

A GUIDE TO CANDIDATES AND THEIR AGENTS

**PRESIDENTIAL AND
PARLIAMENTARY ELECTIONS (2016)**

Foreword

For a democratic political system to be truly representative, voters need an electoral process that is imbued with integrity. Ensuring integrity in the electoral process demands that candidates, agents, voters and the electoral management body all conduct their activities in line with laid down law and policies.

Candidates represent a range of policies and issues to voters. When voters go to the polls, it is their opportunity to express which candidate best represents their values and choices and their vision for the future of their community, constituency, region and the country.

This guide is to help potential Candidates and agents of the Candidates understand the nomination and electoral process, and to outline the responsibilities they are undertaking when seeking the Candidate's election to the Presidency or Parliament.

The Guide is divided into four parts. Part I contains guidelines on the process for becoming a presidential or parliamentary candidate, as well as other useful information for candidates. Part II deals with the important role of polling agents, their duties, and this responsibilities. It spells out what they should do and what they should not do.

Part III gives general information about elections that is useful for candidates and agents. Also included in this volume as an appendix, is a form that candidates or political parties can conveniently use to appoint polling and collation agents. Part IV provides details on biometric and manual verification.

This handy Guide is a source of basic information, but it is not exhaustive and it is by no means intended to be a substitute for the electoral laws. Persons wishing to know more about the issues discussed herein should refer directly to the relevant sections of the 1992 Constitution, the Political Parties Act, 2000 (Act 574) and the

Public Elections Regulations 2016 (CI.94) and other relevant pieces of legislation.

Achieving free, fair, credible and transparent elections is not only the responsibility of the Electoral Commission. It is equally the responsibility of the candidates and their appointed agents, as well as the general public. The Commission is hopeful that candidates and polling agents would play their respective roles dutifully and in good faith to ensure a peaceful electoral process.

The Commission is grateful to the United States Agency for International Development (USAID) for their financial support towards the publication of this Guide.

Charlotte Osei (Mrs.)

Chairperson

August 2016

TABLE OF CONTENTS

Foreword

Part 1: Candidates

Who can become a candidate?	5
Who is qualified to contest election to Parliament?	5
Who cannot be a Parliamentary Candidate?	5
Who is qualified to contest election to become President?	7
Who cannot be a Presidential candidate?	7
How to become a candidate	7
Where to collect a nomination form	9
Where to submit a nomination form	9
How a nomination form is processed	9
The symbol of the candidate	10
Withdrawal of nomination	10
Extra period for nomination	10
Refund of election deposit	11
Access to state-owned media	11
Agents	11
Terms of office	12

Part 2: Polling Agents

Who is a Polling Agent?	13
The importance of Polling Agents	13
The qualities of a good agent	14
What a Polling Agent is expected to do	14
What a Polling Agent must not do	16

Part 3: General Information

Temporary election officers	19
Persons permitted to enter polling stations	20

Lists that may be at a polling station	20
How the winner of an election is determined	21
Official declaration of results	21
Challenging the validity of an election	21
Election offences	22

Part 4: Use Of Biometric Technology In Elections

Biometric Verification Registration	24
Biometric Voter Verification	24
Manual Verification	24

Appendix one

Letter of Appointment of Polling Agent/Collation Agent

PART 1: CANDIDATES

Who can become a candidate?

A citizen of Ghana with the requisite qualifications can contest election to become the President or a Member of Parliament on the ticket of a political party, or as an independent candidate. However, no person is allowed to canvass for votes, or put forward a candidate for public election in the name of an organization that is not registered as a political party.

Who is qualified to contest election to Parliament?

You are qualified to contest election to Parliament if:

- You are a citizen of Ghana
- You are a registered voter
- You are, or will be, at least 21 years old on the day of the election
- You are resident in, or you hail from, the constituency concerned; or you have lived there altogether for at least 5 years out of the 10 years immediately preceding the election
- You have paid all your taxes or made satisfactory arrangements with the Ghana Revenue Authority (GRA) for the payment of due taxes.

Who cannot be a candidate for Parliament?

