

# Law No. 92-002 of 14 August 1992 relative to Conditions for Election of Municipal Councillors

The National Assembly has deliberated and adopted,  
The President of the Republic enacts the Law set out below :

## PART I : GENERAL PROVISIONS

**SECTION ONE.**-The provisions of Law No. 91/20 of 16 December 1991 to lay down the conditions governing the election of Members of Parliament shall be applicable mutatis mutandis to the election of municipal councillors, subject to the special provisions set out in this law.

## PART II : GENERAL DISPENSATORY PROVISIONS

**SECTION 2.**- (1) Municipal councillors shall be elected for a term of five (5) years by universal suffrage and by direct and secret ballot.

(2) They shall be eligible for re-election.

(3) Voting shall be for a list of candidates without voters indicating any preference of candidates from one list to another.

(4) Each council shall be one constituency.

**SECTION 3.**- (1) Municipal councillors shall be elected through a mixed single round ballot, comprising a majority system and a proportional representation system.

(2) Each list shall take into consideration the various sociological components of the constituency concerned.

(3) If a list obtains an absolute majority of the votes cast, it shall be declared elected and shall win all the seats of the constituency.

(4) If no list obtains the absolute majority of the votes cast, the top list shall be allocated half of the seats rounded off, if need be, to the nearest whole number above.

(5) Where there are two or more top lists with the same number of votes, the seats shall be allocated equally to them. If there is a remaining seat, it shall be allocated to the list with the highest average age.

(6) The other seats shall be allocated to all the lists, including that which obtained the relative majority, through the application of proportional representation following the rule of the highest average. Lists which obtain less than 5 % of the votes cast shall not be eligible for the proportional distribution of seats.

(7) Seats shall be allocated to candidates in the order in which they appear on each list.

The last seat shall be allocated to the list which obtained the highest number of votes in the event where several lists qualify for the last seat. When there is a tie in the number of votes, the seat shall be allocated to the oldest of the candidates.

**SECTION 4.**- The number of municipal councillors shall be fixed as follows :

- 61 councillors for councils with more than 200,000 inhabitants ;
- 45 councillors for councils with more than 100,000 inhabitants ;
- 41 councillors for councils with more than 50,000 inhabitants ;
- 35 councillors for councils with more than 40,000 inhabitants ;
- 25 councillors for councils with less than 40,000 inhabitants ;

**SECTION 5.**- By-elections shall be held where a municipal council loses two-fifths of its members. In such case, only the persons who presented the list or lists elected in the general municipal elections shall be empowered to present an additional list for the by-elections.

### **PART III : SPECIAL DEROGATIONS**

#### **CHAPTER ONE : RIGHT TO VOTE**

**SECTION 6.**- (1) Every Cameroonian citizen enjoying the right to vote as defined in this law who has a place of abode in a council 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 for such council.

(2) Every Cameroonian citizen who does not satisfy the requirements concerning age, residence and place of abode specified in Sub-section (1) above at the time of the revision of the registers of electors shall further 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 shall have his name entered on the register of electors for the council in which his unit or home port is established; the residence condition shall not be taken into account.

**SECTION 7.**- (1) Every citizen who proves that his name is on the income tax assessment list of a given council for the fifth consecutive year shall likewise be entitled to have his name entered on the register of electors for such council.

(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.

## **CHAPTER II : QUALIFICATIONS OF CANDIDATES**

**SECTION 8.**- (1) No person shall be entitled to stand for municipal elections if he is not actually residing within the area of the council concerned.

(2) However, persons not resident within the area of the council concerned may stand for municipal elections if they have a place of abode therein.

**SECTION 9.**- (1) The seat of a municipal councillor shall automatically become vacant if, after the proclamation of the results of election, it is established that such councillor was ineligible or if during his term of office, he is no longer eligible for membership under the conditions laid down in this law.

(2) The seat of a municipal councillor, who, during his term of office, either ceases to satisfy the conditions for eligibility provided for under this law, resigns or is expelled from his party, shall likewise automatically become vacant.

(3) The vacancy of a municipal councillor's seat shall, after it is established by the Mayor, be submitted for deliberation by the municipal council and approved by the supervisory authority.

## **CHAPTER III : INCOMPATIBILITIES**

**SECTION 10.**- (1) The office of Governor, Secretary General of a Province, Senior Divisional Officer, Subdivisional Officer, District Head or Assistant District Head shall be incompatible during the tenure of such office with the office of municipal councillor within the administrative unit of their jurisdiction.

(2) The office of municipal councillor shall likewise be incompatible with the following positions held in the same area of jurisdiction: police officer, gendarme, serviceman, prison administration officer and all such persons; secretary general of a council, municipal revenue collector and municipal service head; municipal councillor having automatically resigned under conditions laid down in this law; magistrate, Government Delegate and Deputy Delegate to a city council.

**SECTION 11.**- A Municipal councillor who subsequent to election, becomes ineligible for office as provided in this law, shall have to choose between his municipal office and his new office. Where no choice is made known within fifteen days, he shall be automatically considered to have resigned under the conditions laid down in the law organizing councils.

