

IN THE SECOND SESSION OF THE FIFTH PARLIAMENT

OF THE

FOURTH REPUBLIC OF GHANA

*REPORT OF THE COMMITTEE
ON*

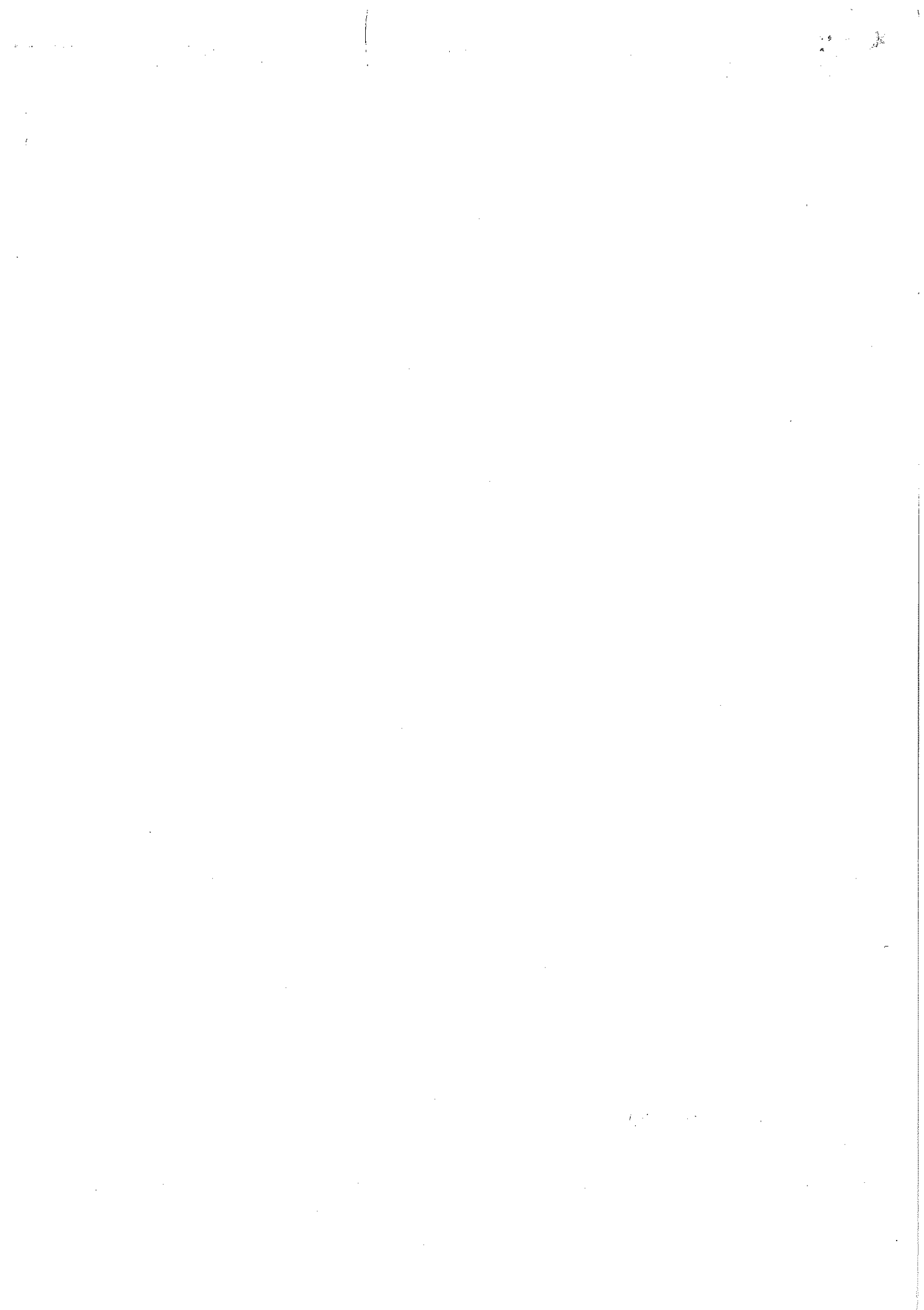
LOCAL GOVERNMENT AND RURAL DEVELOPMENT

ON THE

DISTRICT ASSEMBLY ELECTIONS (AMENDMENT) BILL, 2010

22ND JUNE, 2010

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**IN THE SECOND SESSION OF THE FIFTH PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE OF LOCAL GOVERNMENT AND RURAL
DEVELOPMENT ON THE DISTRICT ASSEMBLY ELECTIONS (AMENDMENT)
BILL, 2010**

1.0 INTRODUCTION

The District Assembly Elections (Amendment) Bill was laid before the House on 2nd June, 2010 pursuant to article 103 of the 1992 Constitution. In accordance with Orders, 116 and 181 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Bill to the Committee on Local Government and Rural Development for consideration and report.