You may satisfy all the foregoing requirements, but you cannot contest election to parliament if:

- You owe allegiance to any other country or that you hold the nationality of another country in addition to Ghana
- Under any law in force in Ghana, you have been declared:
 - * Bankrupt and have not been discharged

- * To be of unsound mind
- You have not been pardoned, or a period of 10 years has not elapsed since the end of your conviction for:
 - * Treason or an offence involving the security of the State, fraud, dishonesty or moral turpitude
 - * Any other offence punishable by death or by a sentence of not less than 10 years; or
 - * An offence in connection with an election.
- You have not been pardoned, or ten years has not elapsed since you were found to be incompetent to hold public office, or to have misused, or abused your position as a public officer by a report of a judicial or quasi-judicial commission or committee of enquiry, or a commission or committee whose finding has been confirmed by a Government white paper.
- You are under a sentence of death or of imprisonment imposed by a court
- A law disqualifies you from registering as a voter or standing as a candidate.
- Your official functions are connected with the conduct of elections or entail responsibility for the electoral register;
- You have not declared your assets;
- You are a chief;
- You are a public servant in any of the following organizations: 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.

A chief may become eligible to contest election to Parliament via abdication and a public servant via resignation of his/her position.

Who is qualified to contest an election to become President?

You are qualified to contest election to become President if:

- You are citizen of Ghana by birth;
- You are a registered voter;
- You are at least 40 years of age;
- You are qualified to contest election to Parliament.

Who cannot be a Presidential candidate?

You may have all the qualifications above; nonetheless, you cannot be a presidential candidate if, pardon or lapse of time notwithstanding, you have ever been:

- Convicted for an offence involving the security of the State, fraud, dishonesty, or moral turpitude;
- Convicted for any offence punishable by death, or a sentence of not less than ten years;
- Convicted for an election offence;
- Found to be incompetent to hold public office, or to have misused, or abused your position as a public officer by a report of a judicial or quasi-judicial commission or committee of enquiry, or a commission or committee whose finding has been confirmed by a Government white paper;
- Sentenced to imprisonment by a court.

How to become a Candidate

In order to officially become a candidate and have your name placed on the ballot paper for an election, you must be duly nominated in accordance with law.

For this purpose, a prospective candidate must complete four____ copies of a nomination form, obtainable from the Electoral Commission.

A nomination form is not properly executed and, therefore, will not be accepted if:

- The candidate himself/herself does not sign it
- It is not accompanied by a statutory declaration made by the candidate (including a vice-presidential candidate) before a District Magistrate and witnessed by at least one other person. The declaration form is obtainable from the Electoral Commission
- The prospective candidate, or a person who has endorsed his or her nomination, does not deliver the form to the Returning Officer during the stipulated nomination period, between the hours of 9.00 a.m. and 12.00 noon and 2.00 p.m. and 5.00 p.m.
- A cash deposit determined by the Electoral Commission is not paid.
- A signatory to the nomination has already nominated another candidate for the same election in addition to the foregoing:

In the case of a Presidential Candidate:

- At least two registered voters resident in each District of Ghana must also sign the nomination form;
- A vice presidential candidate must be designated; and the person so designated must also satisfy all the requirements for qualification as a Presidential Candidate

In the case of a Parliamentary Candidate:

- A total of twenty registered voters in the constituency; one proposer and a seconder with 18 other registered voters must also sign the nomination form; and
- S/he must not have been nominated for the election in another constituency.

Where to collect a nomination form

The nomination form of a Presidential Candidate should be collected at the Head Office of the Electoral Commission.

The nomination form of a Parliamentary Candidate should be collected at the District Office of the Electoral Commission.

Where to submit a nomination form

The nomination form of a presidential candidate should be submitted to the Chairperson of the Electoral Commission, who is the Returning Officer for the presidential election on or before nomination day.

The nomination form of a parliamentary candidate should be submitted to the Returning Officer of the respective constituency on nomination day.

How a nomination form is processed

- The Returning Officer will closely examine each of the four____ copies of the nomination form to ascertain that the information required has been provided.
- If all the forms have been properly executed, the Returning Officer will state on each copy the time it was accepted and sign it.
- The candidate and any of his /her nominators present should also sign each copy of the form.
- The candidate will then be given one of the signed copies of the nomination form as a certification of his/her candidacy.
- If, upon first examination, a nomination form is not accepted for being improperly executed, the prospective candidate will be

given the opportunity to rectify any deficiency for the form to be re-submitted, but only within the stipulated nomination period.

