

ACT 574

POLITICAL PARTIES ACT, 2000

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ACT 574**POLITICAL PARTIES ACT, 2000¹**

AN ACT to revise the statute on political parties, to bring the provisions in conformity with the Constitution and to provide for related matters.

*Founding and Registration of Political Parties***1. Founding of political parties**

(1) Political parties may be founded to further purposes which are not contrary to the Constitution and the laws of the Republic.

(2) Subject to the Constitution and to this Act, a citizen of voting age has the right to form or join a political party.

(3) A political party may, subject to the Constitution and to this Act, participate in shaping the political will of the people, disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for public elections, other than elections to District Assemblies or lower local government units.

2. Participation in politics

(1) Subject to the Constitution, a citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.

(2) A member of an organisation or an interest group shall not be required to join a particular political party by virtue of the membership of the organisation or group.

(3) A person who

- (a) suppresses or attempts to suppress the lawful political activity of another person contrary to subsection (1), or
- (b) requires a person to join a particular political party contrary to subsection (2),

commits an offence and is liable, on summary conviction, to a fine of not less than two million cedis or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

3. Prohibition of ethnic or religious parties

(1) A political party shall not be formed

- (a) on ethnic, gender, religious, regional, professional or any other sectional divisions, or

1. The Act was assented to on 23rd February, 2000, and notified in the *Gazette* on 17th March, 2000.

- (b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or any other sectional divisions.

(2) For the purpose of subsection (1), a political party is formed on ethnic, gender, religious, regional, professional or other sectional divisions if its membership or leadership is restricted to members of a particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.

4. Registration of political parties

(1) A political party shall be registered in accordance with this Act and shall pay in respect of the registration the fees that the Electoral Commission shall determine by constitutional instrument.

(2) A fee paid under subsection (1) is not refundable.

(3) A political party on registration under this Act becomes a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name, and may acquire, hold, manage or dispose of movable or immovable property and enter into a contract or any other transaction.

5. Commission to register political parties

The Commission shall register all political parties in accordance with the Constitution and this Act.

6. Prohibition of canvassing unless the party is registered

A person shall not for a public election

- (a) canvass for votes, or
- (b) put forward a person for election,

on behalf of or in the name of an organisation unless the organisation is registered as a political party under this Act.

7. Qualification of founding and executive members of political parties

(1) Subject to this Act, a political party shall have executive and any other officers as determined by the founding members.

(2) A political party shall not have as a founding member, a leader or a member of its executive, a person who

- (a) is not qualified to be elected as a member of Parliament, or
- (b) is not qualified to hold a public office.

(3) Only a citizen may be appointed to an office or be a founding, ordinary or other member of a political party.

8. Method of registration of a political party

(1) An application to register a political party shall be made to the Commission and shall be accompanied with

- (a) a copy of the constitution and the rules or regulations of the political party duly signed by the interim national chairman or leader and by the interim national or general secretary of the party,
- (b) the written names and addresses of its national officers,
- (c) a full description of the identifying symbols, slogans, and colours of the political party,
- (d) the registration fee specified in subsection (1) of section 4, and
- (e) any other particulars reasonably required by the Commission.

(2) The Commission shall, not later than seven days after the receipt of the application, issue to the political party a provisional certificate of registration and shall publish a notice of the application in the *Gazette* after receipt, inviting objections from the public concerning the name, aim, objects, constitution, rules, symbols, slogans and colours of the party.

(3) The Commission may, in addition to inviting objections to the application under subsection (2) make independent inquiries so as to ascertain the truth or correctness of the particulars submitted with the application for registration.

(4) On the expiration of thirty days after the date of the publication of the *Gazette* notice, the Commission shall, if satisfied that the relevant provisions of this Act on registration have been complied with, register the political party.

(5) Where within the thirty days period an objection has been brought to the notice of the Commission, it shall not register the political party until the objection is disposed of to the satisfaction of the Commission.

(6) Where the Commission upholds the objection or if enquiries made under subsection (3) disclose that any of the particulars submitted with the application for registration is false, the Commission may refuse to register the party and shall cancel the provisional certificate issued to that party under subsection (2).

