

Law No 97-020 of 9 September 1997 to Amend and Supplement Certain Provisions of Law No 92-10 of 17 September 1992 to lay down Conditions Governing the Vacancy of and Election to the Presidency of the Republic

The National Assembly has deliberated and adopted,

The President of the Republic hereby enacts the law set out below:

PART I : GENERAL PROVISIONS

SECTION ONE.- (1) The Provisions of sections 1(1) and (2), 24, 25, 29(2), 30, 31, 43, 55, 56, 57, 58, 60, 61, 62, 63, 67, 80, 84, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 115 of law n° 92-10 of 17 September 1992 to lay down the conditions governing the vacancy of and election to the Presidency of the Republic are amended and supplemented as follows :

SECTION ONE (new).- (1) The President of the Republic shall be elected for a term of 7 (seven) years by universal suffrage and by direct, equal and secret ballot.

(2) He shall be eligible for re-election once”.

(3) He shall be elected by a single round majority ballot. Voting shall be for a single candidate and shall take place not later than 20 (twenty) days and not more than 50 (fifty) days before the expiry of the term of office of the incumbent President.

(4) The candidate who obtains the majority of the votes cast shall be declared elected.

PART II : QUALIFICATIONS OF ELECTORS

CHAPTER ONE : RIGHT TO VOTE

SECTION 2.- Every person of Cameroonian nationality or any naturalized Cameroonian, of either sex, who has reached the age of 20 years and is not under any of the disqualifications laid down by this law, shall be entitled to be an elector.

SECTION 3.- (1) Every Cameroonian citizen enjoying the right to vote as defined in Section 2 above who has a place of abode either in an administrative unit or has actually been resident therein for at least the last 6 (six) months shall be

entitled to have his name entered on the register of electors in such administrative unit.

(2) Every Cameroonian citizen who does not satisfy the requirements concerning age, residence and place of abode specified in subsection I above at the time of the revision of the registers of electors shall also be entitled to have his name entered on the register of electors provided he will satisfy such requirements on or before the date on which the register is finally closed.

(3) Every member of the Armed Forces and every other person having that status may have his name entered on the register of electors for the area in which his unit or home port is established without taking into account the residence condition.

SECTION 4.- (1) Every citizen who proves that his name is on the income tax assessment list of a given administrative unit for the fifth consecutive year shall likewise be entitled to have his name entered on the register of electors for such unit.

(2) In such case, any application for registration shall be accompanied by an attestation issued by the administrative authority having jurisdiction over the applicant's place of abode or customary residence to the effect that the applicant is not registered or that he has been struck off the register of electors.

SECTION 5.- Every Cameroonian citizen who has settled abroad shall be entitled to have his name on the register of electors on which he was registered prior to his departure from Cameroon if he so requests.

CHAPTER II : ELECTORAL DISQUALIFICATIONS

SECTION 6.- No person shall be entitled to have his name entered on a register of electors and, if so registered, to vote, who :

- Has been convicted of a felony, even by default ;
- Has been sentenced to a term of imprisonment, without suspension, of more than 3 (three) months ;
- Has been sentenced to a term of imprisonment, accompanied by suspension of sentence or probation, of more than 6 (six) months ;
- Is the subject of a warrant of arrest ;
- Is an undischarged bankrupt who has been so adjudged either by a Cameroonian court or a foreign judgment enforceable in Cameroon ;
- Is an insane person or is of an unsound mind.

SECTION 7.- (1) No person who has been convicted of any offence against the security of the State, without being rehabilitated or granted amnesty, shall be

entitled to have his name entered on any register of electors for a period of 10 (ten) years.

2) The period of ten years provided for in subsection (1) above shall run from the day of release in the case of persons sentenced to a term of imprisonment or from the day of the payment of the fine.

PART III : ELIGIBILITY AND INCOMPATIBILITIES.

SECTION 8.- (1) Candidates for the office of President of the Republic must be in full possession of their civic and political rights and must have attained the age of 35 (thirty-five) years by the date of election.

(2) They shall be Cameroonians citizens by birth and show proof of having resided in Cameroon for an uninterrupted period of at least 12 (twelve) months and of having their names entered in the register of electors on the date of election.

SECTION 9.- The office of President of the Republic shall be incompatible with any other public or private office.

PART IV : ELECTORAL COMMISSIONS

SECTION 10.- Joint electoral commissions shall be set up and charged with preparing electoral activities, organising and supervising electoral operations, polling operations and the final counting of votes.

CHAPTER ONE : COMMISSIONS CHARGED WITH PREPARATORY ACTIVITIES

SECTION 11.- Preparatory activities shall include keeping and revising registers of electors as well as supervising the establishment and distribution of registration cards.

I- Commissions charged with the revision of registers of electors

SECTION 12.- Registers of electors shall be kept by administrative authorities, in collaboration with representatives of legally authorized political parties operating within their areas of jurisdiction.

SECTION 13.- (1) In every Council, Subdivision or District, there shall be a commission charged with the revision of registers of electors. Where the area or the size of the population of the council so warrants, the Senior Divisional Officer may set up several Revision Commissions.

(2) The Revision Commission shall consist of the following :

A representative of the Administration appointed by the Senior Divisional Officer ;

Members :

- The Mayor or a Deputy-Mayor or a Municipal councillor appointed by the Mayor ;
- A representative of each legally authorized political party operating within the jurisdiction of the Council or Subdivision.

(3) Each political party shall, at least two days before revision commences, notify the Subdivisional Officer or District Head of the names of its representatives, both substantive and alternate, who shall be selected from amongst electors whose names appear on the register of electors for the area.

(4) The composition of every commission shall thereupon be fixed by order of the Senior Divisional Officer.

(5) No person may sit on several Revision Commissions save where such commissions fall within the same town council or subdivision.

(6) Where a political party fails to appoint a representative in good time, the Senior Divisional Officer may, after a formal notification without reply, appoint civil servants or employees of the Administration to assist the Chairman of the Commission.

(7) The work of the Commission may validly be carried out by a single member provided that all the other members are kept informed of such work prior to its completion.

Membership of a Revision Commission shall be honorary.