The symbol of the candidate

If you are standing for election in the name of a political party, you will use that party's symbol. For this purpose, you should produce authority from the party's headquarters that you are a bona fide candidate of the party.

If you are an independent candidate, you may select one of the symbols to be provided by the Electoral Commission, or you can present your own symbol, subject to approval by the Commission.

Withdrawal of nomination

A candidate may withdraw his/her nomination at any time before 5.00 p.m. on nomination day. A candidate who withdraws any time after nomination day, may have his/her name appear on the ballot paper on Election Day. In that case, any ballot cast for the withdrawn candidate will be deemed to be void.

The notice of withdrawal must be made in writing to the Commission, and signed by the candidate himself/herself.

Extra period for nomination

Where initially two or more persons were nominated during the nomination period, but at the close of nomination only one candidate stands nominated, a further period of ten days will be allowed for the nomination of other candidates.

Where a candidate passes on after nomination within twenty-five days to an election the election in the affected constituency shall be postponed for a period of not more than twenty-one days.

Any person duly nominated as a candidate within the extra period cannot withdraw his or her nomination.

Refund of election deposit

The election deposit of a presidential candidate will be refunded if he/she polls at least 25% of the total valid votes cast in the election nationwide and for the parliamentary elections 12.5% of valid votes cast in the constituency. Otherwise it is forfeited to the State.

Access to state-owned media

All presidential candidates are entitled to the same amount of time and space in the State owned media of mass communication to present their programmes to the people. Similarly, all political parties and candidates are entitled to fair treatment in the state-owned media.

Agents

During elections, a candidate is allowed to appoint a representative, known as a **Polling Agent**, to each polling station in the constituency, as well as a representative, known as a **Collation Agent**, to the constituency centre to observe proceedings at the respective place on his /her behalf.

Only one agent per candidate will be admitted to a polling station at any one time. However, a candidate may appoint more than one agent to take turns at a polling station.

Every candidate must submit the names of his/her agents and their stations to the Returning Officer not later than four days before polling day for accreditation to be effected. A Polling Agent shall swear upon penalty of perjury to abide by the rules of the election.

A polling agent must carry an accreditation letter, issued by the candidate or his/her accredited agent. This indicates that the polling agent has the mandate of the candidate.

The candidate himself/herself may be present at the constituency centre together with the collation agent to observe that the checking, assembling, and tallying of the constituency results are

properly done. The candidate or his/her agent must sign the constituency results declaration form and receive a signed copy. Failure to sign the form does not invalidate the results.

Terms of office

The president's term of office is four years from the day he/she is sworn into office. A person can hold office as President for only two terms. The term of office of a Member of Parliament is four years from the day of the first sitting of that Parliament. The terms for which a person can be a Member of Parliament is unlimited.

PART 2: POLLING AGENTS

Who is a Polling Agent?

A polling agent is a person who represents a political party at the polling station. Every political party registered for elections can have two agents at a polling station or collating center at any one time.

On the day of an election, a candidate cannot be present at all the polling stations in the constituency at the same time to ascertain whether the election is being conducted properly. Accordingly, each candidate is permitted to appoint in writing a representative, referred to as a **Polling Agent**, to be present at each polling station on his/her behalf.

Polling agents are expected to arrive at the polling station before the opening of the poll at 7 a.m. and to remain there until the end of poll and declaration of results. While at the station, the agent is expected to cooperate with the polling staff to ensure that the election is properly carried out. However, it is not his/her business to supervise the work of the polling staff, but to observe the conduct of the poll and call attention of the presiding officer to any irregularities.

The importance of Polling Agents

The Electoral Commission attaches great importance to the work of polling agents, because they act as observers of the election process. If they do their work well, they enhance the credibility of an election by helping to detect:

- Persons who pretend to be someone else in order to vote in that person's name (impersonation)
- Persons who attempt to vote more than once (multiple voting)

- Persons who try to tamper with the contents of a ballot box
- Polling staff who do not follow the laid down procedures, or misconduct themselves

Polling agents enhance the acceptability of the overall election results by confirming the results declared at their various polling stations.

