

PUBLIC ELECTIONS REGULATIONS, 1996

ARRANGEMENT OF REGULATIONS

PART I - GENERAL PROVISIONS

Regulation

1. Appointment of returning officer
2. Writ of election
3. Notice of election
4. Nomination of candidates for parliamentary election
5. Nomination of candidates in presidential election
6. Statutory declaration and deposit by presidential and parliamentary candidates
7. Nominated candidate
8. Withdrawal of nomination and exhibition of names of nominated candidates
9. Where no candidate nominated
10. Unopposed candidate
11. Contested election and death of candidate
12. Allocation of symbols and colours
13. Notice of poll
14. Adjournment of poll
15. Death of a candidate
16. Provision of polling stations
17. Presiding officers and polling assistants
18. Equipment for polling stations
19. Polling agents
20. Transferred voters list
21. Special voters list
22. Absent voters list
23. Voting by proxy

PART II - THE POLL

24. Number of votes and place of voting
25. Poll to be taken by ballot
26. Ballot papers
27. Polling hours and admission to polling station
28. Keeping order at polling station
29. Sealing of ballot boxes
30. Identification of voters
31. Voting procedure

PUBLIC ELECTIONS REGULATIONS, 1996

32. Assistance in voting
33. Tendered ballot papers
34. Spoilt ballot papers
35. Adjournment of poll by presiding officer in case of riot, flood, etc.

PART III -AFTER THE POLL

36. Counting of votes and attendance at the count
37. Result of elections
38. Rejected ballot papers
39. Decision on ballot papers
40. Equality of votes in parliamentary elections
41. Declaration and publication of contested election results
42. Special provisions relating to presidential election

PART IV - MISCELLANEOUS PROVISIONS

43. Disposal of deposit
44. Disposal of documents
45. Absence of candidate or agent
46. Public notice and the *Gazette*
47. Application of Regulations
48. Interpretation
49. Revocation

PUBLIC ELECTIONS REGULATIONS, 1996

PART IV - MISCELLANEOUS PROVISIONS

Disposal of
deposit.

43. (1) Subject to this regulation and regulation 8(3), the deposit made under regulation 6(1)(b) of these Regulations shall, as soon as practicable after the result of the election is declared, be returned to the person making it or his personal representative or forfeited to the state.

(2) Where a candidate is not shown as standing nominated in the notice mentioned in regulation 13 of these Regulations or if the poll is made inapplicable by reason of his death, his deposit shall be returned as soon as practicable after the publication of the notice or after his death, to the person making it or his personal representative.

(3) Where a poll is taken and after the completion of the counting of the votes, including any re-count, a candidate is found not to have polled ---

(a) in a parliamentary election, more than 12 1/2% of the total valid votes cast within the constituency; or

(b) in a presidential election, more than 25% of the total valid votes cast in the election, his deposit shall be forfeited and paid into the Consolidated Fund.

Disposal of
documents.

44. (1) On the completion of the counting at an election, the returning officer shall seal up in separate packets the counted and rejected ballot papers in respect of each candidate and shall then forward to the Commission the following documents:

(a) the sealed packets of counted and rejected ballot papers;

(b) the ballot papers account and the statement of rejected ballot papers;

(c) the tendered voters list and any declarations made under sub-regulation (1) of regulation 33 and of sub-regulation (2) of regulation 37 of these Regulations;

(d) the packets of ballot papers counterfoils; and

(e) the packets containing marked copies of the register; and endorse on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held; and prepare a statement in respect of the said documents which may be copied by any candidate or counting agent.

(2) Subject to the provisions of these Regulations, the Commission shall retain for a year all documents forwarded to it under this regulation and shall then, unless otherwise directed by a court, cause them to be destroyed.

PUBLIC ELECTIONS REGULATIONS, 1996

(3) Documents relating to an election in respect of which legal proceedings have been started shall not be destroyed until the proceedings have been finally disposed of.

(4) A court trying an offence relating to an election or the High Court hearing an election petition may make an order that any document retained by the Commission under this regulation shall be inspected, copied or produced at a time and place and subject to such conditions as it thinks fit.

(5) No order shall be made under sub-regulation (4) of this regulation unless the court is satisfied that the inspection, copying or production is required for the purpose of instituting, maintaining, defending, or otherwise for the purpose of prosecuting an election petition in respect of the election to which the document relates.

(6) Except as otherwise provided in sub-regulation (4) of this regulation, no person may inspect or copy any document retained by the Commission under this regulation.

45. Where in these Regulations expressions are used requiring, authorising, or implying that any act or thing is to be done in the presence of the candidates or their polling agents or counting agents, those expressions shall be regarded as reference to the presence of such candidates or agents as may be authorised to attend and have in fact attended at the time and place where the act or thing is being done and the non-attendance of any candidate or agent at that time and place shall not, if any act or thing is otherwise done, invalidate that act or thing.

46. Where any matter is provided in this Instrument to be published in the Gazette, it may, in lieu of or in addition to the publication in the *Gazette*, be published through radio, television, the national newspapers or any other medium of mass communication

47. These Regulations shall apply to presidential and parliamentary elections and with such modifications as may be necessary to such other public elections. as the Commission may by constitutional instrument prescribe.

48. (1) In these Regulations unless the context otherwise requires:

(‘absent voters list’ means the absent voters list prepared under regulation 22 of these Regulations;

“allotted station” means in relation to the voter the polling station of the polling division in which he is registered or, in the case of a polling

PUBLIC ELECTIONS REGULATIONS, 1996

division for which two or more stations have been established, the station to which he is assigned;

“close of the poll” means the close of the poll in all polling divisions of the constituency including any polling division where the poll has been adjourned;

“Commission” means the Electoral Commission;

“election officer” means a member of the office of the Commission, or any other person authorized by the Commission to be present at a polling station in an official capacity;

“judicial officer” means a person presiding over a Community Tribunal, the Judicial Secretary or the Registrar of a Superior Court;

“polling division” means a constituency or an electoral area;

“special voter” means a person registered as a voter who is:

(a) a security officer; or

(b) an election officer; or

(c) certified as such by the Commission

“special voters list” means the special voters list provided for under regulation 21 of these Regulations;

“spoilt ballot paper” means a ballot paper inadvertently dealt with in such a manner that it cannot be conveniently used as a ballot paper;

“superior officer” means in relation to-

(a) a member of the Police Service a police officer of that Force of or above the rank of superintendent;

(b) a member of the Armed Forces of Ghana, the adjutant of his battalion or an officer holding a comparable appointment;

(c) an election officer, not being a returning officer, the returning officer of the constituency in which the election officer will be on duty;

(d) any other person, as the Commission may determine.

“tendered ballot paper” means a ballot paper marked in accordance with regulation 33 of these Regulations;

“transferred voters list” means the transferred voters list provided for under regulation 20 of these Regulations;

“voter” means a person whose name appears at the time of a candidate’s nomination in the divisional register of

PUBLIC ELECTIONS REGULATIONS, 1996

candidate's nomination in the divisional register of one of the polling divisions of the constituency for which the candidate seeks election.

(2) Reference in these regulations to a contested election or to an election being contested shall be construed as references to an election in which a poll is taken.

49. The following instruments are hereby revoked --- Revocation.
Public Elections (Parliament) Regulations, 1992 (L.I. 1537);
Public Elections (Parliament) (Amendment) Regulations, 1992 (L.I. 1544)

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