

**REFERENDUM (APPROVAL OF BILL TO AMEND ARTICLE 55
OF THE CONSTITUTION) REGULATIONS, 2019**

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IN exercise of the power conferred on the Electoral Commission by Article 51 of the Constitution, these Regulations are made this 3rd day of July, 2019.

Preliminary Provisions

Purpose of Regulations

1. The purpose of these Regulations is to regulate the conduct of a Referendum by the Electoral Commission to approve the Bill to amend clause 3 of article 55 of the Constitution to allow political parties to sponsor candidates for election to District Assemblies or lower local government units.

Polling stations

2. For the purpose of the Referendum, the Electoral Commission shall conduct polls in all the designated polling stations throughout the country.

Referendum Centre

3. (1) The Commission may designate the head office of the Commission for use as a Referendum Centre.

(2) The Commission shall, at least fourteen days before the date fixed for the Referendum, publish in the *Gazette* the place designated as a Referendum Centre.

(3) The Referendum Centre shall be the centre for the collation of the national results for the Referendum.

Register of voters

4. The register of voters of all the polling stations in the country shall be the register for voting in the Referendum.

Qualification for voting at the Referendum

5. A person is qualified to vote at the Referendum if that person is

(a) a registered voter; and

(b) not disqualified by any law for the time being in force from voting at public elections and referenda.

National Returning Officer and District Returning Officer

Appointment of National Returning Officer

6. (1) For the purpose of the Referendum, the Chairman of the Commission is the National Returning Officer.

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(2) The National Returning Officer shall be assisted by the two Deputy Chairmen of the Commission as Deputy National Returning Officers.

Duties of the National Returning Officer

7. (1) The National Returning Officer shall
- (a) publish a notice of the Referendum in a manner determined by the Commission, throughout the country;
 - (b) provide the District Returning Officer with ballot boxes, ballot papers, biometric verification equipment and any other equipment or material that the Commission considers necessary;
 - (c) collate the results of the Referendum from the districts;
 - (d) declare the results of the Referendum;
 - (e) fill the endorsed writ of referendum as set out in Form 1 of the Schedule and forward the endorsed writ to the Commission; and
 - (f) perform any other duty determined by the Commission.
- (2) The Deputy National Returning Officers shall
- (a) work under the supervision of the National Returning Officer; and
 - (b) perform any other duty assigned by the National Returning Officer.

Appointment of District Returning Officer

8. (1) The Commission shall appoint
- (a) a District Returning Officer for each district; and
 - (b) any other person to assist the District Returning Officer as determined by the Commission.
- (2) The District Returning Officer shall swear in the presence of a District magistrate to
- (a) faithfully and impartially fulfill the duties of the office of that person;
 - (b) abide by the laws governing the conduct of referenda; and
 - (c) discharge duties under the general supervision of the Regional Director and the District Electoral Officer.

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Duties of District Returning Officer

9. (1) A District Returning Officer shall work under the supervision of the Regional Director and the District Electoral Officer.

(2) A District Returning Officer shall perform the following duties:

- (a) supervise the work of a presiding officer and polling assistants;
- (b) provide polling officers with ballot boxes, ballot papers, biometric verification equipment and any other equipment or material that the Commission considers necessary;
- (c) receive and process the application of transferred voters, special voters, absent voters and proxy voters;
- (d) receive from interested groups, letters of appointment of polling agents and counting agents for the Referendum;
- (e) arrange for polling agents and counting agents to swear an oath before a magistrate;
- (f) assemble and collate the results from the polling stations in the district;
- (g) publicly announce and post the results of the Referendum at the District Collation Centre;
- (h) forward the district results to the District Electoral Officer for the district at the end of the poll; and
- (i) discharge any other duty determined by the Commission.

Publication of names of district returning officers

10. The Commission shall, not later than five days to the Referendum, publish the names and photographs of District Returning Officers and persons appointed to assist District Returning Officers at the Referendum Centre, the District Office of the Commission and any other place determined by the Commission.

Before the Poll

Writ of Referendum

11. (1) For the purpose of the Referendum, the Commission shall issue a Writ of Referendum to the National Returning Officer.

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(2) The writ shall be as set out in Form 1 of the Schedule and shall specify

- (a) the issue for determination by the Referendum;
- (b) the place for the Referendum; and
- (c) the date and the time for the Referendum.

(3) The Commission shall, as soon as the Commission issues the Writ of Referendum, publish a notice in the *Gazette* stating that the Writ has been issued and specify

- (a) the place for the Referendum; and
- (b) the date and the time for the Referendum.

Notice of Referendum

12. (1) The Returning Officer shall, on receipt of a Writ of Referendum, publish a Notice of the Referendum throughout the country in a manner determined by the Commission.

(2) A Notice of Referendum shall be as set out in Form 2 of the Schedule and shall specify the place, the date and the time for the Referendum.

Allocation of symbols and colours

13. For the purpose of the Referendum, the Commission shall assign a symbol, colour or combination of colours for the issue to be determined by the Referendum.

Notice of poll

14. (1) The Commission shall, as soon as practicable, after the allocation of symbols, colours or combination of colours, publish a notice of the poll in the *Gazette* and in a manner that the Commission may direct.

(2) The notice shall state

- (a) the place where the poll is to be taken;
- (b) the date on which the poll is to be taken;
- (c) the time at which the poll is to be taken; and
- (d) the symbol, colour or combination of colours for the issue to be determined.

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Adjournment of poll

15. (1) The Commission may, at any time between the issue of a writ and the day specified in the writ as polling day, adjourn the taking of the poll for a period of not more than thirty days after the day specified earlier.

(2) The Commission shall specify the reasons for the adjournment in the notice of adjournment and publish the notice in the *Gazette*.

(3) Where a notice is published in the *Gazette*, the writ, shall be considered as amended by the substitution of the day to which the taking of the poll is adjourned for the day specified in the writ as polling day.

Polling station

16. (1) For the purpose of taking the poll, the designated places to be used as polling stations for the Referendum shall be published in the *Gazette*.

(2) The Commission may direct a District Returning Officer to establish an additional polling station for an electoral area.

(3) Despite subregulation (2), a new polling station shall not be established within thirty days to the Referendum.

(4) Where a new polling station is established, the District Returning Officer shall inform all interested groups of the establishment of the additional polling station.

(5) A convenient building, except a dwelling-house or a building or class of buildings exempted by the Commission, may be designated as a polling station by the District Returning Officer and used for that purpose without the payment of a fee.

(6) The Commission shall repair out of public funds, any damage caused to a building that is used as a polling station.

(7) Where two or more polling stations are established for an electoral area, the District Returning Officer shall assign to each of the polling stations a number of voters registered in the electoral area subject to the approval of the Commission.

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Presiding officer and polling assistant

17. (1) The Commission shall appoint
- (a) a presiding officer to preside at each polling station; and
 - (b) a number of polling assistants that the Commission considers necessary to assist the presiding officer in carrying out the duties of the presiding officer.
- (2) The Commission shall
- (a) publish at the district office of the Commission the names of persons that the Commission proposes to appoint as presiding officers and polling assistants not later than fourteen days before the Referendum; and
 - (b) provide a copy of the published names of the presiding officers and polling assistants to interested groups upon written request to the Commission.
- (3) An interested group may object to the appointment under subregulation (1) within seven days after the names of the proposed polling officials have been published.
- (4) The objection shall be
- (a) in writing to the Commission; and
 - (b) based on factual and verifiable evidence.
- (5) An objection raised against the appointment of a polling official shall not be entertained if the objection is made within seven days to the poll.
- (6) The Commission shall communicate its decision to the parties involved within four days after receipt of the objection.
- (7) A person appointed as a presiding officer or a polling assistant shall sign a declaration and swear an oath, before a member or an officer of the Commission not below the position of a District Electoral Officer to
- (a) abide by the laws and regulations governing the conduct of the Referendum; and
 - (b) faithfully carry out the duties of that person in a fair and impartial manner.

