

ACT 473**DISTRICT ASSEMBLY ELECTIONS ACT, 1994**

ARRANGEMENT OF SECTIONS

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ACT 473**DISTRICT ASSEMBLY ELECTIONS ACT, 1994¹**

AN ACT to provide for District Assembly Elections in accordance with the 1992 Constitution, and for related matters.

1. District Assembly elections

Election to a District Assembly shall be held every four years except that District Assembly elections shall be held at least six months apart from parliamentary elections.

2. Organisation of the elections

District Assembly elections shall be organised by the Electoral Commission.

3. Candidates to stand as individuals

(1) A candidate seeking election to a District Assembly or a lower local government unit

- (a) shall not present himself or herself to the electorate otherwise than as an individual,
- (b) shall not use a platform which has not been mounted by the Commission for promoting or canvassing the election, and
- (c) shall not be required to make a deposit to the Commission.

1. The Act was assented to on 14th February, 1994. *See also* Public Elections (District Assembly) Regulations, 1993 (C.I. 14).

(2) Despite subsection (1) (b) a candidate may canvass for election from house to house.

4. Candidates should not use political party symbols

A candidate seeking election to a District Assembly or a lower local government unit

- (a) shall not use the name, motto or symbol of a political party or organisation, and
- (b) shall not solicit or accept the assistance of a political party in connection with the organisation of District Assembly elections, or election to a lower local government unit.

5. Penalty

A candidate who contravenes a provision of section 3 or 4 commits an offence and on conviction the Commission shall cancel the nomination of that candidate.

6. Unauthorised platform mounting

(1) A person shall not mount a platform or cause a platform to be mounted for the purpose of promoting or canvassing for the election of a candidate to a District Assembly or to a lower local government unit unless the Commission has so authorised.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year.

(3) A political party or organisation shall not mount a platform or cause a platform to be mounted for the purpose of supporting or not supporting the election of a candidate to a District Assembly or to a lower local government unit.

(4) A political party or organisation which contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units.

7. No political party sponsorship

(1) A political party or organisation shall not

- (a) endorse or sponsor,
- (b) canvass for votes for, or
- (c) in any way campaign for or against,

a candidate seeking election to a District Assembly or a lower local government unit.

(2) A political party or organisation which contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units.

8. Returning officers

(1) The Commission shall appoint for each district a returning officer and two deputy returning officers.

(2) The returning officers shall

- (a) receive the nominations of candidates,
- (b) verify the qualification and any other particulars of candidates,
- (c) create or cause to be created platforms for the candidates to present themselves and their programmes to the electorate,
- (d) appoint a presiding officer and the number of polling assistants required for each polling station,
- (e) keep proper custody of election materials, and
- (f) perform any other functions required for the conduct and supervision of the District Assembly elections or elections to a lower local government unit.

(3) The functions specified in subsection (2) shall be performed by the returning officers under the direct supervision of the Commission.

9. Qualifications and disqualifications

(1) A person qualifies to be elected to a District Assembly or a lower local government unit if that person

- (a) is a citizen of not less than eighteen years of age,
- (b) is a registered voter,
- (c) is ordinarily resident in the particular district for which the election is sought, and
- (d) has paid the relevant taxes and rates or made arrangements satisfactory to the appropriate authority for the payment of those taxes and rates.

(2) For the purposes of paragraph (c) of subsection (1), a person is ordinarily resident in a district if within the four years prior to the holding of the election to the District Assembly or the lower local government unit, that person has lived in the district for an aggregate period of not less than twelve months.

(3) A person does not qualify to be elected to a District Assembly or to a lower local government unit if that person

- (a) is of unsound mind,
- (b) has been sentenced to death or imprisonment for an offence involving fraud, dishonesty or violence or has been convicted of an offence relating to or connected with an election under an enactment in force in the Republic at any time,
- (c) is a person against whom adverse findings have been made by a competent authority and accepted by the Government or in respect of whom an offer of reparation has been made and accepted by the Government,
- (d) is disqualified from practising that person's profession on grounds of malpractice, fraud or dishonesty by the competent professional body, or
- (e) is a person exempted from the payment of basic rate under paragraph (a) of subsection (2) of section 98 of the Local Government Act, 1993 (Act 462).

(4) Despite paragraph (b) or (c) of subsection (3) of this section, a person qualifies to be elected to a District Assembly or a lower local government unit if ten years have elapsed since the end of the sentence, the acceptance of the adverse findings, the offer of reparation or if that person has been pardoned.

(5) A person shall not at any one time contest election to more than one District Assembly or lower local government unit.

10. Regulations

(1) The Commission shall, by constitutional instrument, make Regulations for the effective performance of its function under this Act.²

(2) The exercise of the power to make Regulations may be signed personally by the chairman or by the person acting as chairman of the Commission.

11. Application of Representation of the People Act, 1992

Except as otherwise provided in this Act, the Representation of the People Act, 1992³ shall apply to District Assembly elections under this Act with the necessary modifications.

12. Interpretation

In this Act, unless the context otherwise requires,

“**citizen**” means a citizen of Ghana;

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

“**district**” includes the area of authority of a District Assembly, a municipality and a metropolis;

“**District Assembly**” includes Municipal and Metropolitan Assemblies;

“**mount a platform**” means to create a forum or an opportunity for a candidate to present himself or herself and his or her programmes to the electorate to answer questions for the purpose of local government elections;

“**returning officer**” includes a deputy returning officer.

2. See the Public Elections (District Assembly) Regulations, 1993 (C.I. 14).

3. P.N.D.C.L. 284.