

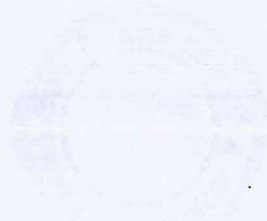


**IN THE SECOND MEETING OF THE THIRD SESSION
OF THE SIXTH
PARLIAMENT OF THE FOURTH REPUBLIC**



**REPORT OF THE COMMITTEE ON SUBSIDIARY
LEGISLATION ON THE DISTRICT LEVEL ELECTIONS
REGULATIONS, 2015 (C.I. 89)**

9TH JUNE 2015



THE GOVERNMENT OF KARNATAKA

OF THE STATE

PARLIAMENT OF THE STATE

IN THE MATTER OF THE GOVERNMENT OF KARNATAKA



LEGISLATION OF THE GOVERNMENT OF KARNATAKA
LEGISLATION OF THE DISTRICT LEVEL ELECTIONS
REGULATIONS, 2012 (C. 89)

**IN THE SECOND MEETING OF THE THIRD SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON SUBSIDIARY LEGISLATION ON THE DISTRICT LEVEL
ELECTIONS REGULATIONS, 2015 (C.I. 89)**

1.0 INTRODUCTION

The District Level Elections Regulations, 2015 (C.I. 89) was laid before Parliament on Friday, 20th March, 2015 in accordance with Article 11(7) of the Constitution. Pursuant to Orders 77 and 166 of the Standing Orders of Parliament. Rt. Hon. Speaker referred the Instrument to the Subsidiary Legislation Committee for Consideration and report.

2.0 REFERENCE DOCUMENTS

The Committee referred to the under-listed documents during its deliberations:

- i. The 1992 Constitution
- ii. The Standing Orders of Parliament
- iii. Electoral Commission Act, 1993 (Act 451)
- iv. Local Government act, 1993 (Act 462)
- v. Public Elections Regulations, 2012 (C.I. 75)
- vi. District Electoral Areas and Designation of Units Instrument, 2014 (C.I. 85)

3.0 BACKGROUND INFORMATION

Article 45 (b) of the Constitution provides that, the Electoral Commission shall demarcate the electoral boundaries for both national and local government elections. Article 51 also provides that, the Electoral Commission shall, by constitutional instrument, make regulations for the effective performance of its functions under the Constitution or any other law, and in particular, for the registration of voters, the conduct of public elections and referenda, including provision for voting by proxy.

Pursuant to the afore-mentioned constitutional provisions as well as Section 2 of the Electoral Commission Act, 1993 (Act 451), the Electoral Commission is mandated to conduct all public elections and referenda in the country.

Consequently, the District Level Election Regulations, 2015 (C.I. 89) was presented to Parliament by the Hon. Minister for Lands and Natural Resources, Nii Osah Mills on behalf of the Hon. Minister for Local Government and Rural Development, Alhaji Collins Dauda.

The purpose of the District Level Elections Regulations, 2015 (C.I. 89), is pursuant to article 51 of the Constitution.

4.0 DELIBERATION

The Committee met with the Chairman of the Electoral Commission, Dr. Kwadwo Afari Gyan and the two Deputy Chairpersons of the Commission. The Committee on Local Government and Rural Development was represented by the Hon. Vice Chairman of the Committee, Nii Amasa Namoale. Officials from the Attorney General's Department were also in attendance. The Committee is grateful to them for their attendance and input during the deliberations.

5.0 OBSERVATIONS

5.1 The Committee observed that the Electoral Commission postponed the District Level Elections which was originally scheduled for October 2014 to Tuesday, 3 March 2015. Prior to this, the District Electoral Areas and Designation of Units Instrument, 2014 (C.I. 85) which was laid before Parliament on Friday, 21st November 2014 was to come into force on Monday, 22nd December 2014. However, ahead of the entry into force of C. I. 85, the Electoral Commission had opened nominations of candidates for the District Assembly or Unit Committee elections. The nominations were closed on Sunday, 21st December 2014 a day before the Regulations came into force.

5.2 The Committee further observed that, an aggrieved candidate for the District Level Elections, Benjamin Eyi Mensah, filed a suit at the Supreme Court, seeking, amongst others, a declaration that the opening and closing of the filing of nominations of candidates for District Assembly or Unit Committee elections prior to the entry into force of the Regulations was unconstitutional.

Subsequently, the Supreme Court unanimously held that, the opening and closing of the said nominations pending the entry into force of C. I. 85 on Monday, 22nd December 2014 was unconstitutional. The Supreme Court insisted that by virtue of article 51 of the Constitution, the Electoral Commission is mandated to specifically make regulations for the District Level Elections. The Electoral Commission could therefore not rely on the Public Elections Regulations, 2012 (C.I. 75) to conduct District Level Elections.

5.3. The Committee noted that, following the Supreme Court decision, the Electoral Commission caused to be laid the District Level Elections Regulations, 2015 (C.I. 89) on Friday, 20th March, 2015. Under (C.I. 89), the Electoral areas specified in the District Electoral Areas and Designation of Units Instrument, 2014 (C.I. 85) constitute the electoral areas for the purposes of elections to the District Assembly for the district concerned. C.I. 89 also provides for the nominations of candidates for District Assembly or Unit Committee elections and related matters under sub-regulations 10 – 17.

5.4 The Committee also noted that C.I. 89 further provides under sub-regulation 23 that:

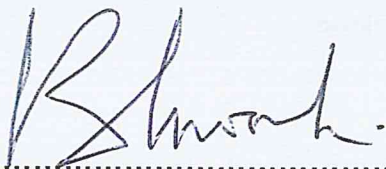
“Public Elections Regulations, 2012 (C.I. 75) and any other laws for the time being applicable to public elections shall, except as otherwise provided in these Regulations, apply to the District Assembly and Unit Committee elections with the necessary modifications”.

The District Level Elections Regulations, 2015 (C.I. 89) also revokes the Unit Committee Regulations, 2010 (C. I. 68).

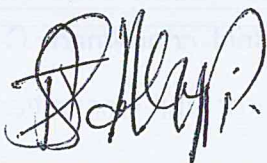
6.0 CONCLUSION

The Committee has carefully examined the District Level Elections Regulations, 2015 (C.I. 89) and is of the considered view that the Constitutional Instrument does not contravene the provisions of the Constitution and Order 166 (3) of the Standing Orders of Parliament which served as a reference guide to the Committee. The Committee accordingly recommends to the House that the District Level Elections Regulations, 2015 (C.I. 89) should come into force at the expiration of twenty-one sitting days as provided for under Article 11(7) (C) of the 1992 Constitution.

Respectfully submitted.



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HON. O.B. AMOAH
CHAIRMAN, COMMITTEE ON
SUBSIDIARY LEGISLATION



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JOANA A.S. ADJEI (MRS)
CLERK TO THE COMMITTEE

JUNE 2015.

Schedule

Date of Laying of C.I. 89 : 20th March 2015

Date of Gazette notification : 20th March 2015

Entry into force : 10th June 2015

SECURITY

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