The Committee met on 17th June, 2010 to consider the referral. The Minister for Local Government and Rural Development and his team of Officials from the Ministry, the Electoral Commissioner and a Deputy Commissioner and The Director of Drafting at the Attorney-General's Department were in attendance to assist the Committee on the referral.

The Committee is grateful to these officials for the insight given during the deliberations.

2.0 URGENCY

The Committee was of the view that due to the upcoming District Assembly Elections, this Bill should be treated under a Certificate of Urgency.

3.0 REFERENCE DOCUMENTS

During its deliberations the Committee made reference to the following documents:

- i. The 1992 Constitution
- ii. The Standing Orders of Parliament
- iii. District Assembly Elections Act, 1994(Act 473)
- iv. District Assembly Elections(Amendment) Bill, 2010

4.0 BACKGROUND

Pursuant to Chapter Twenty(20) of the 1992 Constitution the District Assembly Elections Act (Act 473) was passed in 1994 to make provisions for the elections of Assembly Members into the various Metropolitan, Municipal and District Assemblies.

The Act *inter alia* prohibited the participation of political parties in District Assembly elections and the mounting of platforms for candidates by persons other than the Electoral Commission.

With the implementation of this Act four (4) District Assembly elections have been organized and there have been calls to make certain amendments to Act 473 to make District Assembly elections more attractive.

5.0 PURPOSE OF THE BILL

The purpose of the Bill as indicated in the memorandum is to amend Act 473 to facilitate the conduct of District Assembly elections and to open up participation in the elections to organizations other than political parties.

6.0 OBSERVATIONS

Creation of Platform

The Committee was informed by the Officials that the current rendition of the law which only made it possible for the Electoral Commission to mount a common platform for campaigning was hampering the conduct of the elections and affecting participation. That being the case some civil society organizations that were interested in assisting the Commission in that regard were hampered.

Abuse by Political Parties

The Committee observed that the proposed amendment to Act 473 could be abused by Political Parties and wanted guarantees from the Commission that some safeguards would be put in place to avoid any abuse.

Reacting to the worry, the Electoral Commission assured the Committee that the provision mandating an organization to create a common platform would help curb any abuse.

It was also suggested that provision be made making the approval by the Commission a condition precedent to the raising of any Campaign Platform.

Organization of 2010 District Assembly Elections

The Committee noted that the 2010 District Assembly Elections have been slated for October 2010 with filing processes and campaigning commencing in September 2010. That being the case the Committee noted that the Bill should be passed with urgency so that enough time would be available for the Electoral Commission to publicize and implement these amendments.

7.0 AMENDMENTS PROPOSED

Having regard to the observations made above and after a lengthy discussion with the stakeholders the Committee proposes the following amendments to the Bill:

- i. In Clause 1(b): amendment proposed: delete the whole sub-clause.

This amendment is being proposed because the earlier proposal in the Bill sought to prohibit the canvassing of votes by Individuals from house to house which was not the objective of the amendment to the Act.

- ii. Clause 2: amendment proposed : delete and substitute with:

“The District Assembly Elections Act, 1994(Act 473) is amended by the deletion of Section 6 and the substitution of;”

6. Mounting of Platform

- (1) An individual or a political party 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 government unit.
- (2) An organization other than a political party may mount a platform with the prior written approval of the Commission, but the platform shall be for the common use of the candidates standing for the election.
- (3) An organization other than a political party desirous of mounting a platform shall apply to the Commission for approval and shall mount the platform according to the terms of the approval.
- (4) An individual who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.
- (5) A political party that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.
- (6) An organization that contravenes subsections (2) & (3) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.

This amendment is being proposed to stress the point that it is only apolitical organizations that may mount platforms. It also brings out the fact that the Electoral Commission should be the body controlling the mounting of platform.

iii. Clause 3: amendment proposed: delete the whole clause.

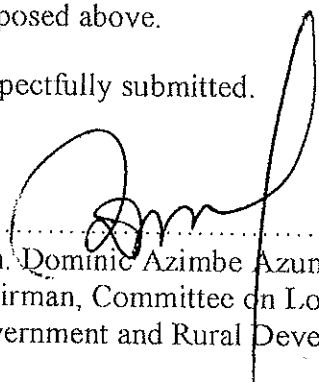
This amendment is being proposed because the rendition in the Bill could be subject to abuse and would be a basis for some interest groups and quasi political bodies to affect the outcomes of the local elections.


8.0 RECOMMENDATION AND CONCLUSION

The 1992 Constitution contemplates a situation where as far as practicable the local governance structure is decentralized. That being the case every effort should be made to constantly review legislation on this sector to achieve the results envisaged under the 1992 Constitution.

The Committee has examined the provisions of the Bill and recommends that this Honorable House passes the District Assembly Election (Amendment) Bill, 2010 subject to the amendments proposed above.

Respectfully submitted.


.....
Hon. Dominic Azimbe Azumah
Chairman, Committee on Local
Government and Rural Development


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Ms. Evelyn Brefo-Boateng
Clerk, Committee on Local Government
and Rural Development

June, 2010