II – Commission charged with supervising the establishment and distribution of registration cards

SECTION 14.- (1) In every Subdivision or District there shall be a commission charged with supervising the establishment and distribution of registration cards. This commission shall comprise the following :

- Chairman :

- A representative of the Administration, appointed by the Senior Divisional Officer ;

- Members :

- The Mayor or a Deputy-Mayor or a Municipal Councillor appointed by the Mayor ;
- A representative of each political party operating in the constituency.

(2) To this end, each candidate or his representative shall notify the Senior Divisional Officer, no later than the fifteenth day before the date of the poll, of the names of representatives, one substantive and one alternate, selected from among persons entered on the register of electors of the Division ;

(3) The Senior Divisional Officer shall issue a receipt for such notification.

(4) The composition of commissions shall be fixed by order of the Senior Divisional Officer.

CHAPTER II : LOCAL POLLING COMMISSIONS

SECTION 15.- (1) Every polling station shall have a Local Polling Commission consisting of the following members :

- Chairman :

- A representative of the Administration, appointed by the Senior Divisional Officer ;

- Members :

- A representative of each candidate.

To this end, each candidate may, no later than the sixth day before the day of election, appoint a polling agent for each polling station from among electors whose names appear in the register of electors for such station.

Such appointment shall be notified to the Subdivisional Officer who shall thereupon issue a decision fixing the composition of the Commission.

SECTION 16.- Each candidate may further appoint two electors to serve as scrutineers in each polling station and two alternates.

SECTION 17.- (1) Where one or more polling agents designated by the candidates is/are absent when the poll commences, the chairman of the Commission shall by decision recorded in the report fill up the vacancies by appointing to the Commission electors whose names appear in the register of electors for the polling station and who are of the same party as the candidate (s).

(2) He shall appoint in priority electors who can read and write English or French.

(3) If there are no electors who can read and write, he may appoint other electors and shall record such fact in his report.

SECTION 18.- (1) At least three members of the Commission shall be in or close to the station throughout polling.

(2) However, where the Chairman finds it absolutely impossible to constitute the Commission, he may open the station at the time fixed for the commencement of the poll. The Chairman shall mention in his report the time at which members of the Commission were designated and took up their functions.

SECTION 19.- Agents of candidates who, for no valid reasons, are not present at the time of commencement of the poll and have been replaced by the Chairman under the conditions specified in Section 17 and 18 above, shall have no right to sit on the Commission.

SECTION 20.- Each candidate may appoint three (3) polling agents for each Subdivision or District who shall have free access to all the polling stations of the Subdivision or District. Such agents shall be expelled from a station only if they are guilty of a breach of the peace. Such expulsion shall be recorded in the report. The agents may make to the Local Polling Commission any comments on the conduct of the poll. Such comments shall be recorded in the report.

SECTION 21.- (1) The Chairman of the Local Polling Commission shall alone be responsible for maintaining law and order in the polling station.

(2) He shall cause to be expelled from the polling station any person who is not an elector registered for the polling station, with the exception of candidates, Heads of administrative units within whose jurisdiction the station is situated and their representatives or agents.

(3) He shall prohibit anyone from obstructing the station or to cause the station to be evacuated.

(4) No elector shall be allowed to enter the station if he has any arms whatever.

SECTION 22.- (1) The Polling Commission shall rule on any difficulties arising from the organization and conduct of the poll and from the counting of votes. In case of a tie the Chairman shall have the casting vote.

(2) If the decision is impugned either by a member of the Commission or by the elector affected or by a candidate, mention of the decision and the reasons therefor and of the objection shall be made in the report.

SECTION 23.- (1) The Commission shall make a report on all polling operations. Such report shall be signed by the members of the Commission. If one or more

members of the Commission can neither read nor write English or French mention shall be made thereof in the report and their fingerprints affixed thereto.

(2) A copy of each report and appended documents shall be immediately forwarded by the subdivisional Officer or, where applicable, the District Head to the Divisional Supervisory Commission which shall in turn forward it to the National Commission for the Final Counting of Votes through the fastest means possible.

CHAPTER III : DIVISIONAL SUPERVISORY COMMISSIONS

SECTION 24 (new).- A Divisional Supervisory Joint Commission shall be set up in each division and shall be responsible for ensuring the proper conduct of pre-election operations and of the election itself.

"To this end, the Divisional Supervisory Commission shall :

"- supervise operations for drawing up, preserving and revising registers

of electors ;

"- examine all protests or claims relating to registers of electors or registration cards ;

" - supervise the distribution of registration cards ;

"- authorize, after examination, any corrections made necessary by protests or claims against the decision of the administrative authority relating to registers of electors and registration cards ;

"- centralize and check returning operations done by the Local Polling Commissions and documents thereto. In case of a simple irregularity, it may request immediate regularization by members of the Local Polling Commission".

SECTION 25 (new).- (1) The Divisional Supervisory Joint Commission whose seat shall be in the chief-town of the division, shall comprise the following :

"(a) Chairman : The President of the High Court of the area.

"(b) members : three representatives of the administration appointed by the Senior Divisional Officer ;

" One independant personality appointed by the Senior Divisional Officer, in consultation with the legalized political parties present in the constituency concerned ;

“One representative of each candidate.

“(2) A defaulting representative may, by simple notification to the chairman of the Divisional Supervisory Commission, be replaced by the authority or candidate who appointed him.

“(3) Notwithstanding the provisions of sub-section (1)(a) above, the Divisional Supervisory Commission shall be presided by the President of the Court of Appeal having jurisdiction where there is no High Court in the division, or where the President of the said High Court is unavoidably absent, as the case may be.”

SECTION 26.- (1) The list of the members of the Divisional Supervisory Commission shall be kept permanently at the Registry of the High Court, at the Divisional Office, or at the Subdivisional Office.

(2) It may be consulted by any elector of the area.

(3) The composition of the commission shall be fixed by order of the Senior Divisional Officer.

SECTION 27.- The duties of chairman and of member of the Divisional Supervisory Commission shall be honorary.

SECTION 28.- (1) The deliberations of the Divisional Supervisory Commission shall be recorded in a report signed by all commission members present. The report shall be forwarded by the commission chairman to the National Commission for the Final Counting of Votes along with the reports and documents from the local polling commissions.

(2) A copy of the report shall be sent to the Minister in charge of Territorial Administration and to each candidate, at the request of his agent.