Duties of presiding officer

18. A presiding officer shall
- (a) set up the polling station;
 - (b) take proper custody of ballot boxes, ballot papers, biometric verification equipment and other material required and used for the poll;

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- (c) fill the relevant forms relating to the conduct of the poll;
- (d) supervise the work of the polling assistants;
- (e) attend to a voter who is without a voter's identity card;
- (f) attend to a proxy voter;
- (g) maintain order at the polling station;
- (h) undertake thorough counting of the votes;
- (i) announce the results of the Referendum at the polling station;
- (j) convey ballot boxes and other polling materials to the District Returning Officer after the Referendum; and
- (k) perform any other function assigned by the District Electoral Officer.

Duties of polling assistant

19. A polling assistant shall

- (a) work under the supervision of the presiding officer in charge of the polling station;
- (b) act as the presiding officer of a polling station in the absence or incapacity of the presiding officer; and
- (c) perform any other function assigned by the presiding officer.

Equipment for polling stations

20. (1) A District Returning Officer shall provide a presiding officer with

- (a) ballot boxes and ballot papers;
- (b) biometric verification equipment; and
- (c) any other equipment or material that the Commission considers necessary.

(2) Each ballot box shall be of a nature that enables a voter to put a ballot paper into the ballot box but makes it impossible for a ballot paper be taken out of the ballot box by that person or any other person except by breaking the seal.

(3) The District Returning Officer shall provide each polling station with

- (a) material for voting;
- (b) validating stamps for validating ballot papers;
- (c) instruments for marking the identification of the voter in accordance with subregulations (1) and (2) of regulation 32; and

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(d) a copy of the register and the Transferred Voters' List as set out in Form 3 of the Schedule, the Proxy Voters' List as set out in Form 4 of the Schedule, and the Absent Voters' List as set out in Form 5 of the Schedule if any, in relation to the polling station.

(4) A notice giving directions for guidance of the voters for the purpose of voting shall be exhibited in each electoral area as directed by the Commission.

Polling agent

21. (1) An interested group may appoint one polling agent to attend to each polling station in the region.

(2) An appointment under subregulation (1) is for the purpose of

- (a) detecting impersonation and multiple voting; and
- (b) certifying that the poll was conducted in accordance with the laws governing the conduct of the poll.

(3) A presiding officer shall give a polling agent the necessary access to enable the polling agent observe poll proceedings at a polling station.

(4) An interested group shall, not later than four days to the Referendum, submit to the District Returning Officer in charge of the district in which the poll is to be taken, in duplicate,

- (a) letters of appointment stating the name and address of each polling agent appointed by the interested group; and
- (b) the polling station to which a polling agent is to be assigned.

(5) The District Returning Officer shall set a date on which the polling agent shall appear before a magistrate to swear an oath to the effect that the polling agent shall abide by the laws and regulations governing the conduct of the poll.

(6) The District Returning Officer shall, after the oath is taken by the polling agent, sign both the original and duplicate copies of the appointment letter and issue to the polling agent the duplicate copy.

(7) The polling agent shall present the duplicate copy of the letter of appointment to the presiding officer of the polling station to which the agent is assigned on the day of the poll.

(8) Despite subregulation (7), an interested group may change a polling agent under special circumstances and the new agent appointed by the interested group shall swear an oath before the presiding officer in charge of the polling station where that agent is assigned.

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(9) Where a polling agent dies or becomes incapacitated, the interested group who appointed the polling agent may appoint another agent.

Transferred Voters' List

22. (1) A registered voter who before the Referendum, is resident for not less than twelve months in an Electoral Area other than that in which the registered voter is registered, may apply to the District Returning Officer in charge of the district where the registered voter is resident for the name of that registered voter to be entered on the Transferred Voters' List of a polling station in that district as set out in Form 3 of the Schedule.

(2) The registered voter shall provide physical proof of the new residence in addition to signing a declaration.

(3) An application under subregulation (1) shall be made, not less than forty-two days before the day of the Referendum, to the District Returning Officer in the district where the applicant resides in the form set out in Form 6 of the Schedule.

(4) The District Returning Officer shall on receipt of an application, enter the registration details of the applicant in the Transferred Voters' List for the assigned polling station in the district where the applicant resides, if the District Returning Officer is satisfied that the applicant has met the residency requirement specified under subregulation (1).

(5) Where a District Returning Officer enters the name of a person on the Transferred Voters' List, that District Returning Officer shall

(a) assign that person to a polling station in the district of that person; and

(b) send a copy of the entry to the District Returning Officer of the district where the person whose name has been entered is registered.

(6) A person whose registration details are entered on the Transferred Voters' List is entitled to vote at the Referendum in the polling station to which that person is assigned as if it were the polling station where that person registered and the provisions of regulation 33 shall apply.

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(7) The District Returning Officer shall give a copy of the Transferred Voters' List to an interested group upon request.

Special Voters' List

23. (1) A voter may apply to the District Returning Officer of the district in which the voter is registered to be entered as a special voter if as a result of poll duties that voter will not be able to be present on the day of the Referendum at the polling station where the voter is registered.

(2) An application under subregulation (1) shall be as set out in Form 7 of the Schedule and shall be

(a) made not later than forty-two days before the polling day in the district of the applicant; and

(b) accompanied with a certificate from the employer of the applicant where the applicant is not a polling officer, stating that

(i) the applicant is registered at a polling station in the district of the District Returning Officer to whom the application is made; and

(ii) the duties of the applicant will prevent the applicant from being present on polling day at the polling station where the applicant is registered.

(3) A District Returning Officer who receives an application under subregulation (2) shall, where the applicant is a person whose duties are related to the Referendum, ascertain from the applicant

(a) where the applicant will be working on the polling day; and

(b) if the applicant will be working in the same district where the applicant is registered but at a polling station other than where the applicant is registered or in a different district.

(4) The District Returning Officer shall

(a) enter the registration details of the applicant on the Special Voters' List as set out in Form 8 of the Schedule to vote on a day set aside for special voting;

(b) enter the registration details of the applicant on the Absent Voters' List of the polling station where the applicant is registered as set out in Form 5 of the Schedule; and

(c) inform the applicant, interested groups and other persons of the date and time set aside for special voting.

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(5) The District Returning Officer shall give a copy of the Special Voters' List to an interested group on request.

(6) A person whose name is entered on the Special Voters' List shall vote

(a) at a polling station specified by the Commission, and

(b) on a day appointed by the District Returning Officer which is not more than seven days before the polling day and which is published in a manner that the Commission may direct.

(7) A person whose name is transferred to the Special Voters' List shall not vote on the polling day.

(8) A person shall not vote at a polling station as a special voter unless the name of that person is on the Special Voters' List for that polling station.

(9) Subject to subregulation (11), voting at a polling station for special voters shall be conducted in the same manner as voting on polling day.

(10) The District Returning Officer shall, at the end of the special voting,

(a) ensure that the ballot boxes are kept in safe custody after the poll has closed;

(b) ensure that the ballot boxes are sealed with the seals of the Commission;

(c) arrange for the ballot boxes to be opened at the time of the counting of the votes cast on the polling day; and

(d) ensure that the ballot papers are counted in the same manner as those contained in the ballot boxes used on the polling day.

Absent Voters' List

24. (1) A District Returning Officer shall, not later than fourteen days, before the polling day, make available to an interested party and to each polling station in the district of that District Returning Officer, an Absent Voters' List as set out in Form 5 of the Schedule containing

(a) the names of persons registered in the station whose names have been entered on the Transferred Voters' List as set out in Form 3 of the Schedule for another district; and

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(b) the Special Voters' List as set out in Form 8 of the Schedule for the District Returning Officer of the district.

