

REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL

1. INTRODUCTION

In accordance with Articles 103 and 106 of the Constitution of Ghana and Order 125 of the Standing Orders of the House, the Representation of the People (Amendment) Bill was laid on Tuesday, 9th March, 2004 and referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report.

2. REFERENCES

The Committee was guided by the following in its deliberations:

- a. The Constitution of Ghana
- b. The Standing Orders of the House
- c. The Representation of the People Law, 1992 (PNDCL 284)
- d. Political parties Act, 2002 (Act 574)

3. ACKNOWLEDGEMENT

The Minister of Justice and Attorney General and Officials from the Electoral Commission assisted the Committee in its deliberations

on the bill. The Committee appreciates their invaluable contributions.

4. THE INTENT OF THE BILL

The Bill seeks to enable Ghanaians resident abroad to register to vote in public elections in the country.

5. URGENT NATURE OF BILL

The Committee by a Majority vote determined that the bill is of an urgent nature and deserves to be treated under a certificate of urgency. This is because it will bring the Act in conformity with the Constitution and thereby facilitate the registration of Ghanaians resident abroad.

6. BACKGROUND INFORMATION

The Constitution has an entrenched provision on the right to register to vote in election. As it is enshrined in Article 42 of the Constitution, "every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purpose of public elections and referenda." This right is not limited to citizens resident in the country since the reference is to a citizen without qualification.

Moreover, section 2 (1) of the Political Parties Act, 2002 (Act 574) states that every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of government, the least of this participation is the right to vote.

The Electoral Commission is responsible for the compilation of the voters register. Currently, a special category of Ghanaians resident abroad can register to vote. These include citizens employed in the service of the Republic or in the service of the United Nations or of any other International Organization to register and vote if they satisfy the requirements for registration prescribed by that law. The Bill would replace section 8 of PNDCL 284 to enable any Ghanaian resident abroad to be registered as a voter.

7. OBSERVATIONS

The Committee was informed that, some Ghanaians residing abroad have through different mediums expressed the desire to vote in elections.

It was also noted that even though the idea is laudable, the Electoral Commission would not be able to implement the law for the forth coming Election since the Commission has not made the necessary preparations to that effect. This notwithstanding the Committee is of the view that there is the need to amend the

existing law to bring PNDCL 284 into conformity with the Constitution.

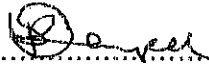
The amendment would also allow the Electoral Commission to start the process of registering Ghanaians outside for future elections.

8. CONCLUSION

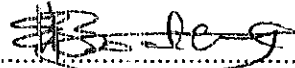
The right to vote is not restricted to citizens resident in the country in that the legal framework refers to a citizen without qualification. To have a level play field, it is imperative to allow a Ghanaian resident abroad to be registered to vote in public elections and referenda in the country even if this right has been denied them over the years.

It is in this direction that the Committee wishes to urge this august House the passage of this bill.

Respectfully submitted.



HON. KWAME OSEI-PREMPEH
CHAIRMAN TO THE COMMITTEE



MS. EVELYN BREFO-BOATENG
CLERK TO THE COMMITTEE

11TH MARCH 2004