9. Conditions for registration

The Commission shall not register a political party under this Act, unless

- (a) the internal organisation of the party conforms with democratic principles and its actions and purposes are not contrary to or inconsistent with the Constitution;
- (b) the party has on its national executive committee one member from each Region;
- (c) the party has branches in all the Regions and is, in addition organised in not less than two-thirds of the districts in each Region;
- (d) there is in each district at least one founding member of the party who is ordinarily resident in the district or is a registered voter in the district;

- (e) the party's name, emblem, colour, motto or any other symbol does not have ethnic, gender, regional, religious or any other sectional connotation nor give the appearance that its activities are confined only to a part of the country; and
- (f) the party is not in breach of a provision of the Constitution or of this Act.

10. Prohibition of certain identifying symbols

A prospective political party shall not submit to the Commission for the purpose of registration under this Act an identifying symbol, slogan, colour or name which is the same as the symbol, slogan, colour or name

- (a) of any other registered political party, or
- (b) of the Republic, or

which so closely resembles the symbol, slogan, colour or name of a registered political party or the Republic as to be likely to deceive or confuse members of the public.

11. Final certificate of registration

The Commission shall on registration of a political party issue to that party a final certificate of registration.

12. Appeal on refusal of registration

(1) A political party whose application for registration is refused by the Commission, may at any time apply to the Commission for the reconsideration of its decision not to register the political party.

(2) If, within seven days after an application has been made to it under subsection (1), the Commission refuses or fails to register the political party, the party may appeal to the Court of Appeal against the decision of the Commission.

(3) The appeal shall be on notice to the Commission and any other persons as directed by the Court of Appeal.

Operation of Political Parties

13. Declaration of assets and expenditure by political parties

(1) A political party shall, within ninety days after the issue to it of a final certificate of registration under section 11 or a longer period allowed by the Commission, submit to the Commission a written declaration giving details of all its assets and expenditure including contributions or donations in cash or in kind made to the initial assets of the party by its founding members.

(2) A declaration submitted to the Commission under subsection (1) shall state the sources of the funds and the other assets of the political party.

(3) The declaration shall also contain any other particulars directed by the Commission in writing.

(4) The declaration shall be supported by a statutory declaration made by the national treasurer and the national or general secretary of the political party.

(5) The Commission shall, within thirty days after receipt of the declaration required under subsection (1), publish the declaration in the *Gazette*.

(6) Without prejudice to any other penalty prescribed by this Act or any other enactment, where a political party,

- (a) refuses or neglects to comply with this section, or
- (b) submits a declaration which is false in a material particular,

the Commission may cancel the registration of that political party.

14. Declaration of assets, liabilities and expenditure in relation to elections

(1) A political party shall, within twenty-one days before a general election, submit to the Commission a statement of its assets and liabilities in the form directed by the Commission.

(2) A political party shall, within six months after a general or by-election in which it has participated, submit to the Commission a detailed statement in the form directed by the Commission of all expenditure incurred for that election.

(3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.

(4) Without prejudice to any other penalty provided in this Act or any other enactment, where a political party,

- (a) refuses or neglects to comply with this section, or
- (b) submits a statement which is false in a material particular,

the Commission may cancel the registration of the political party.

15. Particulars of national, regional, district and constituency offices and officers

(1) Within ninety days after the issue to it of a final certificate of registration, a political party shall furnish the Commission with details of the existence and location of its national, regional, district and constituency offices.

(2) A political party shall also within the period specified in subsection (1) submit to the Commission

- (a) the names, titles and addresses of its officers at the national, regional, district and constituency levels and also at any other levels of organisation directed by the Commission, and
- (b) the name and address of the auditors of the political party.

(3) The Commission may cancel the registration of a political party where that political party

- (a) refuses or neglects to comply with this section, or
- (b) makes a statement in a matter submitted to the Commission under this section which is false, or
- (c) has refused, neglected or failed to establish or maintain a national office or to establish or maintain a regional office in every Region.

16. Appeal against cancellation of registration

A political party whose registration is cancelled by the Commission under section 13, 14 or 15 may appeal to the Court of Appeal against the cancellation.

17. Election of executive officers

(1) A political party shall elect a number of persons as determined by the members of the party as executive officers of the party.