The qualities of a good agent

To be able to operate effectively on polling day, the polling agent *must have the confidence and trust* of the candidate who appointed him/her. Additionally, he/she must preferably:

- Have a minimum level of education to be able to discern issues and sign documents at the station.
- Be familiar with basic election rules and regulations relating to activities at the polling station.
- Be knowledgeable about the duties of the election officials he/she will be working with.
- Be willing to cooperate with election officials to deliver a transparent election.
- Be a resident of the polling station area and be reasonably familiar with the people and locality.

What a polling agent is expected to do

As a polling agent, you are expected to:

- Arrive at the polling station in time to observe the preparations before voting begins. Note that the presiding officer will go about his or her duties, whether you are present or not.
- Respect the rights of voters at all times, including
 - * The right to peaceful and orderly conduct of the election
 - * The right to make one's own choice
 - * The right to cast a secret ballot
 - * A polling agent must at all times put on the accreditation issued by the Commission for ease of identification.

- Position yourself in such a way that you can clearly see or hear whatever is going on and to move freely about the polling station at all times
- Call the attention of the presiding officer to anything that you consider to be irregular, and if necessary, fill an irregularity form or give a written account of the irregularity to the Presiding Officer.
- Assist the Presiding Officer at his/her request to
 - * Establish the true identity of a prospective voter whose identity is in doubt
 - * Keep order at the station
- Pay close attention to the ballots that are rejected. A ballot paper should not be counted only if:
 - * It does not bear the official ballot validation of the polling station.
 - * It is blank, that is, it has no mark at all in it
 - * There is reasonable doubt as to the candidate the person voted for
 - * Something that identifies the voter has been written on it .
 - * It contains more than one mark for candidate selected
- Closely observe the counting of the votes, making sure that each ballot is counted in favour of the candidate for whom it was cast
- Ask for a recount, if you genuinely think that the votes have not been counted correctly. Note, however, that the votes cast at any polling station may be recounted only once at the polling station.

If any agent is still not satisfied after the recount and a second recount is requested by an agent, all the other agents must accompany the ballot box to the constituency centre for the Returning Officer to count the ballots.

- Sign the Declaration of Results Form, making sure that the total number of votes obtained by your candidate as well as the other candidates have been properly recorded, and obtain a signed copy of the results for the candidate who appointed you. If you refuse to sign the results, you must give reasons in writing for failing to do so to the Presiding Officer or a superior election official. Otherwise, remember that your failure to sign will not necessarily invalidate the results.

Once you have signed and received a copy of the results, the votes will not be counted again anywhere, so your job as an agent is completed.

What a polling agent must not do

- Do not wear any clothing or take anything whatsoever to the polling station that identifies your candidate or party.
- Do not take part in the actual administration of the election, including the counting of the votes after the poll has closed.
- Do not inspect the ID cards of persons who are in the queue to vote.
- Do not directly confront any person in the polling station. If you have an objection to make against any person in relation to the election, please inform the presiding officer.
- Do not assist a voter who needs help to vote.
- Do not give orders to the election staff or in any way interfere with or disrupt their work.

- Do not try to find out how someone is going to vote or has voted.
- Do not campaign for your candidate, or offer advice to, or try to influence a voter to vote for a particular party or candidate.
- Do not tell anyone the serial number on the ballot paper issued to a voter.
- Do not handle any election material without the permission of the Presiding Officer.
- Do not try to supervise the work of the polling staff.
- **The Presiding Officer is the person in charge of the polling station, and he/she has the final say on any matter concerning the poll, except where an appeal to a higher authority is permitted.**

Please note

- * No person who purports to be a polling agent will be admitted to a polling station without proper accreditation.
- * Like anyone else connected with the elections, as a polling agent, you are subject to the law. If you commit any offence in or near the polling station, you may be arrested and prosecuted.
- * The presiding officer or a superior election officer can ask you to leave the polling station, if you obstruct the work of the polling staff or otherwise misconduct yourself.
- * Finally, as a polling agent, you must protect the interest of the candidate that appointed you. The candidate has put

great trust in you, and you must not disappoint him/her. Together with the election officials and the security personnel, you form a team, charged with the responsibility to ensure that the elections are run properly at your polling station, in accordance with the rules and regulations. You must carry out your duties with absolute dedication, honesty and integrity.