(2) A person whose name is entered on the Absent Voters' List as set out in Form 5 of the Schedule for a polling station shall not vote at that polling station and the provisions of regulation 33 shall apply to that person.

Voting by proxy

25. (1) A registered voter who

(a) due to ill-health cannot vote on the polling day, or

(b) is absent from the district and cannot vote on the polling day,

may, not less than forty-two days before the poll in the district, apply to the District Returning Officer of the district or to the Commission for the name of that registered voter to be entered on the Proxy Voters' List as set out in Form 4 of the Schedule.

(2) The applicant shall complete a proxy form as set out in Form 9 of the Schedule.

(3) The District Returning Officer or the representative of the Commission shall endorse the proxy form and distribute it as follows:

(a) the original to the District Returning Officer of the district where the applicant wishes the proxy to vote;

(b) the duplicate copy to the Commission;

(c) the triplicate copy to the person appointed as proxy; and

(d) the quadruplicate copy to the applicant.

(4) Where the District Returning Officer or a representative of the Commission is satisfied that the proxy is qualified to be registered as a voter and that the applicant is a registered voter, that District Returning Officer shall enter the name and the particulars of the applicant and the proxy on the Proxy Voters' List and

(a) assign the proxy to the polling station of the applicant;

(b) indicate on the Proxy Voters' List the polling station of the applicant; and

(c) forward a copy of the list to the presiding officer for the polling station to which the proxy is assigned.

(5) A person appointed as a proxy may vote in the Referendum at the polling station where that person is assigned to vote and the provision relating to the voting procedure under these Regulations shall apply to that person.

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(6) A person shall not appoint more than one person at a time as a proxy to vote for that person at the Referendum.

(7) A person whose application to vote by proxy is accepted and endorsed by the District Returning Officer of the district or the Commission, shall not vote at the Referendum in respect of which the application was granted.

(8) The District Returning Officer or the Commission shall cancel the appointment of a proxy where an application is made for cancellation by the person who made the application for the appointment of the proxy.

(9) An application for the cancellation of proxy shall be made

(a) within seven days of the acceptance and endorsement of the proxy by the Commission; and

(b) in a form determined by the Commission.

(10) A proxy whose appointment is cancelled shall cease to have the right to vote for the applicant whether or not the proxy is aware of the cancellation.

The Poll

Number of votes and place of voting

26. (1) A voter shall not cast more than one vote when a poll is taken except where that voter is appointed as a proxy.

(2) Subject to the provisions on Transferred Voters' List, Special Voters' List, and Absent Voters' List under regulations 22, 23 and 24 respectively, a voter shall vote at the polling station allotted to that voter.

Poll to be taken by ballot

27. The votes at the poll shall be taken by secret ballot and the results shall be ascertained by counting the votes cast in favour or against the issue.

Ballot papers

28. (1) The ballot of every voter shall consist of a ballot paper.

(2) Each ballot paper shall

(a) contain the issue to be determined at the Referendum and the symbol, colour or combination of colours relating to the issue;

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- (b) be capable of being folded up;
- (c) have a number printed on it; and
- (d) have attached to it a counterfoil with the same number printed on the ballot paper.

Polling hours and admittance to polling station

29. (1) The poll shall be taken between the hours of seven in the morning and five in the evening.

(2) A voter who arrives at a polling station after five in the evening shall not be allowed to vote.

(3) The presiding officer shall regulate the number of voters to be admitted to the polling station at each time, and shall exclude other persons except

- (a) polling officers;
- (b) security officers on duty;
- (c) persons authorised by the Commission; and
- (d) persons accompanying voters who are visually impaired or physically challenged.

Keeping order at polling station

30. (1) The presiding officer shall maintain order at the polling station assigned to the presiding officer.

(2) The presiding officer may authorise a security officer to immediately remove from a polling station a person who

- (a) behaves in a manner to disrupt proceedings at the polling station; or
- (b) fails to obey a lawful order of the presiding officer.

(3) A person referred to in subregulation (2) shall not be allowed to re-enter the polling station without the permission of the presiding officer.

(4) Where the person removed under subregulation (2) is an agent of an interested group, the presiding officer shall immediately inform the interested group who appointed the agent to replace the agent.

(5) A person who has been removed from a polling station may, if charged with the commission of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

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(6) The powers conferred by this regulation shall not be exercised to prevent a voter who is entitled to vote at a polling station from having the opportunity to vote at that station.

Sealing of ballot box

31. (1) The presiding officer shall, immediately before the commencement of the poll,

- (a) show the transparent ballot box to the persons present at the polling station so that those persons can verify that the ballot box is empty;
- (b) close the ballot box and place a seal on the ballot box in a manner to prevent the ballot box from being opened without breaking the seal; and
- (c) place the ballot box in the full view of the public for the receipt of ballot papers.

(2) An interested group may affix the seal of that interested group on the ballot box after the seal of the Commission has been affixed.

Identification and verification of voters

32. (1) A polling assistant may, before delivering a ballot paper to a person who is to vote at the Referendum, require that person to produce a voter identification card in order to establish that the person is the registered voter whose name and voter identification number and particulars appear in the Register.

(2) In the absence of a voter identification card, the polling assistant shall identify the name and particulars of the voter as recorded in the name reference list.

(3) The polling assistant shall scan the barcode of the voter in order to establish by facial recognition the identity of the voter.

(4) The voter shall go through a biometric verification process through the use of the biometric verification device.

(5) Where the biometric verification device fails to verify a registered voter and the red light is shown with a voice message "REJECTED", the polling assistant shall

- (a) inform the agent of the interested group present at the polling station;

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- (b) complete a Verification Form, as set out in Form 10 of the Second Schedule in the presence of the agent; and
- (c) hand over the completed Verification Form to the Verification Officer.

(6) The Verification Officer shall draw a horizontal line across the barcode of the voter in the register to indicate that the voter has been manually verified.

(7) At the end of the voting and before counting of the ballots, the number of persons manually verified shall be entered in the second box in C6 on the Statement of Poll and Declaration of Results Form as set out in Form 11 of the Schedule.

Voting

33. (1) A voter who desires to vote shall be present at the allotted station and the presiding officer or a polling assistant, shall after being satisfied that voter is

- (a) registered and has not already voted; or
- (b) voting as a proxy;

deliver the ballot paper to the voter.

- (2) Immediately before the ballot paper is delivered to the voter,
 - (a) the ballot paper shall be marked with the official validating stamp of the Commission;
 - (b) a mark shall be placed on the copy of the Register against the number of the voter to indicate that the ballot paper has been received; and
 - (c) a mark which shall, so far as possible, be permanent shall be made on the voter.
- (3) The voter, on receiving the ballot paper, shall
 - (a) immediately proceed to one of the places set aside in the polling station for the thumb printing of the ballot paper; and
 - (b) secretly make on the ballot paper an imprint of the thumb of the voter in favour or not in favour in the box and column provided relating to the issue to be determined at the Referendum.

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(4) The voter shall then fold up the ballot paper and in the presence of the presiding officer and the polling agents and in full view of the general public cast a vote by putting the folded ballot paper into the ballot box and leave the polling station.

(5) This regulation applies subject to the provisions on Transferred Voters' List and Special Voters' List as specified under regulations 22 and 23.

Assistance in voting

34. (1) The presiding officer shall, on request permit a voter who is visually impaired or physically challenged to be assisted by a person of the voter's own choice, except a polling agent, to vote in a manner different from voting procedures specified in these Regulations.