#### **CHAPTER IV : COUNCIL SUPERVISORY COMMISSIONS**

**SECTION 12.**- (1) A Council Supervisory Commission shall be set up in each council. It shall be charged with the proper conduct, impartiality and objectivity of elections within the council.

(2) To this end, it shall:

- supervise the drawing up, keeping and revision of 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, the corrections made necessary by the protests or claims against the decisions of the administrative authority relating to the registers of electors and registration cards ;
- examine protests and disputes concerning candidatures and the comportment of candidates or their representatives during the election period;
- centralise and check returning operations done by local polling commissions ;
- announce the results of elections in the constituency.

(3) Minutes of the deliberations of the Council Supervisory Commission shall be entered in a report signed by all members of the commission present. The said minutes shall be sent to the Senior Divisional Officer for forwarding to the Ministry in charge of Territorial Administration.

**SECTION 13.**- (1) The Council Supervisory Commission shall comprise the following :

Chairman :

- An independent personality appointed by the Senior Divisional Officer in agreement with all the political parties standing elections in the constituency ;

Members :

- Five representatives of the Administration appointed by the Senior Divisional Officer ;
- Five representatives of political parties.

(2) Each representative of a political party must have an alternate to replace him in case of his absence. The alternate shall be chosen from among the political parties standing elections that do not have substantive representatives.

**SECTION 14.-** (1) The list of members of the Council Supervisory Commission shall be kept permanently at the Division, Subdivisional or District Office. It may be consulted by any elector of the area.

(2) The composition of the Commission shall be fixed by order of the Senior Divisional Officer.

**SECTION 15.-** The duties of Chairman and of members of the Local Supervisory Commission shall be honorary.

**SECTION 16.-** In each Subdivisional or District Office there shall be a register which shall contain in chronological order, all the protests relating to the preparing, keeping and revision of registers of electors as well as registration cards. The Subdivisional Officer shall issue a receipt therefore and forward them to the appropriate Supervisory Commission.

**SECTION 17.-** (1) Any elector whose name is entered in the register of electors of a constituency, any person who has applied for registration or disqualification or any legally authorised political party having an interest therein may petition the commission to record any irregularities and, where necessary, to order all the necessary corrections on the lists or concerning the preparation and distribution of registration cards.

(2) The Commission shall decide within eight days and shall fix where applicable, the time-limit within which the irregularities noticed must be corrected.

## **CHAPTER V : NOMINATION OF CANDIDATES**

**SECTION 18.-** (1) Lists of candidates shall, not later than 40 (forty) days before the day of election and before normal office closing hours, be made out in a nomination paper in three copies bearing the legalised signature of candidates. Such nomination paper shall be submitted to the competent Subdivisional Officer against a receipt.

(2) The nomination paper shall contain the following particulars:

- The full name, date and place of birth, filiation, occupation and residence of candidates ;
- The name of the list and the political party sponsoring it ;
- The symbol selected for the purposes of printing ballot papers or of identifying the party ;

- The name of the representative, whether he is a candidate or not, and the address of his residence.

**SECTION 19.**- (1) The nomination paper referred to in this law shall include for each candidate :

- a copy of his birth certificate, not more than 3 (three) months old ;
- a criminal record, (Bulletin No.3), not more than 3 (three) months old ;
- a declaration by which he testifies, on his honour, that his name appears only on that list and that he is not the object of any of the disqualifications provided for by this law ;
- a tax certificate.

(2) The nomination paper shall also include an attestation by which the political party puts up the person concerned as a candidate.

**SECTION 20.** (1) The Senior Divisional Officer shall, within a maximum period of 7 (seven) days, ensure that the list is in conformity with the provisions of this law and shall accept or reject it.

(2) Where it is rejected, the Senior Divisional Officer shall, within the same time-limit, state reasons for his decision, inform the representative thereof and forward the file to the competent supervisory commission.

**SECTION 21.**- (1) Within twenty-four hours following the acceptance of the nomination papers, the representative of the candidate (s) shall pay a deposit of 25,000 (twenty-five thousand) francs per candidate into the Treasury.

(2) The deposit shall be returned to each candidate who is elected or to those candidates whose list has polled at least 5 % (five per cent) of the votes cast in the constituency concerned; otherwise, the deposit shall be forfeited to the State.

(3) The Chairman of the Council Supervisory Commission shall, within 2 (two) days following the proclamation of results, issue to the representative of each list an attestation indicating the number of votes cast for the list. The attestation shall, where applicable, represent a payment order to be presented at the Treasury.

(4) In any case, the Senior Divisional Officer shall forward the lists of candidates to the Minister in charge of Territorial Administration within a period of ten (10) days from the date he receives them.

**SECTION 22.**- The following shall be rejected :

- Incomplete lists ;
- Lists not containing the documents mentioned in Section 19 above ;
- Lists including candidates who are not members of the party concerned.