PART 3: GENERAL INFORMATION

Temporary election officers

The Electoral Commission does not have enough permanent staff to carry out major exercises like the registration of voters and the conduct of elections. For this reason, it engages thousands of temporary officers to conduct such exercises on its behalf. Any person who holds a position in a political party, or who holds an elective office under an electoral law (e.g. a member of a District Assembly) cannot be a temporary election officer. The position of any temporary officer terminates at the end of the particular exercise.

In so far as the actual conduct of elections is concerned, the temporary officers fall into two categories:

Returning and Deputy Returning Officers

One Returning Officer and two Deputy Returning Officers perform several functions in connection with the administration of the elections in one constituency, under the supervision of the District Electoral Officer of the Commission. After the poll is taken, the Returning Officer is the person responsible for checking and collating the results from all the polling stations in the constituency. He/she is, therefore, the officer who has authority to declare the results and the winner of the election in the constituency on behalf of the Commission.

Presiding Officers and Polling Assistants

One Presiding Officer and a number of Polling Assistants conduct the affairs of each polling station in a constituency. The Presiding Officer, subject to supervision by superior officers, has total charge of the conduct of the poll at his or her station. He/she is responsible for counting the votes and declaring the results of the election at the polling station.

Persons permitted to enter a polling station

The polling station is a restricted area during an election. In addition to polling staff and voters, only the following persons are allowed to enter a polling station:

- *Persons accompanying voters with disability*
- *Security personnel on polling duty or called in to keep order*
- *Candidates and their spouses*
- *Certified agents of parties and candidates*
- *Members and officials of the Electoral Commission*
- *Accredited journalists*
- *Election observers, domestic and foreign, and other persons authorized by the Electoral Commission*

The Presiding Officer may regulate access to the station at any one time to avoid congestion.

Lists that may be at a polling station

In addition to the specific Voters' Register for a polling station, there may be other lists that may be considered to be part of the station's register for the election, including:

The Transferred Voters' List:

- It consists of person who registered elsewhere but who have transferred their votes to that station so that they can vote there

The Absent Voters List:

It consists of two categories of persons

- Persons who have transferred their votes from that polling station to other stations.
- Voters from that station whose names have been placed on the Special Voters List. These are persons who have been allowed to vote ahead of polling day because the nature of their duties on Election Day would make it impossible for them to vote at their original polling stations e.g. security

personnel on duty on polling day.

Persons on the Absent Voters List are not eligible to vote at the polling station.

How the winner of an election is determined

Except where a candidate is declared elected unopposed:

The winner of a ***parliamentary election is decided on a simple majority or first-past-the-post basis***. This means that the candidate who obtains the highest number of the valid votes cast wins the election in the constituency.

The winner of a ***presidential election must obtain at least 50%+1 of the total valid votes cast***. If a winner does not emerge at the first poll, a run-off election will be held between the candidates who obtained the two highest numbers of votes within 21 days of the declaration of the result.

A person is deemed elected as Vice-President when the Presidential candidate who designated him/her as the running mate is duly elected.

Official declaration of results

- The results of a presidential election are officially declared through a *Constitutional Instrument (C.I)* signed bearing the seal of the Chairman of the Electoral Commission.
- The results of a parliamentary election are officially declared by Gazette notification.

Challenging the validity of an election result

A citizen of Ghana may challenge the validity of the election of the President at *the Supreme Court within twenty-one (21) days* after the result has been declared.

A citizen of Ghana may challenge the validity of the election of a Member of Parliament at *the High Court*, within twenty-one (21) days after the result has been gazetted and a deposit determined by a High Court is paid, with a right of appeal to the Court of Appeal.

Election offences

An election offence refers to any act, or omission in connection with an election that constitutes an offence under the Criminal Offences Act 1960, Act 29 or the electoral laws or regulations. Such acts or omissions have been made illegal with a view to ensuring free, fair and competitive elections.

There are many acts that constitute an election offence. However, some of the offences that require particular attention are summarized below.

