

**ELECTION (REGIONAL REPRESENTATIVES ON COUNCIL OF STATE)  
INSTRUMENT, 1993**

[C.I. 1]

## ARRANGEMENT OF SECTIONS

## SECTION

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**ELECTION (REGIONAL REPRESENTATIVES ON COUNCIL OF STATE)  
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[(Article 51) (3rd February, 1993)]

**1. Regional representative of Council of State**

In accordance with paragraph (c) of clause (2) of article 89 of the Constitution there shall be elected one representative from each Region as a member of the Council of State.

**2. Qualification of representatives**

A person is not qualified to be elected as a regional representative to the Council of State who

- (a) is not a citizen;
- (b) is not a registered voter;
- (c) is not resident in or does not hail from the Region for which that person seeks representation;
- (d) has been adjudged or otherwise declared
  - (i) bankrupt under a law in force in the Republic and has not been discharged;

- (ii) to be of unsound mind or is detained as a criminal lunatic under a law in force in the Republic; or
- (e) has been convicted
  - (i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude; or
  - (ii) for any other offence punishable by death or by a sentence of not less than ten years; or
- (f) 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 at public office that person,
  - (i) acquired assets unlawfully or defrauded the State or misused or abused that person's office, or
  - (ii) 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;
- (g) is under sentence of death or other sentence of imprisonment imposed on that person by any court; or
- (h) is a member of the electoral college constituted under paragraph 3 of this Instrument; or
- (i) is otherwise disqualified by law.

### 3. Electoral college

There shall be constituted an electoral college in every region for the purpose of electing a regional representative to the Council of State.

### 4. Composition of electoral college

The electoral college shall consist of two representatives from each District Assembly in the Region, elected by the members of the Assembly from among themselves.

### 5. Meeting of electoral college

An electoral college shall meet on the date, time and place that the Electoral Commission may determine for the purpose of electing the regional representatives to the Council of State.

### 6. Nomination of candidates

(1) A candidate shall be nominated on a nomination form provided by the Commission and the form shall be delivered by the candidate or the candidate's proposer to the regional representative of the Electoral Commission at a date and time directed by the Commission.

(2) The nomination paper shall be witnessed by the signature or mark of two registered voters as proposer and seconder and supported by twenty voters registered in the region as assenting to the nomination.

(3) *Spent*.<sup>1</sup>

#### 7. Candidate's photograph

A candidate shall, at the time of nomination, deliver to the returning officer two post-card size copies of the candidate's photograph.

#### 8. Holding of election

The election shall be held

- (a) within fourteen days after the close of nomination; and
- (b) at the same date and time in all the regional capitals except that where circumstances demand, the Commission may permit the holding of an election in a regional capital at a different date and time.

#### 9. Procedure for the election

(1) The Commission shall supervise the election of a regional representative to the Council of State.

(2) The election shall be by secret ballot.

(3) The Commission shall declare as elected the person who obtains the highest valid votes cast at the election.

(4) Where two candidates obtain the highest number of valid votes cast, then unless there is a withdrawal, the process shall be continued until one candidate is elected.

#### 10. Application of existing electoral laws

Except as otherwise provided in this Instrument, the existing electoral laws shall apply to elections under this Instrument with the necessary modifications and adaptations made by the Commission.

#### 11. Notification of election results

The Commission shall furnish the President with the names of the elected members and shall publish the results of the election in the *Gazette* and the media.

#### 12. Interpretation

In this Instrument, unless the context otherwise requires,

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

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

“**District Assembly**” includes a Municipal or Metropolitan Assembly;

“**Region**” means a Region of the Republic.

[Date of *Gazette* notification: 16th February, 1993]

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1. It reads:

“For the purposes of the first election under this Instrument, the nomination day shall not be less than five days nor more than seven days from the date of the coming into force of this Instrument.”