit a person whom that person knows or has reasonable cause to believe to be a person who is blind or incapacitated from voting by any other physical cause to vote in the manner provided for those persons, or
- (d) wilfully prevents a person from voting at the polling station at which that person knows or has reasonable cause to believe the person is entitled to vote at, or
- (e) wilfully counts a ballot paper as being cast for a candidate which that person knows or has reasonable cause to believe was not validly cast for the candidate, or
- (f) without reasonable cause acts or fails to act in breach of official duty,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment.

31. Requirement of secrecy

- (1) An election officer, clerk, interpreter, candidate, election agent or polling agent on duty at a

polling station shall maintain and help in maintaining the secrecy of voting and shall not, except for a purpose authorised by law, communicate to any other person an information as to

- (a) the name of a voter who has or has not applied for a ballot paper or voted at a polling station, or
- (b) the number on the register of a voter who has or has not applied for a ballot paper or voted at a polling station, or
- (c) the official mark.

(2) A person present at the counting of votes shall maintain and help in maintaining the secrecy of voting and shall not communicate an information obtained at the counting of the votes as to the candidate for whom a vote is given on a particular ballot paper.

(3) A person shall not

- (a) interfere with or attempt to interfere with a voter when the voter is recording the vote, or
- (b) obtain or attempt to obtain in a polling station information about the candidate for whom a voter in that station is about to vote or has voted, or
- (c) communicate at any time to any other person an information obtained in a polling station about the candidate for whom a voter in that station has voted or is about to vote, or about the number, on the ballot paper given to a voter at that station, or
- (d) directly or indirectly induce a voter to display the ballot paper after the voter has marked or selected it so as to make known to another person the name of the candidate for whom the voter has or has not voted.

(4) A person who has undertaken to assist

- (a) a blind voter to vote, or
- (b) a voter who is incapacitated from voting by any other physical cause to vote,

shall not communicate at any time to another person information as to the candidate for whom that disabled voter intends to vote or has voted, or as to the number, on the ballot paper given for the use of the disabled voter.

(5) A person who contravenes a provision of this section commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment.

32. Personation

A person commits the offence of personation if that person votes

- (a) as another person, whether that other person is living or dead or is a fictitious person, or
- (b) for a person whom that person knows or has reasonable grounds to believe to be dead or to be a fictitious person.

33. Bribery

(1) A person commits the offence of bribery

- (a) if that person directly or acting through another person,

- (i) gives money or obtains an office for a vote in order to induce the voter to vote or refrain from voting, or
 - (ii) corruptly does an act on account of a voter having voted or refrained from voting, or
 - (iii) makes a gift or provides something of value to a voter to induce the voter to vote in a certain way or to obtain the election of a candidate, or
- (b) if that person advances or pays money or causes money to be paid to or for the use of a person with the intent that the money or part of it shall be expended in bribery at an election, or knowingly pays money or causes money to be paid to a person in discharge or repayment of money wholly or in part expended in bribery at an election, or
 - (c) if before or during an election that person directly or indirectly, or through another person acting on that person's behalf, receives, agrees or contracts for money, gift, a loan or valuable consideration or an office, place or employment for that person or for another person for voting or agreeing to vote or for refraining or agreeing to refrain from voting, or
 - (d) if after an election that person directly or through another person receives money or valuable consideration on account of a person having voted or refrained from voting or having induced another person to vote or to refrain from voting.
- (2) For the purpose of subsection (1),
- (a) references to giving money include giving, lending, agreeing to give or lend, offering, promising and promising to procure or to endeavour to procure money or valuable consideration, and
 - (b) references to procuring office include giving, procuring agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure an office, place or employment.

34. Treating

A person commits the offence of treating if that person

- (a) corruptly or through another person, before, during or after an election gives or provides or pays wholly or in part the expenses of giving or providing meat, drink, entertainment or provision to or for any person,
 - (i) for the purpose of corruptly influencing that other person or another person to vote or refrain from voting, or
 - (ii) on account of that other person or another person having voted or refrained from voting or being about to vote or refrain from voting, or
- (b) corruptly accepts or takes meat, drink, entertainment or provision offered in the circumstances and for the purposes mentioned in paragraph (a).

35. Undue influence

A person commits the offence of undue influence if that person

- (a) directly or indirectly or through another person acting on that person's behalf,
 - (i) makes use of or threatens to make use of force, violence or restraint, or

(ii) inflicts or threatens to inflict on another person a temporal or spiritual injury, damage, harm or loss,

in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, or

(b) by abduction, duress or a fraudulent method that person impedes or prevents the free exercise of the franchise of a voter.