It is an offence in connection with an election:

- To attempt to vote before the poll officially opens, or after it closes.
- To vote or attempt to vote if you are not qualified to do so.
- To vote or attempt to vote in the name of another person, living, dead or fictitious.
- To put anything other than a ballot paper into a ballot box when an election is in progress
- To obstruct, or interfere with the work of an election officer.
- To force somebody to vote in a particular way.
- To impede, or prevent a voter from freely exercising his/her right to vote.
- To give or receive money or something of value as a means of inducing a person to vote, or not to vote, in a certain way.
- To use or threaten to use force or violence against a person or group of persons.

- To inflict or threaten to inflict physical or spiritual injury or harm on a person.
- To remove any notice lawfully exhibited in connection with an election.
- To intentionally destroy a ballot paper or any form related to an election.
- To forge, print or be in possession of a ballot paper without lawful authority.
- To tamper, or attempt to tamper, in any way with the contents of a ballot box.
- To misconduct yourself as an election official.
- To make or publish, by written or spoken word or by song, a false statement about the personal character of another candidate or the conduct of a political party.
- To excite enmity against a person, group of persons, or political party on grounds of religious, ethnic, professional, regional, or political affiliation.
- To organize or train a group of persons in the use of force or violence for election purposes.
- To compel or induce a candidate to withdraw his/her candidature.
- To canvass for votes or seek to find out how a person intends to vote within 500 meters of a polling station.
- To take to a polling station anything that reveals the candidate or party you intend to vote for

It can be seen that an election official, a polling agent, a party official, a candidate, a voter, or any member of the general public could commit an election offence.

A person found guilty of an election offence may be fined or imprisoned or both. For some offences, a person may also be disqualified from voting in subsequent elections or from holding public office.

PART 4: USE OF BIOMETRIC TECHNOLOGY IN ELECTIONS

As part of arrangements to enhance transparency and integrity in the electoral process, the Electoral Commission currently applies biometric technology in the registration and verification of voters.

Biometric Voter Registration (BVR)

In the compilation of the voters' register personal and biometric details (fingerprints and photographs) of all applicants were captured.

The biometric details were matched with that of all applicants to ensure that every voter appeared in the register only once.

Biometric Voter Verification (BVV)

On Election Day, all voters will be verified/identified by their biometric details in the Voters' Register.

Voters' fingerprints will be scanned on a voter verification machine and compared with their details in the Voters' Register.

The verification of voters is to ensure that only persons on the voters roll in each polling station are allowed to cast their ballots on Election Day.

The use of this new technology has boosted the accuracy of the voters roll and will improve the identification of voters on polling day.

Manual Verification – Section 32 of C.I. 94

A registered voter is required to establish his/her identity at the polling station before voting. He/she is required to produce his/her voter ID and in the absence of that reference would be made to the name Reference List for his/her details. The voter is then taken through the verification process to ascertain that he/she is indeed the one in the register, thus the barcode on the ID card or in the register is scanned for his/her details to pop up and he/she is then requested to place any of his/her fingers on the

Biometric Verification Device (BVD) to be verified.

In the event of the BVD failing to verify the voter after placing all fingers, the Polling Assistant shall take the voter through a process known as manual verification as follows;

- a. Inform Agents of all political parties present at the polling station;
- b. Fill a manual verification form as provided in C.I. 94 in the presence of all Candidates/Agents to be endorsed with their signatures;
- c. Hand over the completed Manual Verification Form to the Verification Officer.

The Verification Officer shall draw a horizontal line across the barcode in the register to indicate that the voter has been manually verified and such manually verified voters are to be accounted for on the statement of poll and declaration of results form as provided in C.I 94 after the polls.

LETTER OF APPOINTMENT OF POLLING AGENT/COLLATION AGENT

The candidate or a designated party official should fill this form in duplicate in respect of each agent The Returning Officer will keep one and give one copy to the candidate or party official

To the Returning _____
Officer: _____
Constituency _____ Region _____

This is to notify you that I have appointed the person whose particulars are given below as a Polling Agent/Collation Agent.

Name of Agent: _____ Voter ID
Number _____
Address of Agent: _____

Polling Station or Collation Centre assigned to:

Name of Candidate:

Signature _____

Name of Official: _____ Party: _____

Signature _____ Date: _____

ACTION BY RETURNING OFFICER (RO)

I certify the appointment of the above named person as a Polling Agent/ Collation Agent.

Name of RO: _____ Date: _____

Signature: _____