(2) Where the presiding officer accepts the request of a voter under subregulation (1), the presiding officer shall record in the register opposite the name of the voter that the voter was assisted and the reason for the assistance.

Spoilt ballot papers

35. (1) A voter who inadvertently deals with a ballot paper given to the voter in a manner that the ballot paper can no longer be used as a ballot paper shall

- (a) deliver the spoilt ballot paper to the presiding officer;
- (b) prove to the satisfaction of the presiding officer that the ballot paper was inadvertently spoilt; and
- (c) obtain another ballot paper in place of the spoilt ballot paper.

(2) The spoilt ballot paper shall be immediately cancelled and the counterfoil marked accordingly.

Interruption or obstruction of poll

36. (1) Where the proceedings at a polling station are interrupted or obstructed by

- (a) riot or open violence,
- (b) storm, flood, or other natural catastrophe, or
- (c) the breakdown of an equipment

the presiding officer shall, in consultation with the District Returning Officer and subject to the approval of the Commission, adjourn the proceedings at the polling station to the following day.

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(2) Where the District Returning Officer is satisfied that, as a result of an occurrence under subregulation (1) it is or will be impossible or impracticable for proceedings which have been adjourned to be continued on the day to which it has been adjourned, the District Returning Officer shall, with the approval of the Commission, further adjourn the proceedings for not more than seven days.

(3) Where a poll is adjourned,

(a) an account of the ballot papers provided to the station shall be taken, recorded and certified by the presiding officer and polling agents in accordance with Form 12 of the Schedule and a copy shall be given to the polling agents;

(b) the ballot box shall be sealed and the ballot box together with the remaining referendum materials shall be kept at the nearest police station for voting to continue on the adjourned date; and

(c) the hours of polling on the day to which the poll is adjourned shall be the same as on the original polling day.

After the Poll

Appointment of counting agents and counting of votes

37. (1) An interested group may appoint a counting agent to attend at the counting of votes at each polling station in the region.

(2) An interested group shall, not later than four days to the Referendum, submit in duplicate to the District Returning Officer in charge of the district a letter of appointment stating

(a) the name and address of the counting agent; and

(b) the polling station to which the counting agent is to be assigned.

(3) The District Returning Officer shall set a date for the swearing in of the counting agent upon penalty of perjury that the counting agent shall

(a) abide by the laws and regulations governing the conduct of the Referendum; and

(b) sign the declaration of results following the count of the ballot, or state in writing to the presiding officer the reason for failing to do so.

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(4) The counting agent shall authenticate the oath taken under subregulation (3) and the District Returning Officer shall sign both the original and duplicate copies of the appointment letter and issue to the counting agent the duplicate copy.

(5) Unless otherwise directed by an interested group, a polling agent appointed shall act as a counting agent at the counting of the votes at the assigned polling station.

(6) The District Returning Officer shall

(a) make arrangements for counting the votes at each polling station in the district of the District Returning Officer in the presence of the counting agents as soon as practicable after the close of the poll; and

(b) give notice to the counting agents, of the time at which the counting of the votes will commence.

Result of the Referendum

38. (1) The presiding officer shall immediately after the close of the poll, in the presence of the interested groups or their agents and the polling agents that are present

(a) open each ballot box and take out all the ballot papers in the box;

(b) sort out the ballot papers into valid ballot papers and rejected ballot papers in accordance with regulation 39;

(c) count the ballot papers at the polling station;

(d) record the total number of votes cast in favour or not in favour of the issue to be determined; and

(e) record the total number of rejected ballots.

(2) The presiding officer and the representatives of interested groups or their agents and polling agents if any shall sign a declaration as set out in Form 11 of the Schedule stating

(a) the name of the polling station;

(b) the total number of persons entitled to vote at that polling station;

(c) the number of votes cast in favour or not in favour of the issue to be determined; and

(d) the total number of rejected ballots.

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- (3) The presiding officer shall
 - (a) then announce the results of the voting at that polling station before communicating the results to the District Returning Officer;
 - (b) give each counting agent or the representative of an interested group a copy of the declaration of results; and
 - (c) post the results at the polling station.
- (4) A counting agent or the representative of an interested group may, if present when the counting of the ballots is completed, request the presiding officer to
 - (a) recount the ballots; and
 - (b) recount the ballots for a second time.
- (5) The presiding officer may refuse to comply with the request to recount the ballots for a second time if, in the opinion of the presiding officer the request is unreasonable and shall report the matter to the District Returning Officer who shall recount the ballots for that polling station only at the District Collation Centre.
- (6) The presiding officer shall, as soon as practicable, after the announcement of the results of the voting at the polling station and in the presence of any of the representatives of the interested groups and the counting agents, make up into separate packets the ballot papers and seal the packets with the seal of the presiding officer and the seals of the counting agents who wish to affix their seals.
- (7) The presiding officer and the counting agents who wish to affix their seals under subregulation (6) shall also seal
 - (a) each ballot box used at the station, in order to prevent the introduction of additional ballot papers;
 - (b) the unused and spoilt ballot papers placed together; and
 - (c) the marked copies of the register and the counterfoils of the used ballot papers.
- (8) The presiding officer shall deliver the packets and the ballot boxes specified under subregulations (6) and (7) to the District Returning Officer with a statement indicating
 - (a) the number of ballot papers entrusted to the presiding officer; and
 - (b) an account of unused and spoilt ballot papers.

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Rejected ballot papers

39. (1) A ballot paper shall, subject to subregulation (2), be void and not counted if the ballot paper

- (a) does not bear the official mark of the Commission;
- (b) is not thumb printed by the voter to clearly identify the issue for which the vote was cast;
- (c) is not thumb printed at all; or
- (d) has on the ballot paper a writing or mark by which the voter could easily be identified.

(2) The presiding officer shall, before rejecting a ballot paper as void,

- (a) take proper precautions to prevent a person from seeing the serial number printed on the ballot paper,
- (b) show the ballot paper to each counting agent or representative of interested groups, if present; and
- (c) give the representative of interested groups or the counting agents an opportunity to express an opinion on the matter.

(3) The presiding officer shall endorse the word "REJECTED" on a ballot paper which is not to be counted.

(4) The presiding officer shall prepare a statement as set out in Form 13 of the Schedule indicating the types of rejected ballot papers and the number of ballot papers rejected under the following headings:

- (a) want of an official mark;
- (b) voting for more than one option;
- (c) writing or mark by which a voter could easily be identified;
- (d) unmarked; or
- (e) choice of voter could not be ascertained.

(5) The presiding officer shall, upon a request by a counting agent, give a copy of the statement prepared under subregulation (4) to the counting agent.

Decision on ballot papers

40. The High Court may, on a Referendum petition, review the decision of the National Returning Officer on a question arising in respect of a ballot paper under these Regulations.

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Declaration and publication of Referendum results

41. (1) In the Referendum to approve the bill to amend clause (3) of article 55 of the Constitution to allow political parties to sponsor candidates for election to District Assemblies or lower local government units, the Bill, after it has been read for the first time in Parliament, shall not be proceeded with further unless at least forty per cent of the persons entitled to vote, voted at the Referendum and at least seventy-five per cent of the persons who voted cast their votes in favour of the passing of the Bill.

(2) Immediately after the District Returning Officer receives results of the poll for all the polling stations as set out in Form 11, the District Returning Officer shall, in the presence of the public and with not more than two counting agents appointed by interested groups or their polling agent, if any,

- (a) assemble and collate the results from the polling stations as set out in Form 14 of the Schedule, without recounting the ballots in the ballot boxes for the district, except where there is a challenge by a counting agent in respect of a specific ballot box;
- (b) fill the District Level Referendum Results Summary Form as set out in Form 15 of the Schedule;
- (c) invite the counting agents of the interested groups to sign the declaration of result form as set out in Form 15 of the Schedule;
- (d) publicly announce the District Level Referendum results;
- (e) post a copy of the signed District Level Referendum Results Summary Form as set out in Form 15 of the Schedule at the District Collation Centre; and
- (f) forward a copy of the District Level Referendum Results Summary Form as set out in Form 15 of the Schedule to the District Electoral Officer of the Commission.