(2) The election of the national, regional and constituency executive officers of a political party shall be conducted under the supervision of the Commission.

(3) Pending the election of the executive officers of a political party, an application for registration of the political party shall be submitted to the Commission by the interim executive officers as determined by the members of the party.

18. Notification of changes or alterations

(1) Where a political party registered under this Act changes or alters

- (a) its constitution,
- (b) its rules or regulations,
- (c) the title or address of a person or an office submitted to the Commission under section 15, or
- (d) its identifying symbol, slogan, colour or name,

it shall notify the Commission of the change or alteration and the Commission shall within fourteen days from the date of receipt of the notification publish the change or alteration in the *Gazette*.

(2) A change or an alteration shall come into effect, if an objection is not made to the change or alteration, seven days after publication by the Commission of the notice under subsection (1).

19. Merger of registered political parties

Where two or more registered political parties come together and merge as one political party

- (a) the registration of each political party existing immediately before the effective date of the merger shall lapse, and
- (b) the new political party shall require registration for the purposes of this Act.

20. Political parties in alliance

Where two or more registered political parties form an alliance of their parties,

- (a) each political party remains as a separate registered political party for the purposes of this Act;
- (b) each political party shall furnish the Commission within the period directed by the Commission a copy of the terms of the agreement of the alliance;

- (c) in any public elections each candidate shall be identified on the ballot paper by the candidate's portrait and the symbol of the candidate's party;
- (d) where the parties nominate separate candidates to contest an election in the same constituency each candidate shall be identified separately on the ballot paper and in relation to the candidate's party only; and
- (e) the fees payable under this Act or the Regulations by or in respect of a candidate for elections shall be paid separately by or for each candidate as standing for the elections in the name of the candidate's own party, although there is an alliance.

21. Returns and accounts of political parties

(1) A political party shall, within six months from 31st December of each year, file with the Commission

- (a) a return in the form specified by the Commission indicating,
 - (i) the state of its accounts,
 - (ii) the sources of its funds,
 - (iii) membership dues paid,
 - (iv) contributions or donations in cash or kind,
 - (v) the properties of the party and the time of acquisition,
 - (vi) any other particulars reasonably required by the Commission, and
- (b) the audited accounts of the party for the year.

(2) A person may, on payment of a fee determined by the Commission, inspect or obtain copies of the returns and audited accounts of a political party filed with the Commission under this section.

(3) Despite this section, the Commission may at any time on reasonable grounds order the accounts of a political party to be audited by an auditor appointed by the Commission whose fees and expenses shall be paid by the Commission, and request the political party to file with the Commission the audited accounts at a time specified by the Commission.

22. Duty of political parties to provide information to Commission

(1) The Commission may by writing on stated grounds request an executive officer of a political party to furnish for inspection by the Commission records of the party or any other information as is reasonably required by the Commission to enable it to ensure that the provisions of this Act are complied with.

(2) A political party or an executive officer of a political party shall comply with a request made by the Commission under subsection (1).

Funding of Political Parties

23. Contribution by citizens

- (1) Only a citizen may contribute in cash or in kind to the funds of a political party.

(2) A firm, partnership, or enterprise owned by a citizen or a company registered under the laws of the Republic at least seventy-five percent of whose capital is owned by a citizen is for the purposes of this Act a citizen.

24. No contribution by non-citizens

A non-citizen shall not directly or indirectly make a contribution or donation or loan whether in cash or in kind to the funds held by or for the benefit of a political party and a political party or person acting for or on behalf of a political party shall not demand or accept a contribution, donation or loan from a non-citizen.

25. Contraventions of sections 23 and 24

(1) Where a person contravenes a provision of section 23 or 24, in addition to any other penalty imposed under this Act, the amount whether in cash or in kind paid in contravention of the section shall be forfeited to the Republic and the amount shall be recovered from the political party as debt owned to the Republic.

(2) The political party or person in whose custody the amount is for the time being held shall pay it to the Republic.

(3) A non-citizen found guilty of contravention of a provision of section 24 shall be deemed to be a prohibited immigrant and be liable to deportation under the Immigration Act, 2000 (Act 573).

