



## **FOR IMMEDIATE RELEASE**

5th June, 2023

### **ELIGIBILITY OF UNQUALIFIED NPP PARLIAMENTARY ASPIRANT IN THE ASSIN NORTH BY-ELECTION**

1. We have sighted press statements by the Electoral Commission and the New Patriotic Party (NPP), which purport to respond to our press statement of yesterday, in which we exposed the dubious plot of the two to illegally insert the name of one Charles Opoku into the Assin North Voters' register.
2. We note that the said statements by the Electoral Commission and the New Patriotic Party made very absurd, unreasonable and unfounded arguments to the effect that the eligibility criteria as set out in Article 94 of the 1992 Constitution on the qualification or disqualification criteria for election of a Member of Parliament is exhaustive. This flawed argument strangely assumes that once you are a Ghanaian of twenty-one years, of a sound mind and hail from a constituency, you are qualified to be elected into Parliament. This position is not only feeble and uninformed, but it also grossly betrays their lack of understanding of the Electoral laws of Ghana.
3. The claim that the eligibility criteria under Article 94 of the Constitution is exhaustive and enough to qualify one to be elected a Member of Parliament is not borne out of the totality of the electoral laws of Ghana. Article 51 of the same 1992 Constitution has given the Electoral Commission the power to make regulations by Constitutional Instrument for the conduct of public elections. It is pursuant to this power conferred on the Electoral Commission that the Public Elections Regulations 2020 (C.I 127) was passed.
4. It must be emphasized that the above law provides for other requirements that persons desirous to be elected as Members of Parliament must fulfil, which requirements are not covered under Article 94 of the 1992 Constitution. C.I 127 thus provides additional criteria that an individual must fulfil, failing which that individual can be disqualified from being elected a Member of Parliament, even if he satisfies all the requirements of Article 94 of the 1992 Constitution.



5. One of such requirements under the Public Elections Regulations 2020 (C.I 127) is the requirement of NOMINATION as set out under regulation 6 of C.I 127. Under this regulation, a candidate for election to Parliament must be nominated on a nomination form in “a manner determined by the Commission”. Regulation 6(3) of the same C.I 127 provides as follows:

The nomination form for each candidate in an election to Parliament shall be

(a) witnessed by the signature or mark of two registered voters as proposer and seconder and supported by eighteen other registered voters in the constituency as assenting to the nomination;

6. It must be emphasized that even though these additional requirements are not set out under the eligibility criteria provided for under Article 94 of the Constitution, they can form the basis for disqualification despite one fulfilling all the dictates of Article 94. This is clearly set out under regulation 9(2) (3) and (4) of C.I 127. For the avoidance of doubt, the said regulation reads:

(2) The returning officer shall inform a candidate that the nomination of the candidate is invalid where:

(a) the particulars of the candidate or the persons subscribing to the nomination paper are not as required by law; or

(b) the nomination paper is not subscribed to as required by law, and shall give the candidate an opportunity to make amendments or any alteration necessary, within the stipulated nomination period.

(3) Where a candidate fails to comply with sub regulation (2), the returning officer shall consider the nomination paper of the candidate as invalid and shall

(a) endorse and sign on the nomination paper the reasons for that decision; and

(b) inform the Commission.

(4) The Commission shall take a decision on the matter within seven days.



6. In the instant case of the Assin North by-election, the nomination form for the election which was published on the Electoral Commission's website [www.EC.gov.gh](http://www.EC.gov.gh) on 1st June, 2023 requires that a Parliamentary candidate must be nominated (proposed, seconded and endorsed) by registered voters in the Assin North constituency and that the candidate must be of the same constituency. This requirement is contained in the EC's own nomination form and not the creation of the NDC or any other person.

7. Therefore, by the provisions of the EC's own nomination form (attached herewith) and the provisions on nomination under C.I 127 cited above, a candidate in the Assin North by-election must be a registered voter in that constituency. It is absurd for the EC to suggest that the proposers, seconders and the 18 people supporting the nomination of a candidate must be registered voters in the Assin North constituency, but the one who is being nominated to be elected as MP for the good people of Assin North can be a registered voter from another constituency.

How can a candidate be nominated and elected by registered voters in Assin North to be their Member of Parliament when he doesn't vote in the constituency and cannot even vote for himself. Is this not the height of absurdity?

9. We hereby wish to reiterate the point that the illegal attempts by the Electoral Commission and the NPP to railroad the nomination of the said Charles Opoku who is not a registered voter in the Assin North Constituency is unlawful and must cease forthwith. The good people of Assin North deserve to know the truth that the said Charles Opoku who is seeking to represent them in Parliament on the ticket of the NPP, is not a registered voter in the Assin North constituency.

10. It bears to emphasize in conclusion, that under Article 94, which provisions the Electoral Commission and the New Patriotic Party copiously referenced, one is required to be a registered voter to be eligible to contest as Member of Parliament. It does not take a legal luminary to understand that the purpose of this constitutional requirement is for a candidate to have a voting right and interest in an election to be eligible to contest and be voted for in that election.



The NDC is only sticking to the clear provisions of the EC's own nomination forms and their own C.I 127. Enough of the deception by the NPP and their collaborators in the Electoral Commission.

Signed

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