(3) The District Electoral Officer shall, upon receipt of a copy of the District Level Referendum Results Summary Form as set out in Form 15 of the Schedule, forward the results to the Regional Director of the Commission.

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(4) The Regional Director shall forward the District Level Referendum Results Summary Form from the districts in the Region as set out in Form 15 of the Schedule to the National Returning Officer at the Head Office.

(5) The National Returning Officer shall, on receipt of the District Level Referendum Results Summary Form as set out in Form 15 of the Schedule from the regions, in the presence of the public and with not more than two counting agents appointed by interested groups or their polling agents, if any,

(a) assemble and collate the results of the districts from the regions as set out in Form 16 of the Schedule;

(b) fill the National Level Referendum Results Summary Form as set out in Form 17 of the Schedule;

(c) invite the representatives of the interested groups to sign the National Level Referendum Results Summary Form as set out in Form 17 of the Schedule;

(d) declare the results of the Referendum;

(e) post a copy of the National Level Referendum Results Summary Form as set out in Form 17 of the Schedule at the Referendum Centre;

(f) fill

(i) Part One of the certificate to be endorsed on the writ as set out in Form 1 of the Schedule if less than forty per cent of the persons entitled to vote, voted at the Referendum; or

(ii) Part Two of the certificate to be endorsed on the writ as set out in Form 1 of the Schedule if at least forty percent of the persons entitled to vote, voted at the Referendum and at least seventy-five percent of the persons who voted, cast their votes in favour of the Bill to amend clause (3) of article 55 of the Constitution; and

(g) forward the certificate to be endorsed on the writ as set out in Form 1 of the Schedule to the Commission.

(6) The Commission shall, on receipt of an endorsed writ, publish in the *Gazette*, a notice stating the results of the Referendum.

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Offences and Penalties

Offences relating to the ballot

42. A person who,

- (a) forges or fraudulently defaces or fraudulently destroys a document relating to the holding of the Referendum, or alters that document or delivers to the returning officer a document, knowing the document is forged;
- (b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper;
- (c) without due authority supplies a ballot paper to any person;
- (d) sells or offers to sell a document relating to the holding of the Referendum without due authority to a person or purchases or offers to purchase the document from a person;
- (e) not being a person entitled under the provisions of these Regulations to be in possession of a document relating to the holding of the Referendum, has that document in the possession of that person;
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper which that person is authorised by law to put in;
- (g) without due authority, takes out of a polling station a ballot paper or any other document relating to the Referendum or is found in possession of a ballot paper or that document outside a polling station;
- (h) without due authority, destroys, takes, opens, or otherwise interferes with a ballot box, ballot document or any other property in use or intended to be used for the purposes of the Referendum;
- (i) without due authority, prints a ballot paper or what purports to be or is capable of being used as a ballot paper at the Referendum; or
- (j) not being authorised so to do under the provisions of these Regulations, makes a mark on a ballot paper issued to a person, other than that person, with intent that the ballot paper shall be used to record the vote of that other person;

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commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than two years and not more than five years, or to both.

Unauthorised voting

43. A person who knowingly votes

(a) at the Referendum where that person is not entitled to vote,
or

(b) more than once at the Referendum,

commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

Offences by Referendum officer

44. A Referendum officer, clerk, interpreter or other person having a duty to perform whether under these Regulations or otherwise, in relation to the Referendum who

(a) makes in a record, return or any other document which that person is required to keep or makes in pursuance of these Regulations an entry which that person knows or has reasonable cause to believe to be false, or does not believe to be true;

(b) permits a person whom that person knows or has reasonable cause to believe not to be a person who is blind or incapacitated from voting by any other physical cause to vote in the manner provided for those persons;

(c) refuses to permit a person whom that person knows or has reasonable cause to believe to be a person who is blind or incapacitated from voting by any other physical cause to vote in the manner provided for those persons;

(d) wilfully prevents a person from voting at the polling station at which that person knows or has reasonable cause to believe that that person is entitled to vote;

(e) wilfully, rejects or refuses to count a ballot paper which that person knows or has reasonable cause to believe is validly cast in favour of an issue;

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- (f)** wilfully counts a ballot paper as being cast in favour of an issue which that person knows or has reasonable cause to believe was not validly cast in favour of the issue to be determined; or
- (g)** without reasonable cause, acts or omits to act in breach of official duty,

commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

Unlawful communication at Referendum

45. (1) A Referendum officer, clerk or interpreter attending at a polling station shall maintain and aid in maintaining the secrecy of voting and shall not, except for a purpose authorised by law, communicate to a person an information as to

- (a)** the name of a voter who has or has not applied for a ballot paper or voted at a polling station;
- (b)** the number on the register of a voter who has or has not applied for a ballot paper or voted at a polling station; or
- (c)** the official mark.

(2) A person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate an information obtained at the counting of the votes as to the issue for which a vote is given on a particular ballot paper.

(3) A person shall not

- (a)** interfere with or attempt to interfere with a voter when recording the vote of the voter;
- (b)** otherwise obtain or attempt to obtain in a polling station information as to the issue in favour of which a voter in that station is about to vote or has voted;
- (c)** communicate at a time to a person information obtained in a polling station as to the issue in favour of which a voter in that station has voted or is about to vote, or as to the number on the ballot paper given to a voter at that station;

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- (d) directly or indirectly induce a voter to display the ballot paper after that voter has marked or selected that ballot paper so as to make known to another person the issue in favour of which that person has or has not voted; or
 - (e) directly or indirectly display the ballot paper after that voter has marked or selected that ballot paper so as to make known to another person the issue in favour of which that person has or has not voted.
- (4) A person who has undertaken to assist a voter who is
- (a) blind, or
 - (b) incapacitated from voting by any other physical cause,
- to vote, shall not communicate at any time to any other person information as to the issue in favour of which that voter intends to vote or has voted, or as to the number on the ballot paper for the use of that vote
- (5) A person who contravenes a provision of this regulation commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

Personation

46. A person commits the offence of personation if that person votes
- (a) as some other person, whether that other person is living or dead or is a fictitious person; or
 - (b) for a person whom that person knows or has reasonable grounds for supposing to be dead or to be a fictitious person.

Bribery

47. (1) A person commits the offence of bribery
- (a) if that person directly or acting through another person
 - (i) gives money or procures an office for a vote in order to induce a voter to vote or refrain from voting;
 - (ii) corruptly does an act on account of a voter having voted or refrained from voting; or

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- (iii) gives money or makes a procurement to or for a person in order to induce that person to procure, or endeavour to procure, the declaration of a majority of votes in favour of an issue or the vote of a voter;
 - (b) if on or in consequence of a gift or procurement that person procures or agrees, promises or endeavours to procure the declaration of a majority of votes in favour of an issue or the vote of any other voter;
 - (c) if that person advances or pays money or causes money to be paid to or for the use of a person with the intent that the money or part of that money shall be expended in bribery at the Referendum, or knowingly pays money or causes money to be paid to a person in discharge or repayment of any money wholly or in part expended in bribery at the Referendum;
 - (d) if before or during the Referendum that person directly or indirectly, or by any other person on behalf of that person, receives, agrees or contracts for money, gift, loan or valuable consideration or an office, place or employment for personal gain or for another person for voting or agreeing to vote or for refraining or agreeing to refrain from voting; or
 - (e) if after the Referendum that person directly or indirectly, or through another person receives money or valuable consideration on account of a person having voted or refrained from voting or having induced any other person to vote or to refrain from voting.
- (2) For the purpose of subregulation (1),
- (a) a reference to giving money includes a reference to giving, lending, agreeing to give or lend, offering, promising and promising to procure or to endeavour to procure any money or valuable consideration; and
 - (b) a reference to procuring office includes a reference to giving, procuring, agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure any office, place or employment.