(4) Sections 23 and 24 do not preclude the government of any other country or a non-governmental organisation from providing assistance in cash or in kind to the Commission for use by the Commission for the collective benefit of registered political parties.

Miscellaneous Provisions

26. Chiefs, public officers and political activities

A chief or any other person who is not eligible to be elected to Parliament does not qualify to

- (a) be a founding member, a leader or a member of the executive of a political party, or
- (b) hold office in a political party.

27. Cancellation of registration and its effect

(1) Without prejudice to the penalty provided for under section 30, where a political party contravenes a provision of this Act and is convicted the High Court may order the Commission to cancel the registration of that political party.

(2) Where the registration of a political party is cancelled under subsection (1) a person shall not

- (a) summon a meeting of the members or officers of the political party;
- (b) attend a meeting in the capacity of a member or officer of the political party;

- (c) publish a notice or advertisement relating to a meeting of the political party;
- (d) invite persons to support the political party;
- (e) make a contribution or loan to funds held by or for the benefit of the political party or accept a contribution or loan; or
- (f) give a guarantee in respect of those funds.

28. Political meeting

A political party that intends to hold a public meeting shall comply with the provisions on the holding of a special event as provided under the Public Order Act, 1994 (Act 491).

29. Gazette notices

Where a provision of this Act requires the Commission to publish anything in the *Gazette*, it may in addition to or in exceptional circumstances in lieu of the publication, publish it in the national daily newspapers and on the radio and television and the provisions of this Act shall have effect accordingly.

30. Penalty

(1) A person who contravenes a provision of this Act commits an offence.

(2) A person who in furnishing particulars or information required to be furnished by a political party or by that person under this Act makes a statement which that person knows is false or which that person does not believe is true or makes a false statement recklessly whether it is true or not commits an offence.

(3) An offence under this Act, unless otherwise specifically provided for, is punishable with a fine not exceeding ten million penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(4) Where an offence under this Act is committed by a political party, every executive officer of that party shall be deemed to have committed that offence.

(5) Where an offence under this Act is committed by a body of persons, other than a political party, then

- (a) in the case of a body corporate, every director and the secretary of the body corporate shall be deemed to have committed that offence; and
- (b) in the case of a partnership, every partner shall be deemed to have committed that offence.

(6) A person shall not be convicted of an offence by virtue of subsection (4) or (5) if it is proved to the satisfaction of the Court that the act in respect of the charge was committed by another person and without the consent or connivance of, and that due diligence was exercised by that person to prevent the commission of that act having regard to the circumstances.

31. Winding-up of political parties

On an application made by the Commission the High Court may make the orders that appears to the Court just and equitable for the winding-up and dissolution and disposition of the property, assets, rights and liabilities of a political party whose registration has been cancelled.

32. Regulations

(1) The Commission may by constitutional instrument make Regulations which are expedient for giving full effect to this Act.

(2) The signature of the chairman of the Commission or in the chairman's absence of a deputy chairman is sufficient to authenticate an act or action by the Commission.

33. Interpretation

In this Act, unless the context otherwise requires,

“**Commission**” means the Electoral Commission;

“**district**” means the area of authority of a District Assembly;

“**executive officers of a political party**” means the national chairman, the leader, the general secretary or equivalent designation, the national treasurer and the other members of the national executive committee of the political party;

“**founding members of a political party**” means the persons who are specified in the written declaration under section 13 to have contributed or offered to contribute either in cash or in kind to the initial assets of the political party;

“**political party**” means a free association organisation of persons, one of whose objects is to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or influence the actions of Government;

“**registered**” means registered under this Act;

“**symbol**” includes motto.

34. Repeal and savings

(1) The Political Parties Law, 1992 (P.N.D.C.L. 281) and the Political Parties (Amendment) Law, 1992 (P.N.D.C.L. 283) are hereby repealed.

(2) Despite the repeal under subsection (1) a regulation or registration made and a certificate issued under the repealed enactment shall continue to be valid as if made under the corresponding provision of this Act.

(3) The repeal of the enactments specified in subsection (1) does not vest in a person or body a right to lay claim to an asset of a political party prescribed under the repealed enactments.
