

## **2.0 THE POLITICAL PARTIES LAWS**

### **2.1 THE POLITICAL PARTIES LAW ACT 574, (2000)**

#### **PART I - FOUNDING AND REGISTRATION OF POLITICAL PARTIES**

##### ***Founding of Political parties.***

1. (1) Political parties may be founded to further purposes which are not contrary to the Constitution and the laws of the Republic.
- (2) Subject to the Constitution and this Act, every citizen of voting age has the right to form or join a political party.
- (3) A political party may, subject to the Constitution and this Act, participate in shaping the political will of the people, disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for public elections other than elections to District Assemblies or lower local government units.

##### ***Participation in politics.***

2. (1) Subject to the Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and politicizes of the government.
- (2) No member of any organization or interest group shall be required to join any particular political party by virtue of his membership of the organization or group.
- (3) Any person who
  - (a) suppresses or attempts to suppress the lawful political activity of another person contrary to subsection (1); or
  - (b) requires any person to join any particular political party contrary to subsection (2),

commits an offence and shall on summary conviction be liable to a minimum fine of two million cedis or to imprisonment for a term not exceeding five years or to both.

##### ***Prohibition of ethnic or religious parties.***

3.. (1) No political party shall be formed

(a) on ethnic, gender, religious, regional, professional or other sectional divisions; or

(b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or other sectional divisions.

(2) For the purpose of subsection (1), a political party is formed on ethnic, gender, religious, regional, professional or other sectional divisions if its membership or leadership is restricted to members of any particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.

***Registration of political parties.***

4. (1) A political party shall be registered in accordance with this Act and shall pay in respect of the registration such fees as the Electoral Commission shall by constitutional instrument determine

(2) A fee paid under subsection (1) is not refundable.

(3) A political party shall upon registration under this Act be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name, and shall have the power to acquire, hold, manage or dispose of movable or immovable property and enter into any contract or other transaction as any legal person.

***Commission to register political parties.***

5. The Commission, shall register all political parties in accordance with this Act.

***Prohibition of canvassing unless the party is registered.***

6. No person shall for a public election

(a) canvass for votes; or

(b) put forward a person for election,

on behalf of or in the name of any organization unless the organization is registered as a political party under this Act.

***Qualification of founding and executive members of political parties.***

7. (1) Subject to this Act, a political party shall have such executive and other officers as the founding members shall determine.
- (2) A political party shall not have as a founding member, a leader or a member of its executive, a person who
  - (a) is not qualified to be elected as a member of Parliament; or
  - (b) is not qualified to hold any public office.
- (3) Only a citizen may be appointed to an office or be a founding, ordinary or other member of a political party.

***Method of registration of a political party.***

8. (1) An application to register a political party shall be made to the Commission and shall be accompanied with
  - (a) a copy of the constitution and the rules or regulations, if any, of the political party duly signed by the interim national chairman or leader and by the interim national or general secretary of the party;
  - (b) the written names and addresses of its national officers;
  - (c) a full description of the identifying symbols, slogans, and colours, if any, of the political party;
  - (d) the registration fee specified in subsection (1) of section 4; and
  - (e) such other particulars as the Commission may reasonably require.
- (2) The Commission shall, not later than seven days after the receipt of the application, issue to the political party a provisional certificate of registration and shall cause a notice of the application to be published in the Gazette after receipt, inviting objections from any person, concerning the name, aim, objects, constitution, rules, symbols, slogans and colours of the party.
- (3) The Commission may in addition to inviting objections to the application under subsection (2), cause independent inquiries to be made so as to ascertain the truth or correctness of the particulars submitted with the application for registration.
- (4) On expiration of thirty days after the date of the publication of the Gazette notice, the Commission shall, if satisfied that the relevant provisions of this Act on registration have been complied with, register the political party.
- (5) Where within the thirty day period an objection has been brought to the notice of the Commission, it shall not register the political party until the objection has been disposed of to the satisfaction of the Commission.

- (6) Where the Commission upholds the objection or if enquiries made under subsection (3) disclose that any of the particulars submitted with the application for registration are false, the Commission may refuse to register the party and cancel the provisional certificate issued to that party under subsection (2).

