

*Constitution (Amendment) Bill, 2016*

A  
**BILL**

ENTITLED

**CONSTITUTION (AMENDMENT) ACT, 2016**

AN ACT to amend article 112 of the Constitution to provide for the date for Parliamentary elections.

**PASSED** by Parliament and assented to by the President:

**Article 112 of the Constitution amended**

2. Article 112 of the Constitution is amended by the substitution for clause (4) of

“(4) Subject to clause (2) of article 113 of this Constitution, a general election of members of Parliament shall be held on the first Monday of November before the expiration of the period specified in clause (1) of that article and a session of Parliament shall be appointed to commence within fourteen days after the expiration of that period.”

Date of *Gazette* notification: 15th June, 2016.



## **CONSTITUTION (AMENDMENT) BILL, 2016**

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### **MEMORANDUM**

The Bill amends article 112(4) of the Constitution to make provision for Parliamentary elections to be held well ahead of the expiration of the tenure of Parliament to ensure an effective and smooth transition.

Currently, the dates set aside in respect of the conduct of both Presidential and Parliamentary elections in the country is the 7th day of December while swearing-in of the President takes place on the 7th day of January in the ensuing year. However, the one month period for the transition of one government to the other, has over the years proved insufficient for a smooth transition particularly, in instances where there is a run-off election as was the case in 2000 and 2008.

In the light of the apparent weaknesses in our electoral system and following the election petition in 2013, the Electoral Reform Committee was established on 23rd January, 2015 to propose reforms to our electoral system. The Electoral Reform Committee comprised representatives of the Electoral Commission.

One of the recommendations made by the Committee was a change in the date for the conduct of general elections from the 7th of December to the first Monday of November in an election year. The Committee specified that the general elections should be held on every first Monday of November in an election year in order to have elections on a specific day instead of having elections on a specific date. A reference was made to the United States of America where elections are fixed on the second Tuesday of November in an election year.

According to the Committee, holding the Presidential and Parliamentary elections in November would allow for sufficient time between elections and the handing over of power to an incoming government. This would also ensure a smooth transition and reduce acrimony as well as prevent the chaotic situation whereby former Ministers of State are recalled to provide information to the in-coming Government on matters of the State.

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The Committee further stated that the reason for choosing the first Monday of November in an election year, as a convenient day of the week for elections, was that having a specific day of the week instead of a specific date for elections, would prevent the inconvenience associated with some days of the week which have the tendency of affecting voters turn-out such as a Friday or a Sunday. Other reasons were that having the elections on a day following a weekend would allow ample time for the preparation of the Electoral Commission by way of transportation and distribution of election materials. Parliamentary candidates would get more time with their constituents in their constituencies and it would be easier for people who had to travel to their various constituencies to do so on a weekend to cast their votes on a Monday.

Thus, to ensure that Parliamentary elections are held earlier than the 7th day of December, the Bill amends article 112(4) of the Constitution to provide for Parliamentary elections to be held on the first Monday of November in every election year.

MARIETTA BREW APPIAH-OPONG (MRS.)  
*Attorney-General and Minister for Justice*

Date: 9th March, 2016.