

IN THE FIRST MEETING OF THE FOURTH
SESSION OF THE SIXTH PARLIAMENT

OF THE

FOURTH REPUBLIC

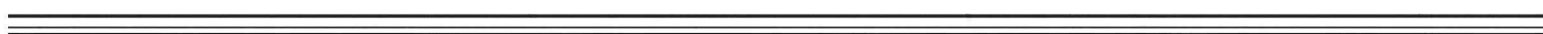
REPORT OF THE COMMITTEE

ON SUBSIDIARY LEGISLATION

ON THE

PUBLIC ELECTIONS (REGISTRATION OF
VOTERS) REGULATIONS, 2016

(C.I. 91)



**IN THE FIRST MEETING OF THE FOURTH SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON SUBSIDIARY LEGISLATION ON THE PUBLIC ELECTIONS
(REGISTRATION OF VOTERS) REGULATIONS, 2016 (C.I. 91)**

1.0 INTRODUCTION

The Public Elections (Registration of Voters) Regulations, 2016 (C.I. 91) was laid before Parliament on Friday 12th February 2016 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 Committee on Subsidiary Legislation for consideration and report.

2.0 REFERENCE DOCUMENTS

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

- i. Constitution of the Republic of Ghana
- ii. Standing Orders of the Parliament of Ghana
- iii. Electoral Commission Act, 1993 (Act 451)
- iv. Public Elections (Registration of Voters) Regulations, 2012 (C.I. 72)

3.0 DELIBERATIONS

The Committee met with the Chairperson of the Electoral Commission, Mrs. Charlotte Osei and the two Deputy Chairpersons of the Commission. Representatives of the National Democratic Congress (NDC), the New Patriotic Party (NPP) and the Conventions Peoples Party (CPP) were also in attendance. Officials from the Attorney General's Department were in attendance at the invitation of the Committee. The Committee is grateful to them all for their attendance and input during the deliberations.

4.0 **BACKGROUND INFORMATION**

Article 51 of the Constitution 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.

Section 2 of the Electoral Commission Act, 1993 (Act 451), also provides that, the functions of the Electoral Commission, as stipulated by article 45 of the Constitution is to compile the register of voters and revise the register at the periods determined by law. Pursuant to the afore-mentioned constitutional provision and Act 451, the Electoral Commission is mandated to make regulations for the registration of voters among others.

In the matter of Nana Addo Dankwa Akufo-Addo, Dr. Mahamudu Bawumia & Jake Otanka Obetsebi-Lamphey v. John Dramani Mahama, The Electoral Commission & National Democratic Congress (2013 (64) G.M.J.), the Supreme Court held among others that, the electoral process in Ghana required some reforms. In view of this, the Electoral Commission together with the Inter-Party Committee proffered some proposals. The Reform Committee subsequently met and proposed some recommendations which were accepted by the Electoral Commission.

The purpose of C.I. 91 therefore is to enact a new legislation for the registration of voters to address some anomalies that occurred during the registration of voters for the 2012 general elections and revoke the Public Elections (Registration of Voters) Regulations, 2012 (C.I. 72).

5.0 **OBSERVATIONS**

The Committee observed that the Electoral Commission has resolved to enact a new Constitutional Instrument on the registration of voters for public elections instead of amending the existing Public Elections (Registration of Voters) Regulations, 2012 (C.I. 72).

The Committee further observed that article 42 of the 1992 Constitution provides that every citizen of Ghana of eighteen years and above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda. Consequently, the proposed Public Elections (Registration of Voters) Regulations, 2016 (C.I. 91) provides the grounds for qualifications for registration and indicates that a person who applies for registration as a voter shall provide as evidence of identification either a passport, a driver's license, a national identification card or an existing voter identification card.

The Committee noted that the Electoral Commission in response to the ruling of the Supreme Court in the case of Abu Ramadan & another v. the Electoral Commission indicated that, the use of the National Health Insurance Card as evidence of identification of registration as a voter is unconstitutional and void. The National Health Insurance card as a form of identification has therefore been omitted from C.I. 91.

The Committee also noted that the Electoral Commission has maintained a provision from C.I. 72 in the proposed Regulations which indicates that a person needs to have one Voter's Registration Identification Guarantee Form, as evidence of identification if that person is unable to produce any of the required forms of identification for registration. A registered voter shall however not guarantee the identity of more than five persons and is required to indicate the relationship the guarantor has with the applicant as well as solemnly swear or affirm that the applicant is qualified to register as a voter.

The Committee observed that the Electoral Commission could not proffer the reasoning behind one individual acting as a guarantor for a maximum of five applicants who cannot provide any

evidence of identification for registration. The Committee was divided on the basis of the guarantee and the number of applicants one person can guarantee.

The Committee took note that C.I. 91 makes provision for the modalities for continuous registration in consultation with registered political parties. C.I. 91 also contain provisions on District Registration Review Committee and the role of an officer of the Commission who may object that a person is not qualified to be registered as a voter. Elaborate provisions have been made on claims and objections after the publication of the provisional register of voters, which also include revised schedule on inclusions, objections, corrections and other claims.

The Committee observed that with regard to a Certified Register, the procedure for certifying the Register for public elections has been fully provided for in the proposed Regulations. The procedure includes:

- i. Matching of fingerprints in the database of the Commission by Automatic Fingerprint Identification System (AFIS)
- ii. The role of an adjudication supervisor and Adjudication Review Committee to determine all cases of suspected multiple registrations
- iii. Authentication and approval of the report of the Adjudication Review Committee by the Chairperson of the Electoral Commission and
- iv. Addition of approved names to the final register or deletion of unapproved names from the register.

The Committee further observed that Regulation 27(4) provides that, the Commission shall make available a certified copy of the register to all registered political parties and any other person that the Commission considers necessary not later than twenty-one days after the register has been certified.

~~The Committee noted that under the provisions for Offences, the Regulations identifies registration offences and voter identification card offences, with their respective penalties. These~~


provisions can serve as deterrence only when the public is well informed, educated on them and has access to the Regulations. The Electoral Commission is required by the Constitution to educate the people on the electoral process and its purpose.

6.0 CONCLUSION

The Committee has carefully examined the Public Elections (Registration of Voters) Regulations, 2016 (C.I. 91) 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 Public Elections (Registration of Voters) Regulations, 2016 (C.I. 91) 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.



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



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

MARCH 2016.