CHAPTER IV : THE NATIONAL COMMISSION FOR THE FINAL COUNTING OF VOTES

SECTION 29.- (1) A National Commission for the Final Counting of Votes comprising the following is hereby set up :

- A judge appointed by the President of the Supreme Court ;

- Members :

- Two judicial officers appointed by the President of the Supreme Court;
- Ten representatives of the administration appointed by the Minister in charge of Territorial Administration ;
- One representative of each political party or the candidate.

(2)(new).- The list of members of the commission shall be notified forthwith to the Constitutional Council and made available to the public.”

(3) The composition of the National Commission for the Final Counting of Votes shall be fixed by an order of the Minister in charge of Territorial Administration.

SECTION 30 (new).- (1) The National Commission for the Final Counting of votes shall verify polling operations on the basis of reports and appended documents forwarded by the Divisional Supervisory Commissions.

“(2) Under the provisions of sub-section (1) above, the National Commission for the Final Counting of Votes shall :

“(a) record any comment which it deems fit to make on the conduct of such operations, but it shall not be empowered to declare them void ;

“(b) take into account any ballot papers appended to the reports which, in its opinion, have been wrongfully invalidated ;

“(c) rectify any counting errors made ;

“(d) carry out final vote count ;

“(e) draw up a report on all the said operations and forward it to the Constitutional Council together with all the reports and appended documents from the Divisional Supervisory Commissions. A copy of that report shall be forwarded to the Minister in charge of Territorial Administration and to each candidate.

“(3) The final counting of votes shall take place in public at the Seat of the Constitutional Council.

“(4) The representative of each candidate or the candidate themselves shall have the right to be present during the proceedings of the Commission for the Final Counting of Votes and may submit any comments or claims.

PART V : ROLE OF THE CONSTITUTIONAL COUNCIL

SECTION 31 (new).- (1) The Constitutional Council shall ensure the regularity of presidential elections.

“In this regard, it shall verify polling operations on the basis of report and appended documents forwarded by the National Commission of the Final Counting of votes.

“(2) Any claims or disputes regarding the regularity of the election shall be referred to the Constitutional Council under the conditions laid down by sections 93 to 97 below.

“(3) The Constitutional Council shall adopt and proclaim the result of the election in accordance with the provisions of sections 98 to 100 below.

“(4) It shall draw up a report, in duplicate, on all these operations, the original of which it shall keep. The other copy shall be forwarded to the Minister in charge of Territorial Administration. Each candidate shall receive a copy of the report.

PART VI : REGISTER OF ELECTORS

CHAPTER ONE : DRAWING UP OF REGISTERS OF ELECTORS

SECTION 32.- (1) In each Council, Subdivision or District a register of electors shall be drawn up. In addition, a special register shall be drawn up for each polling station. Such register may be classified according to local conditions, by alphabetical order, quarter, or block of houses.

(2) The register shall be in the form fixed by an order of the Senior Divisional Officer

(3) Every registered elector shall be allotted a registration number in the serial order of the register.

(4) The register shall contain the full name, date and place of birth, occupation, residence or place of abode of every elector.

SECTION 33.- (1) The register of electors shall comprise :

- All electors who have resided in the Council, Subdivision or District for at least six months except where their names already appear on another register ;
- Citizens who do not satisfy the age and residence requirements to be registered as electors at the time of compilation of the register but who will satisfy such requirements before the date on which the register is finally closed.
- Entry on the register of electors shall be as of right and shall be carried out by or under the control of the Subdivisional Officer or the District Head in close collaboration with the political parties operating in his area of jurisdiction.

SECTION 34.- (1) The register of electors shall further contain the names of electors who have been registered under the provisions of Section 4 of this law.

(2) Such registration shall not be carried out automatically. It shall be done at the express request of the elector who shall first adduce evidence to show that his name does not appear on any other register of electors.

SECTION 35.- No person may have his name entered on more than one register of electors.

SECTION 36.- Registers of electors shall be permanent. They shall be revised every year throughout the Republic. Senior Divisional Officers may order a thorough recompilation of the registers at the time of the annual revision.

CHAPTER II : ANNUAL REVISION OF THE REGISTERS OF ELECTORS

SECTION 37.- The annual revision of registers of electors shall commence on 1 January of each year throughout the Republic and shall be carried out in accordance with the following provisions.

Any citizen who satisfies the age and residence requirements to be registered as elector and any citizen who satisfies such requirements but whose name has been omitted from such register may apply for registration to the Subdivisional Officer of District Head even outside the times fixed for the annual revision of registers ;

A receipt shall be issued to him for his application which shall be entered in a special register examined by the Revision Commission.

SECTION 38.- (1) The Revision Commission provided for under Section 13 of this law shall record in the register of electors the names of citizens whom it deems to have satisfied the requirements laid down by the law, those who satisfied the age and residence requirements before the end of the deliberations of the Revision Commission and those whose names were previously omitted.

(2) The Commission shall expunge from the register the names of:

- Deceased persons ;
- Persons whose names have been ordered to be struck off the register by the competent authority ;
- Persons who no longer meet the conditions laid down by law, notwithstanding the fact that no objection was made against their registration ;
- Persons who are found by the Commission to have been wrongly registered.

(3) The Commission may not enter the names of electors whose names previously appeared on a different register unless they expressly so request.

(4) Any person who applies to have his name transferred to another register of electors must also submit an application for his name to be struck off the register of electors of his previous place of residence. Such application shall be forwarded to the Subdivisional Officer or District Head of this electoral residence.

(5) The Commission shall, in respect of every registered elector, mention the council, subdivision or district in which such elector was previously registered and the date when his name was struck off the register.

(6) If an elector has never been registered, the fact shall be so mentioned.

SECTION 39.- (1) During the revision of registers of electors, a copy of the register shall be submitted to the council, subdivisional or district Office and may be consulted by any person. During such period, any citizen whose name has been omitted from the register may apply for registration.

(2) There shall be kept in every subdivisional or district office a register in which applications are entered according to the date of receipt thereof. The Subdivisional Officer or the District Head shall issue a receipt for the application and forward it to the Commission.

SECTION 40.- (1) Where the name of any elector is entered on more than one register, the Subdivisional Officer or failing that, any elector whose name appears on any such register may request the Revision Commission, at least eight days before the closing of the register, to have such elector opt for his name to be maintained on only one of such registers.