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Treating

48. A person commits the offence of treating if that person

- (a) corruptly or through another person before, during or after the Referendum directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing meat, drink, entertainment or provision to or for a person,
 - (i) for the purposes of corruptly influencing that person or any other person to vote or refrain from voting; or
 - (ii) on account of that other person or another person having voted or refrained from voting or being about to vote or refrain from voting; or
- (b) corruptly accepts or takes meat, drink, entertainment or provision offered in the circumstances and for the purposes mentioned in paragraph (a).

Undue influence

49. A person commits the offence of undue influence

- (a) if that person directly or indirectly or through another person acting on behalf of that person,
 - (i) makes use of, or threatens to make use of, force, violence or restraint, or
 - (ii) inflicts or threatens to inflict on another person a temporal or spiritual injury, damage, harm or loss, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
- (b) if by abduction, duress or fraudulent method that person impedes or prevents the free exercise of the franchise of a voter.

Penalty for contravention of regulations 46 to 49

50. A person who commits an offence under regulation 46, 47, 48 or 49 is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

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(2) A person convicted under subregulation (1) is disqualified for a period of five years after the date of the expiration of the conviction, from being registered as a voter or voting in a referendum.

(3) Where a court convicts a person under subregulation (1), the court shall report the conviction in writing to the Commission.

Activities prohibited on polling day

51. (1) During the hours when a poll is open upon polling day, a person shall not, within four hundred metres of any polling station, seek to influence, in whatever manner, a person to vote for an issue or to ascertain for which issue a voter intends to vote or has voted.

(2) During the hours when a poll is open on polling day a person shall not, within four hundred metres of any polling station, sell intoxicating liquor.

(3) A person who contravenes subregulation (1) or (2) commits an offence is liable on summary conviction to a fine of not less than one hundred and fifty penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than twelve months and not more than fifteen months, or to both.

Defacement of notice

52. A person who without lawful excuse destroys, mutilates, defaces or removes a notice which is exhibited under the authority of these Regulations or a document which is made available for inspection under these Regulations commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than three months and not more than six months, or to both.

Obstruction of officer

53. A person who wilfully obstructs or interferes with a Referendum officer in the execution of duty commits an offence and is liable on summary conviction to a fine of not less than two hundred penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than fifteen months and not more than twenty-four months, or to both.

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Unidentified publication

54. A person who prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up an advertisement, handbill, placard, poster or any other document which refers to the Referendum and which does not bear on its face the names and addresses of its printer and publisher commits an offence is liable on summary conviction to a term of imprisonment of not less than six months and not more than twenty-four months.

Consent to prosecution

55. (1) A person shall not be prosecuted for an offence under these Regulations without the consent in writing of the Attorney-General.

(2) Subregulation (1) shall not prevent a person, without the consent of the Attorney-General, from being

(a) charged with that offence;

(b) arrested with or without warrant in respect of that offence;

or

(c) remanded on bail or in custody in respect of that offence.

(3) In a prosecution for an offence under these Regulations in relation to a ballot box, ballot paper or any other document, the property in the ballot box, ballot paper or any other documents as well as the property in the counterfoil of any ballot papers, shall be stated to be in the Commission.

Miscellaneous Provisions

Disposal of documents

56. (1) A District Returning Officer shall, on the receipt of the sealed up separate packets of counted and rejected ballot papers from the polling stations in respect of the Referendum, forward to the District Officer the following documents:

(a) the sealed packets of counted and rejected ballot papers;

(b) an account of the ballot papers and the statement on rejected ballot papers;

(c) the packets of ballot papers counterfoils; and

(d) the packets containing marked copies of the register.

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- (2) The District Officer shall
- (a) endorse on each packet a description of the contents, the date of the Referendum to which they relate and the name of the polling stations for which the poll was held; and
 - (b) prepare a statement in respect of the specified documents which may be copied by an interested group or a counting agent.
- (3) The Commission shall, subject to the provisions of these Regulations,
- (a) retain for a year, documents forwarded to the Commission; and
 - (b) destroy the documents after a year unless otherwise directed by a Court.
- (4) The Commission shall not destroy documents relating to the Referendum in respect of which legal proceedings have been instituted, until the end of the proceedings.
- (5) A court trying an offence relating to this Referendum or the High Court hearing a Referendum petition may make an order for a document retained by the Commission to be inspected, copied or produced at a time and place and subject to the conditions that the Court considers necessary.
- (6) The Court shall not make an order under subregulation (5) unless the Court is satisfied that the inspection, copying or production of the document is required to institute, maintain, defend, or prosecute a matter in respect of a Referendum petition and the Referendum to which the document relates.
- (7) A person shall not inspect or copy a document retained by the Commission except as provided under subregulation (5).

Absence of agent

57. (1) In these Regulations, where an expression is used that requires, authorises or implies that an act or thing is to be done in the presence of polling agents or counting agents of the interested groups, those expressions shall be construed as a reference to the presence of the interested groups or the polling agents or counting agents authorised to attend and who have attended at the time and place where the act or thing is being done.

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(2) The non-attendance of a polling agent or counting agent of the interested groups at the place and the time shall not invalidate the act or thing done.

Publication in the Gazette

58. A matter required to be published in the *Gazette* under these Regulations by the Commission may, in addition to the publication in the *Gazette*, be published

- (a) on the radio;
- (b) on television;
- (c) on the website of the Commission;
- (d) in the national newspapers; or
- (e) in any other medium of mass communication.

Interpretation

59. In these Regulations, unless the context otherwise requires,

- “Absent Voters’ List” means the Absent Voters’ List specified under regulation 24;
- “allotted station” means in relation to the voter the polling station of the electoral area in which the voter is registered or, in the case of an electoral area for which two or more stations have been established, the station to which the voter is assigned;
- “biometric verification device” means a device provided at a polling station by the Commission for the purpose of establishing by fingerprint the identity of the voter;
- “close of the poll” means the conclusion of the poll in all polling stations of the region to be created including polling stations where the poll has been adjourned;
- “Commission” means the Electoral Commission established under article 43 of the Constitution;
- “District” means the area of authority of a district assembly and includes a municipality and a metropolis in a region to be created;
- “District Collation Centre” means a location established by the Commission in a district where all the results from the polling stations are brought for the purpose of adding up and announcing referendum results in that district;

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- “district collation sheet” means the sheet that contains the results of all polling stations within the district;
- “interested group” means persons who are qualified to vote in the places where the Referendum is to be held and who are in favour of or against the issue to be determined;
- “judicial officer” means a person presiding over a Magistrate Court, the Judicial Secretary or the Registrar of a Superior Court;
- “multiple voting” means the casting or attempt to cast more than one vote by a voter at the Referendum except where the voter is appointed as a proxy;
- “polling official” means a member of the office of the Commission, or any other person engaged by the Commission to be present at a polling station in an official capacity;
- “special voter” means a person registered as a voter who is
- (a) a security officer,
 - (b) an election officer; or
 - (c) a media personnel accredited by the National Media Commission;
- “Special Voters’ List” means the Special Voters’ List specified under regulation 23;
- “spoilt ballot paper” means a ballot paper inadvertently dealt with in a manner that makes it impossible for it to be conveniently used as a ballot paper;
- “Transferred Voters’ List” means the Transferred Voters’ List specified under regulation 22; and
- “voter” means a person whose name appears on the certified Voters’ Register.