**SECTION 23.**- No candidate may be withdrawn after the list has been submitted.

**SECTION 24.**- The Minister in charge of Territorial Administration shall draw up and publish the lists of candidates for election not later than 20 (twenty) days before the poll.

**SECTION 25.**- If a candidate whose name appears on a list dies or is disqualified, he may be replaced any time before the opening of the poll according to the procedure for the nomination of candidates.

**SECTION 26.**- The decision to accept or reject a candidature or list of candidates may be challenged by the candidate or representative of the list concerned or by the representative of any other list or any elector whose name appears on the register of electors.

**SECTION 27.**- (1) The appeal shall be brought before the Council Supervisory Commission within a period of 5 (five) days from the date of notification.

(2) The Commission shall give a ruling within 3 (three) days following the notice of appeal. Such ruling shall not be appealed against.

## **CHAPTER VI : CAMPAIGNING**

**SECTION 28.**- (1) No candidate shall be allowed to injure the honour or reputation of another candidate by any means whatever in any place open to the public, or by imputations, direct or indirect, of facts which he is unable to prove.

(2) Without prejudice to criminal proceedings which may be instituted against the offender and/or his accessories, the person defamed may submit a petition to the Local Supervisory Commission which must decide thereon within 3 (three) days of its being seized.

(3) It may, in the absence of proof of the truth of the imputation, declare the candidate who made the defamatory imputation disqualified.

Notwithstanding the foregoing, in the case where such candidate is elected before the Local Supervisory Commission gives a decision on the matter, the decision so given shall be submitted by the Senior Divisional Officer, within ten (10) days following the proclamation of the results, to the competent administrative court for the subsequent disqualification of the candidate elected.

A ruling shall be taken on the appeals within sixty (60) days from when such appeals were lodged with the administrative court.

(4) Notwithstanding the foregoing, in the case where such candidate is elected before the Local Supervisory Commission gives a decision on the matter, the decision so given shall be submitted by the Senior Divisional Officer to the competent administrative court for the subsequent disqualification of the candidate elected.

## **CHAPTER VII : POLLING STATIONS AND VOTING**

**SECTION 29.**- Marked copies of the registers of electors shall be kept at the subdivisinal or district office. Such copies may be used for several elections in succession. In case of a dispute as to the validity of the elections such marked copies shall be sent to the President of the competent administrative court if he so requests.

## **CHAPTER VIII : COUNTING OF VOTES**

**SECTION 30.**- The results of the poll shall be entered in the report forthwith. Such report shall be made in as many copies as there are members present and signed by them. The original shall be handed to the Chairman of the Council Supervisory Commission.

**SECTION 31.**- The Council Supervisory Commission shall verify that the report is in due and proper form.. In the event of an error in procedure, it may request members of the Local Polling Commission to immediately rectify it. It shall make a report thereon which shall be attached to that of the Local Polling Commission.

**SECTION 32.**- (1) A copy of the reports together with attached documents shall be immediately forwarded, through the quickest means, by the Chairman of the Council Supervisory Commission to the Senior Divisional Officer for onward transmission to the Minister in charge of Territorial Administration.

(2) The other copy shall be kept in the council archives.

## **CHAPTER IX : DISPUTES**

**SECTION 33.**- An elector or a candidate shall have the right to contest the council polls before the administrative judge.

**SECTION 34.**- (1) Notwithstanding the provision of Article 12 of Ordinance No. 72-6 of 26 August 1972 to fix the organisation of the Supreme Court, complaints shall be made by simple application to the administrative court.

(2) The application shall be lodged within 10 (ten) days following the day on which the results are proclaimed by the Council Supervisory Commission.

(3) The President shall make a ruling within 60 (sixty) days from the day the matter was referred to the court.

**SECTION 35.**- (1) Municipal councillors whose election is contested shall remain in office until a final decision has been reached on the complaints.

(2) Where all or part of the election is finally cancelled, electors shall be convened within a time-limit of 15 (fifteen) days following such cancellation. However, a by-election shall not be held where the cancellation takes place 6 (six) months before general council elections.

#### **PART IV : MISCELLANEOUS AND FINAL PROVISIONS**

**SECTION 36.**- (1) All court documents relating to elections shall be exempted from stamp duty and shall be registered free of charge.

(2) Copies of birth certificates to ascertain the age of electors shall be issued free of charge on ordinary paper to any person who so requests. They shall bear on the top the special purpose for which they are drawn and shall not serve any other purpose.

**SECTION 37.**- The State shall bear the cost of paper, printing of ballot papers and envelopes as well as costs of forwarding same to the electoral constituencies.

**SECTION 38.**- The conditions of implementation of this law shall, as and when necessary, be specified in decrees of implementation.

**SECTION 39.**- All previous provisions repugnant hereto, in particular Law No. 87-17 of 15 July 1987 to amend certain provisions of Law No. 74-23 of 5 December 1974 organizing councils, are hereby repealed.

**SECTION 40.**- This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 14 August 1992

Paul BIYA,

President of the Republic.