(2) If he fails to opt within eight days after he has been formally notified either through administrative channels or by registered letter, his name shall continue to appear on the register for the administrative unit in which he has actually been residing for the past six months but shall be expunged from all other registers.

(3) Any claims and objections in relation thereto shall be heard and determined by the Commission at the suit of the Subdivisional Commission within five days of such notification.

SECTION 42.- The list containing the additions and deletions shall be filed at the end of the month of February at the latest with the subdivisional office. Such list shall be communicated to any person who applies therefor. It shall be published the day on which it is filed by being displayed in the places chosen for that purpose.

SECTION 43.- (1) A copy of the list and of the Commission's report certifying that the formalities specified in the preceding section have been complied with shall, at the same time, be forwarded to the Senior Divisional Officer of the Division with the comments, where applicable, of the Subdivisional Officer.

(2) If the Senior Divisional Officer considers that the formalities and time limits prescribed by law have not been complied with, he shall, within three days from the receipt of the list, refer the work of the Revision Commission to the Divisional Commission responsible for supervising electoral activities.

(3) The Divisional Supervisory commission shall give its ruling within ten days and prescribe, if necessary, the time limit within which the activities declared invalid must be carried out afresh.

“(4) (new).- The decision of the commission may be appealed against before the Court of Appeal which shall rule in chambers within 5(five) days of its being seized.

“(5)(new) The appeal lodged within 3 (three) days before the court of Appeal, from the date of the decision, shall bar enforcement”.

SECTION 44.- (1) All court writs in respect of elections shall be exempt from any stamp duty and shall be registered free of charge.

(2) Copies of birth certificates that are necessary to establish the age of electors shall be issued free of charge on unstamped paper to any person who applies therefor. Such copies shall state at the top of the page the specific purpose for which they are issued and may not be put to any other use.

SECTION 45.- (1) On the thirtieth day of April of each year, the Subdivisional Officer or the District Head shall after making all such amendments as are lawfully ordered, forward to the Senior Divisional Officer a list of the amendments and close the register (s) of electors for his administrative unit.

(2) The original of each register of electors shall be deposited at the Subdivisional or the District Office and the list of amendments forwarded to the Senior Divisional Officer shall, together with a copy of the register of electors, be deposited at the Divisional Office. Registers of electors shall be kept in the archives of the administrative unit.

SECTION 46.- The register of electors shall remain unaltered until the thirtieth day of April of the following year, except for the names of deceased electors or of electors deprived of franchise by a final court judgment which may be struck off the register.

CHAPTER III : REGISTRATION OUTSIDE REVISION PERIODS

SECTION 47.- (1) The following persons may have their names entered on the register of electors outside revision periods without any residence requirements :

- Public servants and employees who have been either transferred or placed on retirement after the closing date for registration as well as any members of their families who are living with them on the date of such transfer or retirement ;
- Servicemen who have been demobilized after the end of the time limit for registration ;

The provisions of paragraph (a) above, shall apply to employees of the private sector who have been either transferred or placed on retirement ;

(2) Applications for registration shall be supported by all relevant information and filed with the subdivisional office.

(3) They shall be admissible only up to the tenth day before the day of election.

SECTION 48.- (1) Applications shall be examined by the subdivisional Officer or District Head within nine days, and in any event, not later than six days before the day of election. The decisions of the Subdivisional Officer or District Head shall be notified within two days to the party concerned either through administrative channels or by registered letter.

(2) The Subdivisional Officer or the District Head shall enter the name of the elector in the register of electors and on the list of amendments which shall be published four days before the day of election.

PART VII : REGISTRATION CARDS

SECTION 49.- (1) Every elector whose name has been entered on a register of electors shall be issued a registration card which shall indicate his full name, date and place of birth, filiation, occupation, residence or place of abode.

(2) Registration cards shall be permanent. They may be kept by electors or deposited at the Subdivisional or the District Office outside election periods.

(3) In case the cards are renewed or new names are entered on the register of electors, and where cards are deposited at the Subdivisional or the District Office, registration cards shall be distributed within a period of fifteen days before the day of election.

SECTION 50.- (1) The distribution of registration cards shall be carried out under the control of the commission referred to in Section 14 of this law.

(2) Where it is not possible to deliver registration cards to their legal holders, the cards shall be left at the polling stations where such holders are registered and shall remain at their disposal until the close of the poll.

(3) Such a card shall be delivered to the legal holder only upon the production of identity documents or, failing this, upon such legal holder being introduced and his identity certified by two witnesses whose names appear on the register of the polling station.

(4) A report shall then be made of the operation which shall be signed by the legal holder and, where applicable, by the witnesses and initialled by the chairman of the commission in charge of distributing registration cards.

(5) In every polling station, unwithdrawn cards shall be counted at the close of the poll, placed in a sealed packet and taken to the Sub-divisional or the District Office with a report specifying the number of such cards.

PART VIII : PREPARING THE POLL

CHAPTER ONE : CONVENING THE ELECTORS

SECTION 51.- Electors charged with electing the President of the Republic shall be convened by decree.

Not less than thirty days shall elapse between the date of publication of the decree and the day of election. Polling shall take place on a day declared a public holiday and shall last a single day.

The convening decree shall specify the time of opening and closing polling stations.

CHAPTER II : NOMINATION OF CANDIDATES

SECTION 52.- Any candidate wishing to stand for presidential elections shall declare his candidature through a declaration bearing his authenticated signature.

SECTION 53 .- A candidate may be:

(1) Either nominated by a political party;

(2) Or independent, on condition that he is presented as a presidential candidate by at least 300 (three hundred) dignitaries hailing from all the provinces, with 30 signatures from each province. Persons who qualify to append such signatures shall be either Members of Parliament or of the Chamber of Commerce and Agriculture, Municipal Councillors, or first class chiefs.

The said dignitaries shall append to the candidate's papers signatures authenticated by the competent administrative authorities of the area. Each dignitary may append his signature only once and for only one candidate.