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

SCHEDULE

FORM 1

(regulations 7 (1)(e), 11 (2) and 41 (5) (f) and (g))



WRIT OF REFERENDUM

**THE NATIONAL RETURNING OFFICER
HEAD OFFICE OF THE COMMISSION
ACCRA**

WHEREAS a Referendum is to be held to determine whether or not to approve the Bill to amend clause (3) of article 55 of the 1992 Constitution by substituting clause (3) to allow political parties to sponsor candidates for elections to District Assemblies or lower local government units;

WHEREAS the issue for determination is

“Are you in favour of the Bill to amend clause (3) of article 55 of the 1992 Constitution by substituting clause (3) to allow political parties to sponsor candidates for elections to District Assemblies or lower local government units? YES or NO?”

NOW THEREFORE I do hereby command you that you do cause the Referendum for the determination of the issue to be held between the hours of 7:00 o'clock in the morning and 5:00 o'clock in the evening on the day of20..... according to law in all polling stations throughout the country;

And that you do certify on this Writ, the number of votes cast in favour of or against the issue to be determined at the Referendum;

and

You do certify that at the close of the Referendum the issue for determination could not be taken to be determined because less than forty per cent of the persons entitled to vote, voted at the Referendum;

or

You do certify that at the close of the Referendum at least forty per cent of the persons entitled to vote, voted at the Referendum and of the votes cast at least seventy-five per cent of the persons who voted, voted in favour of the issue.

Given under my hand thisday of20.....

.....
Chairperson

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**



**CERTIFICATE TO BE ENDORSED ON WRIT
PERCENTAGE TURNOUT**

PART ONE

I hereby certify that the Bill shall not be proceeded with further because less than forty per cent of the persons entitled to vote, voted at the Referendum.

DECISION ON THE ISSUE	VOTES		TURNOUT
	VOTES OBTAINED (in figures)	VOTES OBTAINED (in words)	%
1. YES
2. NO
DATE		

.....
NATIONAL RETURNING OFFICER

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

OR

PART TWO

I hereby certify that per cent of persons entitled to
vote, voted at the Referendum and of votes cast per cent
of the persons who voted, voted in favour of the issue.

VOTES

DECISION ON THE ISSUE	VOTES OBTAINED (in figures)	VOTES OBTAINED (in words)	% TURNOUT
1. YES
2. NO
DATE		

.....
NATIONAL RETURNING OFFICER

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 2

(regulation 12 (2))



NOTICE OF REFERENDUM

**The National Returning Officer
Electoral Commission**

Having issued a Writ for a Referendum to be held to determine whether or not to approve the Bill to amend clause (3) of article 55 of the 1992 Constitution by substituting clause (3) to allow political parties to sponsor candidates for elections to District Assemblies or lower local government units, I will on theday of 20..... cause polling to be taken at all polling stations throughout the country between the hours of 7:00 o'clock in the morning and 5:00 o'clock in the evening.

All questions relating to the Referendum should be addressed to the National Returning Officer

at

.....

Date:

.....
National Returning Officer

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 3
(regulations 20 (3)(d), 22 (1) and 24 (1) (a))



TRANSFERRED VOTERS' LIST

REGION.....

DISTRICT.....

POLLING STATION.....

Name of Applicant	Voter Identification No.	Polling Station Code in which applicant is registered	Date of Application for Transfer	Remarks

.....
Signature of District Returning Officer

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 4
(regulations 20 (3)(d) and 25 (1))



PROXY VOTERS' LIST

TO THE PRESIDING OFFICER

Notice is hereby given that the names of the following persons have been entered on the Proxy Voter's List:

DISTRICT POLLING STATION.....

Name of Voter appointing Proxy	Voter Identification No.	Polling Station No.	Serial No. in the Register	Name of Proxy	Address of Proxy

.....
Signature of District Returning Officer
EL 10G

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 5
(regulations 20 (3)(d) and 23 (4)(b), 24 (1) and (2))



ABSENT VOTERS' LIST

REGION.....

DISTRICT.....

POLLING STATION.....

S/N	Name of Absent Voter	Voter Identification No	Date on which Application for Names to be entered on the Transferred Voters' List/ Special Voters' List was received.	Remarks

.....
Signature of District Returning Officer
EL 9G

REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019

FORM 6
regulation 22 (3))



APPLICATION FOR TRANSFER OF VOTE

(To Be Filled In Duplicate)

PART I

To the District Returning Officer
Electoral Commission

District

Region

I.....hereby apply for the transfer of my vote.

I am registered as a voter at Polling Station with Code..... with identification number
..... in the District in the Region.

I am now resident at
(Residential Address including Locality)

of..... District since the day of 20.....

.....
Date

.....
(Signature /Thumbprint of Applicant)

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

PART II

To The District Returning Officer
Electoral Commission

District.....

Region.....

(To be detached and given to Applicant)

Application is Accepted { } Rejected {

Polling Station Assigned

Centre Code

District

Name of District Returning Officer

Signature

Date

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 7
(regulation 23 (2))



APPLICATION FOR REGISTRATION AS SPECIAL VOTER
(To Be Filled In Duplicate)

PART I

To The District Returning Officer
Electoral Commission

District.....

Region.....

I hereby apply for special voting.

I am registered as a voter at Polling Station with Code..... with
identification number in the District in the
.....Region.

Per my occupation as a I will be
assigned duty outside the Polling Station in which I am a registered voter.

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

PART II

To The District Returning Officer

Electoral Commission

District.....

Region.....

(To be detached and given to Applicant)

Application is Accepted { } Rejected { }

Polling Station Assigned

.....

Centre Code

.....

District

.....

Name of District Returning Officer

.....

Signature.....

Date.....

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 8
(regulations 23 (4)(a) and 24 (1)(b))



**ELECTORAL COMMISSION
GUYANA**

SPECIAL VOTER'S LIST

Notice is hereby given that the names of the following persons have been entered on the Special Voter's List:

NAME OF REGION.....

NAME OF DISTRICT.....

NAME OF POLLING STATION.....

Name of Voter	Voter Identification No.	Occupation of Voter	Polling Station in which Voter is Registered

.....
Signature of District Returning Officer

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 9
(regulation 25 (2))



PROXY FORM
(To be filled in triplicate)

To The District Returning Officer
Electoral Commission

District.....

Region.....

I, hereby apply to vote by proxy.
(Full name of applicant)

The name of my proxy is
(Full name of proxy)

of
(Residential Address of proxy)

who, to the best of my knowledge and information, is qualified to be registered as a voter
under the electoral law in force in Ghana.

I am a citizen of Ghana and I am registered as a voter at Polling

Station in District.

My polling station Code is

My Voter Identification Number is

.....
Signature/Thumbprint

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

**FORM 10
(regulation 32 (5)(b))**



**ELECTORAL COMMISSION
GHANA**

MANUAL VERIFICATION FORM

This form must be completed by the Presiding Officer; signed or thumb printed by the voter and endorsed (signed) by the Presiding Officer in the event the Biometric Verification Device (BVD) fails to verify the fingerprint of a voter.

1. Date / /
(dd / mm / yy)

2. District Name..... Region.....

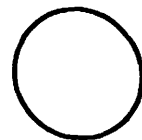
3. Polling Station Name..... Polling Station Code.....

4. Name of Voter

5. Voter Identification Number

6. Signature of the Voter

OR Thumbprint of the Voter (Right Thumbprint Only)



RTP

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

VOTERS VERIFICATION PROCESS

Mark the appropriate in the steps below

Name and picture tally with Voters' Register Yes No

Voter image tallies with the picture in the BVD Yes No

None of the voter's fingerprints was successfully scanned Yes No

DECLARATION BY PRESIDING OFFICER

Having gone through the verification steps, I solemnly swear or affirm that I know that

Mr. /Mrs./Miss is qualified to vote and has being manually verified.