36. Interference with electioneering activities of other persons

A person who, before or during an election for the purpose of effecting or preventing the return of a candidate directly or indirectly

(a) by words, whether spoken or written, song, sign or any other representation or in any manner whatsoever seeks to excite or promote disharmony, enmity or hatred against another person, group of persons or political party on grounds of religious, tribal, professional, regional or political affiliation, or

(b) organises a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to discredit, malign, disparage, condemn, insult or abuse another person or candidate or with a view to causing disharmony or a breach of the peace or to disturbing public tranquillity so as to gain unfair advantage in the election over that other person or candidate, or

(c) obstructs or interferes or attempts to obstruct or interfere with the free exercise of the franchise of a voter or compels or induces or attempts to compel or induce a voter to vote or to refrain from voting, or

(d) compels, induces or attempts to compel or induce a candidate to withdraw from the election, or

(e) in any manner threatens a candidate or voter with injury or harm of any kind, or

(f) induces or attempts to induce a candidate or voter to fear or believe that the candidate or voter will suffer illness or will become an object of divine, spiritual or fetish displeasure or censure,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment and is disqualified for a period of five years from the date of the expiration of the term of imprisonment from being registered as a voter at a public election and in the case of a political party that political party shall be declared a prohibited organisation.

37. Certain activities prohibited on polling day

(1) During the hours when a poll is open on polling day, a person shall not, within five hundred metres of a polling station, seek to influence, in whatever manner, a person to vote for a candidate or to ascertain for which candidate a voter intends to vote or has voted.

(2) During the hours when a poll is open on polling day a person shall not, within five hundred metres of a polling station, sell intoxicating liquor.

(3) A person who contravenes a provision of this section 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

twelve months or both the fine and the imprisonment.

38. Defacement of notices

A person who without lawful excuse destroys, mutilates, defaces or removes a notice which is exhibited under the authority of this Act or of the Regulations, or a document which is made available for inspection under this Act or of the Regulations, 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 both the fine and the imprisonment.

39. False statements

(1) A person who before or during an election for the purpose of effecting or preventing the election of a candidate makes or publishes or causes to be made or published by words whether written or spoken, or by song a statement which is false or which that person knows or has reason to believe is false in relation to the personal character of another candidate or the conduct of a political party commits an offence.

(2) A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate for the purpose of promoting or procuring the return of another candidate commits an offence.

(3) A person who commits an offence under this section is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment.

(4) This section does not take away the right of a person to sue for defamation of character.

40. Obstruction of officers

A person who wilfully obstructs or interferes with an election officer in the execution of duty commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or both the fine and the imprisonment.

41. Penalty and incapacity for corrupt and illegal practices

(1) A person convicted of the offence of personation, bribery, treating or undue influence, under sections 32, 33, 34 or 35, is liable on conviction to a fine not exceeding five hundred penalty units or a term of imprisonment not exceeding two years or both the fine and the imprisonment; and is disqualified for a period of five years after the date of the expiration of the term of imprisonment, from being registered as a voter or voting at a public election.

(2) Where a Court convicts a person of a corrupt or illegal practice under this Act, it shall report the conviction in writing to the Commission.

42. Consent to prosecution

A person shall not be prosecuted for an offence under this Act without the consent in writing of the Attorney-General, except that this section shall not prevent a person being

- (a) charged with that offence, or
- (b) arrested with or without warrant in respect of the offence, or

(c) remanded on bail or in custody in respect of the offence, without the consent of the Attorney-General.

Miscellaneous Provisions

43. Record of disqualified persons and removal from register

(1) The Commission shall keep a record of persons who by the operation of sections 27, 28, 29 or 41, are disqualified from being registered as voters, voting at an election or becoming members of Parliament.

(2) Where a person whose name is included in the register of a constituency is by the operation of sections 27, 28, 29 or 41, disqualified from being registered as a voter, the Commission shall delete that person's name from the register.

44. Duty of Registrars of courts to report certain convictions to Commission

Where a person is convicted of an offence under sections 27, 28 or 29, the Registrar of the Court by which that person is convicted shall as soon as possible, after the conviction, report the conviction in writing to the Commission.

45. Saving where election declared void

Where on an election petition or on a petition under section 25, the election of a person as a member of Parliament is declared void, the declaration shall not invalidate anything done by that person during the period preceding the declaration in the purported exercise of the functions of that office.

46. Inaccurate description of persons or place

An inaccurate description of a person or place named or described in a register, notice or any other document prepared or issued under or for the purpose of this Act shall not, if the person or place is so designated as to be commonly identifiable or understood, affect the validity of that register, notice or document or the operation of this Act or of the Regulations in respect of that person or place.

47. Regulations

In accordance with article 51 of the Constitution, the Commission may by constitutional instrument, make Regulations providing for

- (a) issuing of writ and notice of election,
- (b) nomination of candidates,
- (c) allocation of symbols and colours to candidates,
- (d) notice of polls,
- (e) procedure for voting,
- (f) forms,

and generally for giving full effect to this Act.

48. Fees and appeals under legislative instrument made under this Act

A constitutional instrument made under this Act may prescribe the fees or any other payments to be made in respect of a matter provided for under that instrument and may also provide for a right of appeal to the High Court from a determination of a cause or matter made under that instrument.

49. Exemption

A declaration of secrecy made for the purpose of a public election, is not liable for stamp duties.

50. Interpretation

(1) In this Act, unless the context otherwise requires,

“**by-election**” means an election held to fill a vacancy occurring otherwise than on the dissolution of Parliament;

“**citizen**” means a citizen of Ghana under the Citizenship Act, 2000 (Act 591);8(10)

“**Commission**” means the Electoral Commission established under article 43 of the Constitution;

“**constituency**” means one of the constituencies into which Ghana is for the time being divided;

“**corrupt practice**” means the offence of personation, bribery, treating or undue influence or of aiding, abetting, counselling or attempting the commission of such an offence;

“**counting agent**” means a counting agent appointed under the Regulations;

“**Court**” means a Court of competent jurisdiction;

“**divisional register**” means the register relating to a polling division;

“**election**” means an election held to elect the members of Parliament;

“**election officer**” means a registration officer, a returning officer, a deputy or assistant registration or returning officer, a presiding officer or a polling assistant;

“**nomination day**” in relation to an election means the day appointed for the nomination of candidates;

“**official mark**” means the official mark with which a ballot paper is perforated or stamped;

“**polling agent**” means an agent appointed under the Regulations;

“**polling assistant**” means a polling assistant appointed under the Regulations;

“**polling day**” in relation to an election means the day appointed for the taking of a poll;

“**polling division**” means one of the polling divisions into which a constituency is divided by the Regulations;

“**presiding officer**” means the presiding officer of a polling station appointed under the Regulations;

“**qualifying date**” in relation to a constituency, means the date on which there is published by the Commission an instrument indicating that the constituency is affected by a decision of the Commission to cause a revision or replacement of registers to be undertaken;

“**register**” means a register of voters;

“**Regulations**” includes Regulations made by the Electoral Commission by powers conferred by

the Constitution or made under this Act;

“**returning officer**” means the presiding member of an election committee appointed under this Act;

“**scrutiny**” means the examination directed by the High Court of the votes cast at an election;

“**vote**” means vote at an election;

“**voter**” includes a person entitled to vote, a person claiming to be so entitled and a person seeking or intending to vote.

(2) References in this Act to the “**registration officer**” and the “**returning officer**” shall, unless the context otherwise requires be construed, in relation to a particular constituency, as references to the registration officer or the returning officer, appointed for that constituency under this Act.

(3) A provision of sections 16 to 26 shall not be construed as conferring on the High Court trying an election petition power to convict a person of a corrupt or illegal practice.

51. Presidential elections and referenda

The Commission may by constitutional instrument make modifications to this Act that are necessary for the purpose of presidential elections and the holding of referenda.

52. Repeals

The following enactments are hereby repealed:

- (i) Representation of the People Decree, 1968 (N.L.C.D. 255);
 - (ii) Representation of the People (Amendment) Decree, 1968 (N.L.C.D. 270);
 - (iii) Representation of the People (Amendment) Decree, 1969 (N.L.C.D. 350);
 - (iv) Representation of the People (Amendment) (No. 2) Decree, 1969 (N.L.C.D. 363);
 - (v) Representation of the People (Amendment) Decree, 1978 (S.M.C.D. 191); and
 - (vi) Representation of the People (Amendment) Decree, 1979 (S.M.C.D. 230).
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Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Representation of the People Law, 1992 ([P.N.D.C.L. 284](#)) made on the 24th day of July, 1992 and notified in the *Gazette* on 7th August, 1992.

2 (Popup - Footnote)

2. The number of constituencies is now two hundred and thirty by order of

3 (Popup - Footnote)

3. As provided for in [clause \(2\)](#) of [article 48](#) of [the Constitution](#). See [article 131](#) of [the Constitution](#).

4 (Popup - Footnote)

3a. Amended by section 1 (a) of the Representation of the People (Amendment) Act, 2006 (Act 699).

5 (Popup - Footnote)

3b. Substituted by section 1 (b) of the Representation of the People (Amendment) Act, 2006 (Act 699).

6 (Popup - Footnote)

4. Substituted by section 1 of the Representation of the People (Amendment) Act, 1994 (Act 471). See [clause \(3\)](#) of [article 50](#) of [the Constitution](#).

7 (Popup - Footnote)

5. See also [article 99](#) of [the Constitution](#).

8 (Popup - Footnote)

6. See also [article 99](#) of [the Constitution](#).

9 (Popup - Footnote)

7. Under [section 1](#) of State Proceedings Act, 1961 ([Act 51](#)) as amended by the State Proceedings (Amendment) Decree, 1969 (N.L.C.D. 352), actions can be brought against the Republic with the fiat of the Attorney-General. The subsection provided that

“The provisions under [section 1](#) of the State Proceedings Act, 1961 ([Act 51](#)) as amended, relating to one month’s notice to the Attorney-General before commencement of an action against the Republic shall not apply to election petitions against any act or omission of the Commission.”

10 (Popup - Footnote)

8. Substituted by section 1 (c) of the Registration of the People (Amendment) Act, 2006 (Act 699).