SECTION 54 .- (1) The nomination paper shall give the following information:

- The full name, date and place of birth, occupation and residence of the candidate;
- The colour, symbol and title selected for printing his ballot papers;

(2) The nomination paper shall be accompanied by:

a) The list of the 300 signatures of dignitaries as required in Section 53 above, where applicable;

b) A copy of the candidate's birth certificate, not more than 3 (three) months old;

The nomination papers submitted by the party sponsoring the candidate, where applicable;

- A declaration by which he undertakes, on his honour, to abide by the Constitution;
- A criminal record (bulletin No. 3), not more than 3 (three) months old;
- A tax certificate;
- A certificate of nationality;
- A certificate attesting the payment of the deposit.

(3) It shall be forbidden to select an emblem bearing, at the same time, the 3 (three) colours green, red and yellow.

SECTION 55 (1)(new).- Nomination papers shall be submitted in duplicate, not later than the 25th day preceding the poll, to the Ministry of Territorial Administration or, in special cases, at a divisional office other than that of the seat of national institutions. A copy thereof shall be submitted forthwith to the Constitutional Council by the candidate or his representative with acknowledgement of receipt.”

(2) Nomination papers may further be delivered by registered letter with acknowledgement of receipt which shall be addressed to the Ministry of Territorial Administration, provided that such registered letter is received before the expiry of the time limit prescribed.

(3) Where nomination papers are submitted, a provisional receipt shall be issued for such papers. Where they are forwarded by registered letter, the acknowledgement of receipt shall stand in lieu thereof.

(4) Where nomination papers are submitted to a Senior Divisional Office, the Senior Divisional Officer shall, 2 (two) days thereafter and by telegraphic means, notify the Ministry of Territorial Administration of such nomination papers, making his comments thereon.

SECTION 56 (new) .- (1) Candidates shall pay a deposit fixed at 1.500.000 (one million five hundred thousand) CFA francs into the Public Treasury.

“(2) The Treasury Services shall then issue a certificate, in three copies, attesting to the payment of the deposit referred to in sub-section (1) above. One of the copies of the certificate shall be forwarded forthwith by the Treasury services to the Constitutional Council. The original and one other copy shall be given to the candidate”.

(3) One of the copies of the certificate shall be forthwith forwarded by the Treasury Services to the registry of the Supreme Court.

(4) The original and one other copy shall be given to the candidate.

SECTION 57 (new).- (1) The Minister in charge of Territorial Administration shall accept or rule on the admissibility or rejection of one or more nomination papers. Candidates shall be notified of the rejection or admissibility of their candidature with the grounds therefor. Mention shall be made of this decision in the report which shall be forwarded forthwith to the Constitutional Council.

“(2) The decision to reject or accept nomination papers may be appealed against under the conditions laid down in Sections 61, 62 and 63 below.”

“**SECTION 58 (new).**- No less than 20 (twenty) days to the opening of the poll, the Minister in charge of Territorial Administration shall draw up and ensure the publication of the lists of candidates. He shall forthwith notify the Constitutional Council of such publication.”

SECTION 59.-(1) A candidate who dies during the electoral period may be replaced.

(2) Such replacement shall be on the initiative of the party that nominated him.

(3) Notwithstanding the provision of Section 59 (1) above, such replacement may be possible only if the new nomination papers are submitted to the Ministry of Territorial Administration not later than 10 (ten) days before the opening of the poll.

(4) Independent candidates may not be replaced.

“**SECTION 60 (new).**- (1) Where a candidate nominated by a political party is disqualified by the Constitutional Council after the publication of the list of candidates, he may be replaced by another candidate of the same party. The said candidate must fulfil the conditions of eligibility laid down by this law.

(2) Such replacement must be effected within 3(three) days following the publication of the said list.

“SECTION 61 (new).- Disputes and complaints relating to the rejection or acceptance of candidates, as well as those relating to the colour, initials or emblem adopted by a candidate may be brought before the Constitutional Council by any candidate or political party which took part in the election or any person serving as a government representative in the said election, within 2 (two) days following the publication of the list of candidates.”

“SECTION 62 (new).- (1) Disputes and complaints shall be made by simple petition lodged with the Constitutional Council.

“(2) Such petition shall not stay execution.

“(3) The petition shall be recorded by the Constitutional Council.

“(4) Under pain of being rejected, the petition shall specify the facts and the means alleged.

“(5) The petition shall be notified to the parties concerned through any fast means and posted at the Constitutional Council within twenty four (24) hours following the deposit thereof.

“(6) The written evidence of the person concerned shall be deposited within twenty fours (24) hours following the notification, publication or posting of the petition. The Constitutional Council shall issue an acknowledgement receipt therefor.”

“SECTION 63 (new).- (1) A ruling shall be made within 15 (fifteen) days following the lodging of the petition.

“(2) In case of a petition relating to the colour, initials or emblem adopted by a candidate, the Constitutional Council shall assign by priority to each candidate, his traditional colour, initials or emblem by order of seniority of the party which nominated the candidate and, as concerns other cases, according to the date of deposit of the candidature, as witnessed by the receipt.

“(3) Any decision following a petition against a rejection or acceptance of a candidature as well as that relating to colour, initials and/or emblem shall be notified forthwith for implementation to the Minister in charge of Territorial Administration and to the parties concerned”.

CHAPTER III : CAMPAIGNING

SECTION 64.- (1) There shall be printed for every candidate a number of ballot papers equivalent to the number of electors registered, increased by a quarter.

(2) The size of such ballot papers shall be determined by an order of the Minister of Territorial Administration.

SECTION 65.- (1) The election campaign shall open on the fifteenth day preceding the election and close at midnight on the eve of the day of election.

(2) Candidates may prepare, at their own expense or that of the party presenting their candidature, circulars, manifestoes or posters.

(3) Such circulars, manifestoes and posters shall be in the colour chosen by the candidate or the party. They shall bear the initials selected for printing the ballot papers.

(4) The maximum size of posters shall be fixed by order of the Minister of Territorial Administration.

SECTION 66.- (1) Two copies of such circulars, manifestoes and posters shall be submitted by the candidate or his representative to the Minister of Territorial Administration for a visa.

(2) A copy of such circular, manifesto and poster shall be filed and the other copy shall be handed back to the candidate or his representative. The printed document shall make mention of the visa.

(3) The visa shall be withheld where a document amounts to an appeal to violence, undermines our national unity and territorial integrity or incites hatred against public authority or citizen or body of citizens.

(4) No approval shall be accorded after the twelfth day preceding the poll.

(5) The visa shall indicate the colour and initials assigned to each candidate.