NAME OF THE PRESIDING OFFICER.....

SIGNATURE OF THE PRESIDING OFFICER DATE.....

NAME AND SIGNATURE OF POLLING AGENT (to be written and signed at the back of the form)

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 11
(regulation 32 (7), 38 (2) and 41 (2))



STATEMENT OF POLL FOR THE REFERENDUM

SRN. 000000000000

POLLING STATION NAME POLLING STATION CODE

A. BALLOT INFORMATION (To be filled in at START of poll)

- 1. What is the number of Ballots issued to this polling station? A1
- 2. What is the range of serial numbers of the ballot papers issued to the polling station? A2

RANGE OF 100 BOOKLETS	RANGE OF 50 BOOKLETS	RANGE OF 25 BOOKLETS	RANGE OF 10 BOOKLETS

B. INFORMATION ABOUT THE REGISTER AND OTHER LISTS AT THE POLLING STATION

- 1. What is the number of voters on the polling station register? B1
- 2. What is the number of voters on the Proxy Voters List? B2
- 3. What is the number of voters on the Absentee Voters List? B3

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

4. What is the TOTAL number of voters eligible to vote at this polling station? { (B1 + B2) – B3}

5. What is the serial number of the BVD. What is the serial number of the replaced BVD, if any? Validating Stamp No.

C. BALLOT ACCOUNTING (To be filled in at the END of the poll before counting commences)

1. What is the number of ballots issued to voters on the polling station register? C1

2. What is the number of ballots issued to voters on the Proxy Voters List? C2

3. What is the Total number of SPOILT ballots? C3

4. What is the Total number of UNUSED ballots? C4

5. Sum up (#1 + #2 + #3 + #4)(This number should equal A. 1 above.) C5

6. What is the total number of people verified to vote (press F2 on the BVD)
No. of Persons Manually Verified

D. REJECTED BALLOT REPORT (To be filled in at the END of poll after the counting is completed)

1. What is the TOTAL number of Rejected Ballots? D

REFERENDUM (APPROVAL OF BILL TO AMEND ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019

REFERENDUM - POLLING STATION RESULTS FORM

POLLING STATION NAME **POLLING STATION CODE**

S/N	THE ORDER OF THE ISSUE (In the order in which they appear on the Ballot Paper)	VOTES OBTAINED (IN FIGURES)	VOTES OBTAINED (IN WORDS)
1.			
2.			
A. Total Valid Votes			
B. Total Rejected Votes (from D above)			
C. Total Votes in Ballot Box (A+B)			

DECLARATION

We, the undersigned, do hereby declare that the results shown above are a true and accurate account of the ballots in this polling station.

.....
Name of Presiding Officer

.....
Signature

.....
Date

.....
Time

S/N	NAME OF POLLING AGENT	DECISION ON THE ISSUE	SIGNATURE	REASON, IF REFUSED TO SIGN

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

**FORM 12
(regulation 36 (3) (a))**



ADJOURNMENT OF POLL

SRN. 000000000000

POLLING STATION NAME POLLING STATION CODE.....

A. BALLOT INFORMATION (To be filled in at START of poll)

- 1. What is the number of Ballots issued to this polling station? A1
- 2. What is the range of serial numbers of the ballot papers issued to the polling station? A2

RANGE OF 100 BOOKLETS	RANGE OF 50 BOOKLETS	RANGE OF 25 BOOKLETS	RANGE OF 10 BOOKLETS

B. INFORMATION ABOUT THE REGISTER AND OTHER LISTS AT THE POLLING STATION

- 1. What is the number of voters on the polling station register? B1
- 2. What is the number of voters on the Proxy Voters List? B2
- 3. What is the number of voters on the Absentee Voters List? B3

REFERENDUM (APPROVAL OF BILL TO AMEND ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019

4. What is the TOTAL number of voters eligible to vote at this polling station? { (B1 + B2) – B3}

5. What is the serial number of the BVD. What is the serial number of the replaced BVD, if any? Validating Stamp No.

C. BALLOT ACCOUNTING (To be filled in at the END of the poll before counting commences)

1. What is the number of ballots issued to voters on the polling station register? C1

2. What is the number of ballots issued to voters on the Proxy Voters List? C2

3. What is the Total number of SPOILT ballots? C3

4. What is the Total number of UNUSED ballots? C4

5. Sum up (#1 + #2 + #3 + #4)(This number should equal A. 1 above.) C5

6. What is the total number of people verified to vote (press F2 on the BVD)
No. of Persons Manually Verified

D. REJECTED BALLOT REPORT (To be filled in at the END of poll after the counting is completed)

1. What is the TOTAL number of Rejected Ballots? D

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

DECLARATION

We, the undersigned, do hereby declare that the results shown above are a true and accurate account of the ballots in this polling station.

.....
Name of Presiding Officer Signature Date Time

S/N	NAME OF POLLING AGENT	DECISION ON THE ISSUE	SIGNATURE	REASON, IF REFUSED TO SIGN

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

FORM 13
(regulation 39 (4))



STATEMENT ON REJECTED BALLOT

DISTRICT

REGION:

POLLING STATION NAME: POLLING STATION CODE

STATEMENT ON REJECTED BALLOT

NO.	TYPE OF REJECTED BALLOT PAPERS	NUMBER OF BALLOT PAPERS REJECTED
1.	Want of an official mark	
2.	Voting for more than one option	
3.	Writing or mark by which a voter could easily be identified	
4.	Unmarked	
5.	Choice of voter could not be ascertained	
	TOTAL	

NAME OF PRESIDING OFFICER

SIGNATURE OF PRESIDING OFFICER

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

FORM 15

(regulation 41 (2)(b), (c), (e), (f), (3), (4) and (5))



DISTRICT LEVEL REFERENDUM RESULTS SUMMARY FORM

S/N	THE ORDER OF THE ISSUE (In the order in which it appears on the Ballot Paper)	VOTES OBTAINED (IN FIGURES)	VOTES OBTAINED (IN WORDS)
Total Valid Votes			
Total Rejected Ballots			
Total Votes Cast			

DECLARATION

We, the undersigned, do hereby declare that the results shown above are a true and accurate account of the ballots at the district level.

Name of Returning Officer.....Date.....Time.....Signature.....

S/N	THE ORDER OF ISSUE	NAME OF AGENT	SIGNATURE	REASON, IF REFUSED TO SIGN

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

FORM 17
(regulation 41 (5)(b), (c) and (e))



NATIONAL LEVEL REFERENDUM RESULTS SUMMARY FORM

S/N	THE ORDER OF THE ISSUE (In the order in which it appears on the ballot paper)	VOTES OBTAINED (IN FIGURES)	VOTES OBTAINED (IN WORDS)
	Total Valid Votes		
	Total Rejected Ballots		
	Total Votes Cast		

**REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019**

DECLARATION

We, the undersigned, do hereby declare that the results shown above are a true and accurate account of the ballots at the national level.

Name of Returning Officer..... Date _____ Time _____ Signature _____

S/NO.	THE ORDER OF ISSUE	NAME OF AGENT	SIGNATURE	REASON, IF REFUSED TO SIGN

EL. 26 G

.....
MRS. JEAN MENSA
Chairperson, Electoral Commission

*REFERENDUM (APPROVAL OF BILL TO AMEND
ARTICLE 55 OF THE CONSTITUTION) REGULATIONS, 2019*

Date of *Gazette* notification: 3rd July, 2019

Entry into force: