

Law No 2000/016 of 19 December 2000 to set up a National Elections Observatory

Section 1 : An independent body charged with supervising and controlling elections and referendums, known as the National Elections Observatory (NEO), is hereby instituted.

Section 2 : NEO's mission shall be to contribute to the observance of the electoral law in order to ensure regular, impartial, objective, transparent and fair election, and to guarantee voters and candidates the free exercise of their rights.

Section 3 : (1) NEO shall be put in place during each election year from the beginning of the electoral process. It shall comprise eleven members appointed by presidential decree.

(2) Its mandate shall end as soon as the electoral process is over.

(3) NEO members shall be chosen from among independent personalities of Cameroonian nationality with a reputation for moral rectitude, intellectual honesty, neutrality and impartiality. In the discharge of their duties, they shall not request or receive instructions or order from any public or private authority.

(4) Before assuming office, NEO members shall take the oath before the Supreme Court.

(5) NEO shall be managed by a Chairman, assisted by a Vice-Chairman, appointed from amongst NEO members by presidential decree.

Section 4 : (1) The duties of NEO members may not be terminated before the end of the mandate except through physical incapacity, duly confirmed by NEO or at their request.

(2) The temporary unavailability of an NEO member shall be established by NEO. Where such unavailability continues beyond a period of thirty days, the duties of the member concerned shall be terminated as provided for in section 4 (1) above.

(3) A member appointed to replace an NEO member whose post has become vacant shall complete such member's mandate.

Section 5 : The following may not be appointed as NEO members:

- members of Government and persons of similar status;
- judicial and legal officers in active service;
- secretaries-general of ministries and persons of similar status;

- general managers of public establishments and enterprises of the public and semi-public sector;
- directors in the central administration and persons of similar status;
- persons holding an elective post at the national, regional or local level;
- governors, senior divisional officers and their assistants, sub-divisional officers and their assistants, district heads in active service or on retirement for less than three years;
- traditional rulers;
- law enforcement officials and staff in active service;
- persons who are ineligible for election or affected by electoral incapacity;
- candidates running for election monitored by NEO;
- relatives to the second degree of candidates for the Presidency of the Republic;
- members of a group supporting a party, a list of candidates or a candidate.

Section 6 : NEO shall have the following duties:

- (1) To supervise and control the management of the electoral register;
- (2) To supervise and control the functioning of the mixed commissions charged with establishing and revising voters' list;
- (3) To supervise and control the establishment, conservation and revision of voters' list.
- (4) To supervise and control the printing of electoral materials;
- (5) To supervise and control the functioning of the mixed commissions charged with controlling the establishment and distribution of voters' cards;
- (6) To supervise and control the distribution of voter's cards
- (7) To hear all claims or protests concerning voter's list and cards, not resolved by the competent supervisory committees;
- (8) To order the necessary corrections to be made following an examination by NEO of the claims or protests against acts of the administrative authorities or mixed electoral commissions concerning voters' lists and cards.
- (9) To hear protests and claims concerning candidates as well as the behaviour of candidates or their representatives during periods of elections, not resolved by the competent supervisory committees;

(10) To ensure the publication of the list of polling stations on time and its notification to the candidates or representatives of the list of candidates, as the case may be;

(11) To verify the regularity of the composition of members of polling stations;

(12) To ensure that the list of members of polling stations are published and notified on time to the persons indicated in the electoral law, in particular the representatives of lists of candidates;

(13) To ensure the smooth conduct of election campaigns so as to maintain equality between candidates;

(14) To supervise and control the preparation of electoral materials (printing and distribution of ballot papers);

(15) To verify the regularity of the poll, returning operations and vote count;

(16) To ensure that the reports from polling stations are properly kept;

(17) To supervise and control:

- the collection and forwarding of reports to the vote-counting commission;

- the pooling of results at the level of the competent committees;

(18) In each polling station, a copy of the report shall be handed to the NEO delegate. Such report shall, in the event of dispute at any level arising from the vote-counting process, be deemed authentic except in case of a challenge to the validity of the document.

Section 7 : Members of the National Elections Observatory shall be granted allowances and travelling expenses under conditions determined by decree.

Section 8 : Save in case of flagrante delicto, or the violation of the constitutional or legal provisions in force, NEO members may not be pursued, arrested, detained or tried for opinions expressed or acts committed in the discharge of their duties.

Section 9 : NEO shall have a permanent secretariat headed by a secretary-general appointed by decree of the President of the Republic, on the proposal of the NEO Chairman. Under the authority of the NEO Chairman, the Permanent Secretariat shall be responsible for :

- managing NEO;

- taking the minutes of meetings held by NEO;

- receiving, managing and conserving election-related documentation;

- and informing the public.

Section 10: NEO shall draw up its internal rules and regulations.

Section 11: NEO shall carry out its duties either on its own initiative or where a case is submitted to it by the competing political parties, candidates and voters.

Section 12: (1) NEO shall ensure that the electoral law is applied by administrative authorities, political parties, candidates and voters.

(2) Where an administrative authority violates the laws and regulations on elections, NEO shall request such authority to take the appropriate corrective measures.

If the administrative authority does not comply, NEO shall propose to the competent authority administrative sanctions to be taken against the defaulting civil servant or State employee. The competent authority shall take a decision forthwith. Where need be, NEO shall refer the matter to the competent courts which shall also make a ruling without delay. Such referral of the matter to a court shall be done in writing.

(3) Any violations committed by political parties, candidates or voters may also be reported to the legal authorities by NEO.

(4) Where there are violations of the criminal law relating to elections, NEO shall be competent to refer the matter to the State Counsel and to take legal action.

Section 13 : (1) Within the framework of their mission, the members of NEO and of its various branches shall have access to all sources of information and to the public media.

(2) Governors, senior divisional officers and their assistants, subdivisional officers and their assistants, district heads, territorial administration employees, presidents of regional councils, mayors, traditional authorities and heads of polling stations shall be bound to provide NEO members with all information and documents they may need in the discharge of their duties.

Section 14 : (1) NEO may on election day, co-opt delegates designated by the NEO Chairman, who shall issue them mission warrants giving them rights attached their status and defining the duties assigned to them.

(2) The said delegates shall carry out spot checks on documents and in polling stations. A delegate may be empowered to perform his duties in several polling stations.

Section 15 : On the proposal of the NEO Chairman, NEO shall set up corresponding

structures in the regions, divisions and councils, whose composition and functioning shall be defined by decree.

Section 16 : (1) The members of NEO and of its various branches, as well as its delegates, may not be assigned duties of supervision, inspection or control in the polling stations where they are registered.

(2) They shall be eligible to vote in one of the stations, they control upon presentation of their voter's cards.

Section 17 : (1) NEO shall regularly inform the public of its activities and decision through the press or any other channel deemed appropriate.

(2) Meetings may be held between NEO and political parties presenting candidates for election.

(3) NEO shall attend meetings between political parties and the Administration; it shall receive copies of correspondence between the Administration and political parties.

Section 18 : (1) In the supervision and control of elections, NEO may work hand in hand with international observers invited by the Government.

Section 19 : After the pool, NEO shall draw up a general report on the conduct of the election operations and forward it to the President of the Republic who shall publish it.

Section 20 : (1) The State shall place at the disposal of NEO all the human and material resources necessary for the accomplishment of its mission.

(2) The running expenses of NEO and its branches shall be borne by the State and shall be included in the State budget.

Section 21 : A decree shall lay down the modalities of implementation of this law.

Section 22 : This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Paul BIYA

President of the Republic