***Conditions for registration.***

9. The Commission shall not register a political party under this Act unless
- (a) the internal organization of the party conforms with democratic principles and its actions and purposes are not contrary to or inconsistent with the Constitution;
  - (b) the party has on its national executive committee one member from each region;
  - (c) the party has branches in all the regions and is, in addition organized in not less than two-thirds of the districts in each region;
  - (d) there is in each district at least one founding member of the party who is ordinarily resident in the district or is a registered voter in the district;
  - (e) the party's name, emblem, colour, motto or any other symbol has not ethnic, gender, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to part of the country and
  - (f) the party is not in breach of any of the provisions of this Act.

***Prohibition of certain identifying symbols.***

10. No prospective political party shall submit to the Commission for the purpose of registration under this Act any identifying symbol, slogan, colour or name which is the same as the symbol, slogan, colour or name
- (a) of any other registered political party; or
  - (b) of the Republic; or

which so closely reassembles the symbol, slogan, colour or name of a registered political party or the Republic as to be like to deceive or confuse members of the public.

***Final certificate of registration.***

11. The Commission shall upon registration of a political party issue to that party a final certificate of registration.

***Appeal on refusal of registration.***

12. (1) A political party whose application for registration is refused by the Commission under this Act, may at any time apply to the Commission for the reconsideration of its decision not to register the political party.

(2) If, within seven days after an application has been made to it under subsection (1), the Commission refuses or fails to register the political party, the party may appeal to the Court of Appeal against the decision of the Commission.

(3) The appeal shall be on notice to the Commission and such other persons as the Court of Appeal may direct.

**PART II - OPERATION OF POLITICAL PARTIES**

***Declaration of assets and expenditure by political parties.***

13. (1) Every political party shall, within ninety days after the issue to it of a final certificate of registration under section 11 or such longer period as the Commission may allow, submit to the Commission a written declaration giving details of all its assets and expenditure including contributions or donation in cash or in kind made to the initial assets of the political party.

(2) A declaration submitted to the Commission under subsection (1) shall state the sources of funds and other assets of the political party.

(3) The declaration shall also contain such other particulars as the Commission may in writing direct.

(4) The declaration shall be supported by a statutory declaration made by the national treasurer and the national or general secretary of the political party.

(5) The Commission shall, within thirty days after receipt of the declaration required under subsection (1), cause it to be published in the Gazette.

(6) Without prejudice to any other penalty prescribed by this Act or any other enactment, where a political party

(a) refuses or neglects to comply with this section; or

(b) submits a declaration which is false in any material particular, the Commission may cancel the registration of that political party.

***Declaration of assets, liabilities and expenditure in relation to elections.***

14. (1) A political party shall, within twenty-one days before a general election, submit to the Commission a statement of its assets and liabilities in such form as the Commission may direct.
- (2) A political party shall, within six months after a general or by-election in which it has participated, submit to the Commission a detailed statement in such form as the Commission may direct of all expenditure incurred for that election.
- (3) A statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.
- (4) Without prejudice to any other penalty provided in this Act or any other enactment, where a political party
- (a) refuses or neglects to comply with this section; or
  - (b) submits a statement which is false in any material particular, the Commission may cancel the registration of the political party.

***Provisions of particulars of national, head or regional, district and constituency offices and officers.***

15. (1) Within ninety days after the issue to it of a final certificate of registration, a political party shall furnish the Commission with details of the existence and location of its national, regional, district and constituency offices.
- (2) A political party shall also within the period specified in subsection (1) submit to the Commission
- (a) the names, titles and addresses of its officers at the national, regional, district and constituency levels and also at such other levels of organization as the Commission may direct; and
  - (b) the name and address of the auditors of the political party.
- (3) Where a political party
- (a) refuses or neglects to comply with this section; or
  - (b) makes a statement in a matter submitted to the Commission under this section which is false; or
  - (c) has refused, neglected or failed to establish or maintain a national office or to establish or maintain a regional office in every region, the Commission may cancel the registration of that political party.

***Appeal against cancellation of registration.***

16. A political party whose registration is cancelled by the Commission under sections 13, 14 or 15 may appeal to the Court of Appeal against the cancellation.

***Selection of executive officers.***

17. (1) Every political party shall elect such persons as may be determined by the members of the party as executive officers of the party.
- (2) The election of the national, regional and constituency executive officers of every political party shall be conducted under the supervision of the Commission.
- (3) Pending the election of executive officers of a political party, an application for registration of the political party shall be submitted to the Commission by such interim executive officers as the members of the party shall determine.

***Notification of changes or alterations.***

18. (1) Where a political party registered under this Act changes or alters
- (a) its constitution
  - (b) its rules or regulations, if any;
  - (c) the title or address of any person or office submitted to the commission under section 15 of this Act; or
  - (d) its identifying symbol, slogan, colour or name,

it shall notify the Commission of the change or alteration and the Commission shall within fourteen days from the date of receipt of the notification cause to be published in the Gazette the change or alteration.

- (2) Every change or alteration shall come into effect, if no objection is made to the change or alteration, seven days after publication by the Commission of the notice under subsection (1).

***Merger of registered political parties.***

19. Where two or more registered political parties come together and merge as one party
- (a) the registration of each party existing immediately before the effective date of the merger shall lapse; and
  - (b) the new party shall require registration for the purposes of this Act.

***Political parties in alliance.***

20. (1) Where two or more registered political parties form an alliance of their parties the following provisions shall apply.

- (a) each party shall remain as a separate registered party for the purposes of this Act;
- (b) each party shall furnish the Commission within such period as the Commission shall direct a copy of the terms of the agreement of the alliance;
- (c) in any public elections each candidate shall be identified by his portrait and the symbol of his party on the ballot paper;
- (d) where the parties nominate separate candidates to contest an election in the same constituency each candidate shall be identified separately on the ballot paper and in relation to his party only; and
- (e) fees payable under this Act or any regulations made under this Act by or in respect of a candidate for elections shall be paid separately by or for each candidate as standing for the elections in the name of his own party, the alliance notwithstanding.

***Returns and accounts of political parties.***

21. (1) A political party shall, within six months from 31<sup>st</sup> December of each year, file with the Commission

- (a) return in the form specified by the Commission indicating:
    - (i) the state of its accounts
    - (ii) the sources of its funds
    - (iii) membership dues paid
    - (iv) contributions or donations in cash or kind
    - (v) the properties of the party and time of acquisition
    - (vi) such other particulars as the Commission may reasonably require, and
  - (b) audited accounts of the party for the year.
- (2) Any person may, on payment of a fee determined by the Commission, inspect or obtain copies of the returns and audited accounts of a political party filed with the Commission under this section.
- (3) Notwithstanding the provisions of this section, the Commission may at any time upon reasonable grounds order the accounts of a political party to be audited by an auditor appointed by the Commission whose fees and expenses shall be paid by the Commission and also request the political party to file with the Commission the audited accounts at a time to be specified by the Commission.

***Duty of political parties to provide information to Commission.***

22. (1) The Commission may by writing upon state grounds request an executive officer of a political party to furnish for inspection by the Commission records of the party or such other information as is reasonably required by the commission to enable it ensure that the provisions of this Act are complied with.
- (2) A political party or an executive officer of a political party shall comply with a request made to it or to him by the Commission under subsection (1).

**PART III - FUNDING OF POLITICAL PARTIES**

***Contribution by citizens.***

23. (1) Only a citizen may contribute in cash or in kind to the funds of a political party.
- (2) A firm, partnership, or enterprise owned by a citizen or a company registered under the laws of the Republic at least seventy-five percent of whose capital is owned by a citizen is for the purposes of this Act a citizen.

***No contribution by non-citizens.***

24. A non-citizen shall not directly or indirectly make a contribution or donation or loan whether in cash or in kind to the funds held by or for the benefit of a political party and no political party or person acting for or on behalf of a political party shall demand or accept a contribution donation or loan from a non-citizen.

***Contraventions of this Part.***

25. (1) Where any person contravenes section 23 or 24, in addition to any penalty that may be imposed under this Act, any amount whether in cash or in kind paid in contravention of the section shall be forfeited to the State and the amount shall be recovered from the political party as debt owed to the State. The political party or person in whose custody the amount is for the time being held shall pay it to the State.
- (2) A non-citizen found guilty of contravention of section 24 shall be deemed to be a prohibited immigrant and liable to deportation under the Aliens Act, 1963 (Act 160).
- (3) The provisions of sections 23 and 24 do not preclude a government of any country or a non-governmental organization from providing assistance in cash or in kind to the Commission for use by the Commission for the collective benefit of registered political parties.

**PART IV - GENERAL AND MISCELLANEOUS PROVISIONS**

26. (1) A chief or any other person who is not eligible to be elected to Parliament does not qualify to
- (a) be a founding member, a leader or a member of the executive of a political party; or
  - (b) hold office in a political party.
- (2) A chief or a public officer shall engage in canvassing in support of or against a political party or a candidate standing for a public election.

***Cancellation of registration and its effect.***

27. (1) Without prejudice to the penalty provided for under section 31, where a political party contravenes any of the provisions of this Act and is convicted the High Court may order the Commission to cancel the registration of that political party.
- (2) Where the registration of a political party is cancelled under subsection (1) no person shall
- (a) summon a meeting of members or officers of the political party;
  - (b) attend a meeting in the capacity of a member or officer of the political party;
  - (c) publish a notice or advertisement relating to a meeting of the party;
  - (d) invite persons to support the political party;
  - (e) make a contribution or loan to funds held by or for the benefit of the political party or accept a contribution or loan; or
  - (f) give a guarantee in respect of such funds.

***Political meeting.***

28. A political party that intends to hold a public meeting shall comply with the provisions on the holding of special event as provided under the public Order Act 1994 (Act 491).

***Gazette notices.***

29. Where a provision of this Act requires the Commission to publish anything in the Gazette, it may in addition to or in exceptional circumstances in lieu of the publication, cause it to be published in the national daily newspapers and on the radio and television and the provisions of this Act shall have effect accordingly.

***Penalty.***

30. (1) Any person who contravenes a provision of this Act commits an offence.

(2) Any person who in furnishing particulars or information required to be furnished by a political party or by him under this Act makes a statement which he knows to be false or which he has no reason to believe to be true or makes a false statement reckless whether it true or not commits an offence.

(3) An offence under this Act, unless otherwise specifically provided for, shall be punishable with a fine not exceeding ten million cedis or a term of imprisonment not exceeding two years or both.

(4) Where an offence under this Act is committed by a political party, every executive officer of that party shall also be guilty of that offence.

(5) Where an offence under this Act is committed by a body of persons other than a political party, then

- (a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be guilty of the offence; and
- (b) in the case of a partnership, every partner shall also be guilty of the offence.

(6) No person shall be guilty of an offence by virtue of subsection (4) or (5) if he proves to the satisfaction of the court that the act in respect of which he is charged was committed by a person other than himself, and was without his consent or connivance and that he exercised all diligence to prevent the commission of that act as he ought to have exercised having regard to all the circumstances.

#### ***Winding up political parties.***

31. On an application made by the Commission the High Court may make such orders as appears to the Court just and equitable for the winding up and dissolution and disposition of the property, assets, rights and liabilities of a political party whose registration has been cancelled.

#### ***Regulations.***

32. (1) The Commission may be constitutional instrument make such regulations as may appear to it to be expedient for giving full effect to the provisions of this Act.

(2) The signature of the chairman of the Commission or in his absence of a Deputy Chairman shall be sufficient to authenticate any act or action by the Commission.

#### ***Interpretation.***

33. In this Act, unless the context otherwise requires –

“Commission” means the Electoral Commission;

“district” means the area of authority of a District Assembly;

“executive officers of a political party” means the national chairman, the leader, the general secretary or equivalent designation, the national treasurer and the other members of the national executive committee of the political party;

“founding members of a political party” means the persons who are specified in the written declaration under section 13 to have contributed or offered to contribute either in cash or in kind to the initial assets of the party;

“political party” means a free association or organization of persons, one of whose objects may be to bring about the election of its candidates to public office or to strive for power by the electoral process and by this means to control or influence the actions of government;

“registered” means registered under of this Act;

“symbol” includes motto.

***Repeal and savings.***

34. (1) The Political Parties Law 1992 (PNDCL.281) and the Political Parties (Amendment) Law, 1992 (P.N.D.C.L.283) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1) any regulation or registration made and any certificate issued under the repealed enactment shall continue to be valid as if made under the corresponding provision of this Act.

(3) The repeal of the enactments specified in subsection (1) does not vest in any person or body a right to lay claim to any assets of a political party proscribed under the repealed enactments.

## **2.2 PUBLIC AND POLITICAL PARTY OFFICE HOLDERS**

**(DECLARATION OF ASSETS AND ELIGIBILITY) LAW, 1992  
P.N.D.C.L.280**

**PART I - DECLARATION OF ASSETS**

***Specified public and other office holders to declare assets.***

1. (1) A person is not eligible –
- (a) to be elected or appointed to any of the public offices specified in the First Schedule to this Law; or
  - (b) to be elected or appointed a principal office holder of a political party,

unless he has completed and submitted a written declaration of all property or assets owned by him, directly or indirectly, on a questionnaire provided for the purpose by the Auditor-General or the Interim National Electoral Commission.

- (2) The written declaration referred to in subsection (1) of this section shall be submitted –
- (a) in respect of a public office specified in the First Schedule, to the Auditor-General; or
  - (b) in the case of a principal office holder of a political party, to the Interim National Electoral Commission within thirty days of the election to the office.
- (3) The Auditor-General or the Interim National Electoral Commission as appropriate shall cause to be published in the Gazette the declaration submitted under subsection (2) of this section within fourteen days of its receipt.
- (4) The Chairman and members of the Interim National Electoral Commission and the Auditor-General shall make written declarations of their property or assets to the Council.

***Assets declaration to be periodically reviewed.***

- (2) (1) A person required to declare his property or assets under section 1 of this Law shall be further required to declare his assets and liabilities in the same manner as under section 1 –
- (a) at the end of every two year; and
  - (b) at the end of his term of office.
- (2) Assets declared under this section shall be published in the Gazette within fourteen days of submission.

***P.N.D.C. appointees to declare assets.***

- 3 (1) A person who has held an office specified in the Second Schedule to this Law at any time since the 31<sup>st</sup> day of December 1981 shall declare his property or assets in respect his property or assets in respect of the period he held office including the date on which he ceases to hold office to the Auditor-General.
- (2) Where a person to whom subsection (1) applies ceases to hold office before the 7<sup>th</sup> day of January 1993 or has ceased to hold office, the declaration shall be made in respect of the period he held office including the date on which he ceased to hold office.
- (3) Assets declared under this section shall be published by the Auditor-General within fourteen days of submission.
- (4) Any person who willfully fails to declare his assets in contravention of subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding ₵1,000,000.00 or to imprisonment not exceeding two years or to both.

## **PART II – INELIGIBILITY TO HOLD PUBLIC OFFICE**

### ***Certain persons ineligible to hold public office.***

4. (1) A person shall not be eligible to be elected to or appointed to any of the public offices specified in the First Schedule to this Law or to be elected or appointed as a principal office holder of a political party if he is a person in respect of whom a Commission or Committee of Enquiry, the National Investigations Committee or the Office of Revenue Commissioner, in this Law referred to as a “competent authority” has found that he, while holding a public office –
- (a) acquired any assets unlawfully; or
  - (b) defrauded the State; or
  - (c) misused or abused his office; or
  - (a) prejudicial to the interest of the State; or
  - (b) willfully acted in a matter which a reasonable person in his position having regard to all the circumstances ought to have known to be prejudicial to the interests of the State.
- (2) In this section, the expression “public office” in relation to which the finding must have been made means –
- emoluments attached to which are paid from funds provided by the Government or Parliament;
  - (b) an office in any statutory corporation or board established by or under any enactment;
  - (c) an office in a company in which the Government or a statutory corporation has shares; and
  - (d) the office of Member of Parliament and Member of a District Assembly or other local authority established by law.
- (3) The ineligibility under subsection (1) of this section applies to any person who has been found by a competent authority to have willfully evaded the payment of taxes or other state revenue.

(4) Subject to subsection (5) of this section, a person shall not be taken to be ineligible to hold public office under subsections (1) and (2) of this section if –

- (a) ten years or more have passed since the date of the publication of the report of the competent authority; or
- (b) he has been pardoned.

(5) The dispensation granted under subsection (4) of this section shall not apply to a person seeking office as President or Vice President under the Constitution or under the law on presidential elections in force immediately before the coming into force of the Constitution.

***Time when ineligibility commences.***

5. The ineligibility prescribed by section 4 of this Law shall commence on the date of publication to the general public by the Government of the findings of the competent authority in question together with the White Paper on it or from the date when the finding made by the competent authority was brought to the notice of the person against whom the finding was made whichever is earlier.

***Status of finding vis-à-vis Government White Paper.***

6. Where the findings of a competent authority are not accepted by the Government in the published White Paper, or where the findings of the competent authority are not approved by Government, they shall not be enforceable.

***Ineligibility to include convicted persons.***

7. (1) For the avoidance of doubt, it is hereby declared that a person is not eligible to be elected to or appointed to any of the public offices specified in the First Schedule to this Law or to be appointed or elected as a principal office holder of any political party if he has been convicted and sentenced to death or imprisonment for an offence involving fraud, dishonesty, violence or has been convicted of an offence relating to, or connected with public elections under any enactment in force in Ghana at any time.

(2) Subject to subsection (3) of this section a person shall not be taken to be ineligible to hold public office under subsection (1) of this section if –

- (a) ten years or more have passed since the end of the sentence; or
- (b) he has been pardoned.

(3) The dispensation granted under subsection (2) of this section shall not apply to a person seeking office as President or Vice President under the Constitution or under the law on Presidential elections in force immediately before the coming into force of the Constitution.

**PART III – GENERAL PROVISIONS**

***Complaints against declared assets.***

8. (1) an allegation that a person has made a false declaration in his assets published under this Law may be lodged with the Ombudsman.

(2) The Ombudsman shall, on receipt of a complaint under subsection (1), cause the matter to be investigated and shall, where he finds a false declaration has been willfully made by the appointed to a public office specified in the First Schedule to this Law or to be elected or appointed as a principal office holder of a political party and may take such further action as he considers appropriate in respect of the results of the investigation.

***Repeals.***

9. The following enactments are hereby repealed –

- (a) the Elections and Public Offices (Disqualification) Decree, 1979 (S.M.C.D.224); and
- (b) the Standing Investigation of Assets and Other Matters Commission Decree, 1979 (S.M.C.D.225).

***Interpretation.***

10. In this Law, unless the context otherwise requires –

“Assets” includes liabilities and includes also the assets and liabilities of a spouse;

“Commission” means the Interim National Electoral Commission established under the Interim National Electoral Commission Law, 1991 (P.N.D.C.L. 271);

“Constitution” means the Constitution approved at the Referendum held on 28<sup>th</sup> April 1992;

“Council” means the Provisional National Defence Council;

“principal office holder of a political party” means the national chairman, the leader, general secretary or equivalent designation, the national treasurer of the party, and the other members of the national executive of the political party.

**2.3 ARTICLE 55 (CHAPTER 7; 1992 CONSTITUTION OF GHANA)**

- (7) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers and shall satisfy the Commission that –
- (a) there is ordinarily resident, or registered as a voter, in each district of Ghana, at least one founding member of the party;
  - (b) the part has branches in all the regions of Ghana and is, in addition, organized in not less than two-thirds of the districts in each region; and
  - (c) the party's name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to a part of Ghana.