SECTION 67 (new).- Each candidate shall, for each document so printed, deposit ten copies with the Ministry of Territorial Administration and two copies with the registry of the Constitutional Council”.

SECTION 68.- Any document circulated in contravention of the provisions of the above sections shall be seized by the Administrative Authorities without prejudice to such criminal proceedings as may be instituted against the authors of such documents and the disseminators thereof.

SECTION 69.- (1) The Administration shall make available to every candidate space for the displaying of posters and other canvassing material. Such space shall be made available:

a) Near every polling station;

b) Near sub-divisional, district and council offices.

(2) Equal space shall be made available to each candidate in each of such sites.

SECTION 70.- (1) No displaying of public posters, albeit stamped, shall be allowed in relation to the election outside the authorized sites, whether by candidates or by any other person or group.

(2) This prohibition shall apply to posters or notices displayed in a place open to the public or on private premises if they are not displayed by the owner of the premises.

(3) No candidate shall be allowed to use the panels reserved for another candidate.

(4) The administrative authorities shall cause any posters unlawfully displayed to be removed.

SECTION 71.- (1) No person shall be allowed to circulate any ballot papers, circulars and other documents relating to election on the day of election.

(2) Any document circulated in contravention of the provisions of this section shall be seized by the administrative authorities without prejudice to such criminal proceedings as may be instituted against the offenders.

(3) The opening of public houses shall be prohibited on the day of election.

SECTION 72.- (1) For the duration of the electoral campaign, election meetings may be organized without prior authorization, subject to the provisions governing the maintenance of law and order.

(2) Any candidate or elector intending to hold election meetings shall submit the meeting schedule to the administrative authorities so that steps can be taken to ensure the maintenance of law and order.

SECTION 73.- (1) Where public law and order are seriously threatened, the administrative authority may, by order, prohibit any such meeting(s).

(2) In such case, the administrative authority shall agree with the organisers on a new date or place to enable them to hold such meeting(s).

SECTION 74.- Unless otherwise authorized by the competent administrative authorities with territorial jurisdiction, meetings may not be held on the public highway. Senior Divisional Officers shall, having regard to local conditions, fix by order the hour after which no meeting may continue.

SECTION 75.- A public servant may be delegated by the Senior Divisional Officer, Sub-divisional Officer or District Head to attend the meeting. He may call off the meeting if so requested by the Organizing Committee or in cases of serious breaches of the peace.

SECTION 76.- Members of the Committee and the organizers of the meeting shall be liable for any offence against the provisions of sections 69 and 70 here-in-above.

PART IX : THE POLL

CHAPTER ONE : POLLING STATIONS

SECTION 77.- (1) upon the proposal of the senior Divisional Officers, the Minister of Territorial Administration shall, by order, fix the list of polling stations for each administrative area; there shall be one polling station for a maximum of six hundred electors.

(2) Such list shall indicate the area covered by each polling station which shall, as far as possible, be located in public premises or in premises open to the public.

SECTION 78.- The list of polling stations shall be posted up in the chief town of Divisions, Sub-divisions and Districts at least eight days before the day of election.

CHAPTER II : CONDUCT OF THE POLL VOTING

SECTION 79.- (1) Any person whose name appears on the register of electors shall be entitled to record his vote.

(2) However, the right to vote shall be withheld from any person who is remanded in custody or is detained after conviction by a criminal court.

SECTION 80 (new).- (1) No person shall be allowed to vote unless his name appears on the register of electors of the polling station concerned.

(2) A decision by the commission ordering registration or, in case of appeal, a similar decision by the Court of Appeal to this effect, shall mean registration on the register of electors corresponding to the polling station of the place of residence of the elector.

(3) The Chairman and members of the Polling Commission may vote in the polling station under their supervision if they are electors of the same administrative constituency. In such case, their names shall be added on the list of electors with the indication "chairman" or "member" of the commission".

SECTION 81.- (1) On entering the polling station, the elector, after having been identified by the polling commission in accordance with the established rules, shall show his registration card.

(2) Every elector shall, after taking his envelope enter the polling-booth, put his ballot paper in the envelope and, after satisfying the commission that he holds a single envelope, place such envelope in the ballot-box.

SECTION 82.- (1) At the polling station, any elector who for any reason whatever, is unable to carry out these operations alone may enlist the assistance of an elector of his choice.

(2) Under no circumstances may he enlist the assistance of a candidate or of a candidate's agent.

SECTION 83.- The fact that an elector has voted shall be evidenced:

- By using indelible ink to make a finger print on his registration card and by a sign affixed by a member of the commission in the column of the register of electors specially provided therefor;
- By the date of the poll which shall be marked in the registration card in the space specially provided therefor.

SECTION 84 (new).- Marked copies of the registers of electors shall be kept at the sub-divisional office. In case of disputes, such marked copies shall be sent to the Constitutional Council at its request.

CHAPTER III : COUNTING OF THE VOTES

SECTION 85.- (1) Immediately after the time fixed for the termination of voting, the Presiding Officer shall declare the end of voting.

(2) No elector who arrives after the termination of voting shall be allowed to record his vote.

(3) Notwithstanding the provisions of Sub-sections (1) and (2) of this Section, any elector who, at the time of the termination of voting is within the precincts of the polling station or who is waiting to enter the station shall be allowed to record his vote. The report of the commission shall mention the actual time of termination of voting.

SECTION 86.- The checking of the envelopes and the counting of votes shall take place in each polling station immediately after the actual termination of voting, in the presence of voters who so desire provided the hall can contain them without obstructing the counting operation.

SECTION 87.-(1) However, where public law and order so demand, the chairman of the Polling Commission shall seal the ballot-box under the control of members of the Local Polling Commission.

(2) The Chairman shall thereupon, accompanied by the members of the commission, take the ballot-box to the chief town of the Sub-division or District.

(3) In such a case, the ballot-box and envelopes shall be opened and the votes counted in the presence of the Head of the Administrative Area or his representative and of the members of the Polling Commission.

SECTION 88.- (1) Envelopes shall be checked and opened by members of the Local Polling Commission and, in the case contemplated in Section 16, by scrutineers appointed from among electors whose names appear on the registers of electors of the area and who can read and write.

(2) The names of the scrutineers so appointed shall be mentioned in the report for each polling station.

SECTION 89.- (1) The procedure for counting the votes cast shall be as follows:

The ballot-box shall be opened and the number of envelopes contained therein checked;

One of the scrutineers shall take the ballot paper out of the envelope, unfold it and hand it to another scrutineer who shall call out the name; the name appearing on the ballot paper shall be recorded by at least two scrutineers on specially prepared counting sheets. Where an envelope contains several ballot papers, such ballot papers shall be invalid if they are different; they shall count as one vote if they are indetical.

(2) The result of counting shall not take into account:

- Ballot papers bearing any signs, marks or signature by which the elector may be identified;
- Ballot papers contained in envelopes bearing signs of a similar nature or in envelopes other than those officially made available to electors;
- Any ballot papers other than officially printed ballot papers.

(3) Ballot papers declared invalid and, where applicable, envelopes containing such ballot papers shall be attached to the report which shall mention the number of such invalid ballot papers. Ballot papers found in the ballot-box without any envelope and envelopes found empty shall likewise be regarded as invalid and mentioned in the report. Counting sheets shall be attached to the report.

SECTION 90.- Immediately after termination of the counting, the results obtained in each polling station shall be proclaimed.

SECTION 91.- Any objections which may be raised by electors at the time of the counting shall be decided by the Local Polling Commission and shall be recorded in the report.

SECTION 92 (new).- (1) The result of the poll shall be forthwith entered in the report. Such report, which shall be made in as many copies as there are members present plus two, shall thereafter be closed and signed by all the members. The original shall be forwarded immediately to the chairman of the Divisional Supervisory Commission. A copy thereof shall be kept in the archives of the Sub-divisional or District Office. One copy shall be given to the representative of each candidate.

“(2) Only reports which match the report drawn by the Local Polling Commission shall be taken into account.”

PART X : ELECTORAL DISPUTES

SECTION 93 (new).- The Constitutional Council shall rule on all petitions filed in by candidates, political parties which took part in the election, or any person serving as a representative of the Administration for the election requesting the total or partial cancellation of polling operation.”

SECTION 94 (new).- All protest and claims made in pursuance of the provisions of Section 93 above must reach the Constitutional Council within a maximum period of 72(seventy-two) hours from the closure of the polls.

“(2) The Constitutional Council may, if it deems it necessary, hear any applicant or request the admission of evidence, against a receipt.

“(3) Under pain of being rejected, the petition shall specify the facts and the means alleged. It shall be posted up within 24 (twenty-four) hours following its submission and notified to the parties concerned who shall be allowed 48 (forty-eight) hours to submit their reply, against a receipt.

SECTION 95 (new).- The Constitutional Council may without prior cross examination, take a decision, giving reasons therefor, to reject inadmissible claims or claims containing only objections which obviously cannot influence the outcome of the election.”

SECTION 96 (new).- (1) In the event of cancellation of the elections, notification thereof shall forthwith be made to the Minister in charge of Territorial Administration.

“(2) Notwithstanding the provisions of section 51 of this law, a new election shall be organised within at least 20 (twenty) days and at most 40 (forty) days from the date of cancellation.

“(3) The incumbent President of the Republic shall remain in office up to the election and swearing in of the president-elect, and shall convene the electorate within the time-limit provided for in sub-section (2) above.”

“**SECTION 97 (new)**.- The decisions of the Constitutional Council relating to elections, election results and candidatures shall be final.”

“**SECTION 98 (new)**.- The Constitutional Council shall adopt and proclaim the results of the presidential elections within 15(fifteen) days following the closure of polling operations.”

“**SECTION 99 (new)**.- (1) Where, after the elections, no candidate is declared elected President of the Republic the incumbent shall remain in office until a new president is elected and sworn in.

“(2) In such a case, a new election shall be organised within the time-limit provided for under Section 96 above, following the expiry of the legal time-limit for the proclamation of election results.”

“**SECTION 100 (new)**.- (1) The results of the elections shall be published according to the procedure of urgency and inserted in the Official Gazette in English and French’.

“(2) The publication provided for under sub-section (1) above shall apply to any decision by the Constitutional Council to modify or cancel the said results.”

“**SECTION 101 (new)**.- (1) The President-elect shall take office as soon as he takes the oath within a maximum period of 15 (fifteen) days following the proclamation of the results by the Constitutional Council.

“(2) He shall take the oath of office before the people of Cameroon in the presence of the Members of the National Assembly, the Senate, the Constitutional Council and the Supreme Court meeting in solemn session in the manner and words prescribed hereinunder :

“(a) The President of the National Assembly shall administer the oath following a short address he shall conclude in the following established form:

"Mr. President of the Republic,

Do you pledge yourself on your honour to faithfully perform the duties entrusted to you by the people, and do you solemnly swear before God and all men to

devote all your efforts to preserving, protecting and defending the Constitution and the laws of the Republic of Cameroon, to watch over the commonwealth of the Nation, and to uphold and defend the unity, integrity and independence of the Cameroon fatherland?"

"(b) The President-elect standing, raising his right hand and facing the Members of the National Assembly, the Senate, the Constitutional Council and the Supreme Court shall so pledge himself by answering:

"I so do swear."

"**SECTION 102 (new).**- (1) Five authentic originals shall be made of the oath of office, signed by the President of the National Assembly and witnessed by the Presidents of the Senate, the Constitutional Council and the Supreme Court."

"(2) One of the originals of the oath referred to in sub-section (1) above shall be retained by the Secretariat General of the National Assembly. Three shall be deposited with and kept as a record of the respective registries of the Senate, the Constitutional Council and the Supreme Court.

"(3) One original shall be given to the President of the Republic."

"**SECTION 103 (new).**- Vacancy of the Office of the President of the Republic may be filled on a temporary or permanent basis."

"**SECTION 104 (new).**- Where the President of the Republic is temporarily unavailable, he shall charge the Prime Minister, or, where the latter is unavailable, any other member of government, with carrying out some of the duties under an express delegation of power."

"**SECTION 105 (new).**- When the Presidency of the Republic becomes vacant as a result of death, resignation or permanent disability ascertained by the Constitutional Council, the powers of the interim President of the Republic shall be exercised as a right until the election of a new President by the President of the Senate. Where the latter is in turn unable to exercise the powers, they shall be exercised by his vice following the order of precedence in the Senate."

"**SECTION 106 (new).**- The interim President of the Republic, that is, the President of the Senate or his vice, may not amend the Constitution nor reshuffle the government. He may not organise a referendum nor be a candidate in presidential elections."

"**SECTION 107 (new).**- (1) The permanent unavailability of the President of the Republic shall be ascertained by an absolute majority of members of the Constitutional Council.

“(2) Such unavailability shall be referred to the Constitutional Council by the President of the National Assembly under conditions to be laid down by a statutory instrument.

“(3) In the event of vacancy duly ascertained in accordance with the provision of sub-section (1) and (2) above, the Constitutional Council shall cause the declaration of vacancy of the Presidency to be published according to the procedure of urgency and inserted in the Official Gazette in English and French.”

“**SECTION 108 (new).**- (1) In the event of vacancy of the office of the President of the Republic due to resignation, the resigning President shall so inform the Nation in a message.

“(2) The President of the Republic shall then tender his resignation to the president of the Constitutional Council who shall send a copy to the President of the Senate.

“(3) The message referred to in sub-section (1) above shall be published according to the procedure of urgency and inserted in the Official Gazette in English and French.

“(4) The interim President of the Republic shall exercise his duties in accordance with the provision of sections 105 and 106 of this law.”

SECTION 109.- In the cases provided for in sections 107 and 108 above, the poll for the election of a new President shall be held not less than twenty days and not more than forty days after the post has become vacant.

PART XIV : PENALTIES

SECTION 110.-Whoever:

- Causes his name to be entered on a register of electors under a false identity and, on causing himself to be registered conceals a disqualification provided for by this law or claims the entry of his name on two or more registers;
- Causes his name to be improperly entered on a register of electors by means of fraudulent statements or false certificates, or by similar device wrongly enters on or strikes off a register of electors the name of any citizen;
- Having been deprived of the right to vote participates in the election;
- Records a vote either by virtue of being fraudulently registered or by impersonating a registered elector;
- By reason of the fact that his name appears on more than one register of electors votes more than once;

- Being responsible at the polls for receiving, counting or verifying the envelopes containing ballot papers withdraws, adds to or alters any ballot paper or reads a name other than the name actually appearing thereon;
- By spreading false news, false rumours or by other fraudulent devices reduces the number of votes or misappropriates same and influences an elector or electors to abstain from voting;
- In any of the commissions provided for in his law, either in a polling station or in a Government office before, during or after the election, by disregard of the laws and regulations or by any other fraudulent device, violates the secrecy of the ballot, affect the genuineness of the election, obstructs the counting of votes or alters the result thereof;
- Is guilty of fraud in the issue or production of a certificate showing that the name of a person is entered on or has been struck off the register of electors;

On the day of election either as principal offender or accomplice, whether or not with force, fraudulently removes or takes away a ballot-box shall be liable to the penalties laid down under section 122 of the Penal Code.

(2) Where the offender or his accomplice is a public servant within the meaning of Section 131 of the Penal Code, he shall be liable to the penalties laid down under Section 141 of the Penal Code.

SECTION 111.- Whoever:

- By unlawful assembly, riots or threatening demonstrations, disrupts electoral activities or interferes with the exercise of the right to vote or with the freedom of voting;
- On the day of election, is guilty of contempt or assault on the Local Polling Commission or on any member thereof, or by interference or by threat or any kind, delays or prevents the conduct of the polling operations:
- Directly or by any other person on his behalf, makes any gift, donation, promise or grant of any employment, whether in the public or private sector, or other individual benefits in order to influence the vote of an elector or electors and has obtained the vote of such elector or electors;
- Directly or by any other person on his behalf, solicits or accepts from the candidates any gift, donation, favour or benefits referred to in sub-section (c) herein above;

By interference, force or threat upon or against an elector, influences his vote by threatening to make such elector lose his employment or by threatening damage to his person, family or property - shall be liable to the penalties laid down under section 123 of the Penal Code.

SECTION 112.- (1) Whoever enters a hall where election is taking place conspicuously carrying a weapon shall be liable to a fine of from 25,000 francs to

250.000 francs or to a term of imprisonment of from ten (10)days to two (2) months or to both such imprisonment and fine.

(2) In the case where the weapon was concealed, the term of imprisonment may be increased to four (4) months and the fine to 500.000 francs.

SECTION 113.- (1) No political activity, rally or procession shall be allowed in public establishments as well as in school and university institutions.

(2) Any violation of the provisions of Sub-section (1) above shall be punished with a fine of from 25.000 francs to 250.000 francs or with imprisonment of from ten (10) days to four (4) months, or with both such imprisonment and fine.

SECTION 114.- No proceeding shall be instituted against a candidate for violation of any of he provisions of his law before the result of the pool is proclaimed, save in cases where such candidate is arrested for an offence committed flagrante delicto.

PART XV : MISCELLANEOUS PROVISIONS

SECTION 115 (new).- (1) The deposit shall be refunded by the Public Treasury:

“(a) Either to the candidate who withdraws his candidature prior to the printing of ballot papers, upon presentation of a receipt of payment of such deposit and an attestation of withdrawal of candidature duly established by the Minister in charge of Territorial Administration or by the Senior Divisional Officer who received the declaration of candidature; or

“(b) To the elected candidate or candidate who obtained at least 10% of votes cast. In such case, he shall be refunded such deposit upon presentation of a certificate of votes cast, issued by the Constitutional Council and having the value of a payment order;

“(c) To the candidate disqualified by the Constitutional Council in accordance with the provisions of section 60 above when the corresponding decision is taken prior to the printing of ballot papers.

“(2) In cases other than those specified above, the deposit shall remain in the Public Treasury.”

SECTION 116.- The State shall bear the cost of paper and of the printing of ballot papers, the provision of envelopes, as well as the cost of sending such ballot papers to various Divisions and polling stations;

SECTION 117.- Statutory instruments shall, as and when necessary, lay down the conditions of implementation of this law.

SECTION 118.- All previous provisions repugnant hereto, in particular, Law No. 73-10 of 7 December 1973 to lay down the conditions governing the vacancy of and election to the Presidency of the Republic, as amended by Law No. 83-26 of 29 November 1983, are hereby repealed.

SECTION 119.- This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 9 september 1997.

Paul BIYA

President of the Republic