

**Law No 2006/004 of 14 July 2006
to lay down the Conditions Governing the Election of Regional
Councillors**

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

**CHAPTER I
GENERAL PROVISIONS**

Section 1: This lays down the conditions governing the election of regional councillors.

Section 2: The provisions of law No 91/20 of 16 December 1991 to lay down conditions governing the election of Members of Parliament as well as those of law No 92/2 of 14 August 1992 to lay down the conditions governing the election of municipal councillors shall be applicable mutatis mutandis to the election of regional councillors, subject to the special provisions set out in this law.

Section 3:

(1) Regional councillors shall be:

- delegates of divisions elected by indirect universal suffrage;
- representatives of traditional rulers, elected by their peers.

(2) Their term of office shall be 5 (five) years. They shall be eligible for re-election.

Section 4: Newly elected regional councillors shall meet as of right in ordinary session of the regional council on the second Tuesday following the announcement of election results by the regional supervisory commission.

Section 5:

(1) The entire regional council shall be re-elected no later than the last Sunday preceding the expiry of the term of office of incumbent regional councillors.

(2) The membership of a regional council must reflect the sociological composition of the regional concerned.

(3) No by-elections may be held for regional councillors during the six-month period preceding the expiry of their term of office.

(4) The electoral colleges in all regions shall be convened on the same day.

Section 6:

(1) The number of regional councillors and the distribution of seats among the divisions in each region, within each division, as well as between delegates and representatives of traditional rulers, shall be proportionate to the population of each region and each division, as the case may be.

(2) A special law shall fix the number and distribution of regional councillors for each division and region.

Section 7:

(1) Each division shall make up a constituency for the election of regional councillors.

(2) The above provision notwithstanding and owing to the particularity of certain constituencies, the latter may be grouped or specially divided up by regulation.

**CHAPTER II
QUALIFICATION OF CANDIDATES AND INCOMPATIBILITIES**

Section 8:

(1) No person may stand for election into a regional council unless effectively resident in the region concerned.

(2) However, non-residents of a region may stand for election if they are domiciled within the territory of the region concerned.

Section 9:

(1) The qualification of candidates provided for under Section 17 to 23 of Law No 91/20 of 16 December 1991 to lay down conditions governing the election of members of parliament shall be applicable to the election of regional councillors.

(2) Notwithstanding the provisions of section 10 (1) above, representatives of traditional rulers shall be exempt from the age requirement under Section 17 of the said law.

Section 10:

(1) Representatives of the State in regions, senior divisional officers. sub-divisional officers, district heads and their assistants may not stand for election into regional councils.

(2) The incompatibility cited in Section 10 (1) above shall be equally applicable. under the same conditions and during their tenure to:

- police, gendarmerie and prison administration officials ;
- regional administration officials and employees;
- servicemen and servicewomen;
- judicial and legal officers;
- civil servants and public employees having to take cognizance of the finances or accounts of the region concerned.

(3) The incompatibility provided for in Section 10 (1) and (2) above shall remain in force for a period of one year following the end of their tenure of office.

Section 11:

(1) Any regional councillor found to be in any of the positions of incompatibility stipulated under section 10 (1) and (2) above, shall be bound, within no more than 1 (one) month to opt for his elective office or his current office.

(2) The councillor concerned shall, through any written means, inform the state representative in his region of his choice. The latter shall inform the president of the regional council thereof.

(3) Where a regional councillor fails to make a choice, as provided for under section 11 (1) and (2) above, he shall be automatically declared to have resigned his office, by order of the Minister in charge of regional and local authorities.

Section 12: No person may stand for election on more than one list or be member of more than one regional council.

**CHAPTER III
PREPARING THE POLL**

Section 13:

(1) The competent administrative authority shall draw up in close collaboration with legalized political parties taking part in the election at district or subdivisional levels, draw up an electoral list comprising members of the 2 (two) electoral colleges provided for under Section 17 below.

(2) The said authority shall forward the list referred to under section 13 (1) above to the competent divisional administrative authority, within a minimum time limit of 3 (three) days following the convening of the electoral colleges.

(3) Members of the electoral college of representatives of traditional rulers must be domiciled within the territory of the subdivision concerned.

Section 14: The provisions of Section 67 to 94 of the above mentioned law N° 91/20 of 16 December 1991 relating to the convening of electors, nomination of candidates and campaigning shall be applicable to the election of regional councillors, subject to the special provisions set out in this law.

Section 15:

(1) Any decision to accept or reject a candidature or list of candidates may be challenged by the candidate concerned or representative of the list concerned or of any other list, and any member of the Electoral College.

(2) The petition may be lodged with the competent administrative court, within no more than 5 (five) days of the notification of the rejection or acceptance decision.

(3) The court referred to under section 15 (2) above shall give a ruling within 7 (seven) days of lodgement of the petition. Its decision shall be communicated forthwith to the Senior Divisional officer at the behest of its president.

Section 16:

(1) During the election campaign, all complaints in respect of the colour, acronym or symbol chosen by a candidate or list of candidates shall be lodged with the competent administrative court no more than 3 (three) days of the date of publication of candidatures or of the cognizance of the allegations.

(2) Complaints in respect of acts of injuring the character of candidates or other offences shall be lodged with ordinary law courts.

(3) The courts referred to under section 17 (3) above shall be seized by simple application.

(4) The court shall give a ruling within 4 (four) days of lodgement of the complaint and may disqualify one or more candidates.

CHAPTER IV THE POLL

Section 17:

(1) Delegates of divisions shall be elected by an electoral college comprising municipal councillors.

(2) Representatives of traditional rulers shall be elected by an electoral college composed of first, second and third class indigenous traditional rulers who have been approved in conformity with the laws in force.

(3) Traditional rulers who are municipal councillors shall cast their votes in only one electoral college.

Section 18: The conditions of composition of the electoral colleges provided for under Section 17 (1) and (2) above shall be laid down by regulation.

Section 19:

(1) Divisional representatives shall be elected through the mixed single-round ballot comprising the majority system and the proportional representation system.

(2) Representatives of traditional rulers shall be elected through the list constituency plurality system.

(3) Notwithstanding the provisions of section 19 (1) above, the election shall be through the single-member constituency plurality system, where there is only one seat to be filled in a division or, where applicable, in a constituency resulting from the grouping or special distribution stipulated under section 7(2) above.

CHAPTER V CONDUCT OF THE POLL

Section 20:

(1) Voting shall be conducted in the headquarters of each division.

(2) The polling stations shall be fixed by order of the Minister in charge of regional and local authorities.

Section 21: The provisions under section 31 to 43 of law N° 91/20 of 16 December 1991 referred to above on local polling commissions and divisional supervision commissions shall apply mutates-mutandis to the election of regional councillors.

Section 22: The report of the divisional supervisory commission shall be forwarded to the regional supervisory commission provided for under section 23 below, together with the report(s) and documents of the local polling commission(s).

Section 23:

(1) A regional supervisory commission is hereby set up in each region comprising the following:

Chairperson: The president of the Court of Appeal with jurisdiction;

Members:

- 2 (two) representatives of the administration;
- 2 (two) independent personalities appointed by the State representative in the region, in consultation with legally authorised political parties present in the region concerned.
- 1 (one) representative of each legally authorised political party participating in elections in the region concerned.

(2) The list of members of the regional supervisory commission shall be kept permanently at the registry of the Court of Appeal, at the office of the State representative in the region, and in each divisional office.

(3) The composition of the commission shall be established by order of the state representative in the region.

Section 24:

(1) The regional supervisory commission shall ensure the regularity, impartiality and objectivity of the poll.

To this end, it shall:

- supervise the drawing up and revision of electoral registers;
- supervise the distribution of registration cards;
- authorize, after examination, the corrections rendered necessary by the protests or claims against the decisions of the administrative authority relating to electoral registers and registration cards;
- centralize and check returning operations conducted by divisional supervisory commissions.

(2) The deliberations of the regional supervisory commission shall be minuted in a report signed by all members present.

(3) A copy of the report referred to under section 24 (2) above shall be handed to each commissioner, and forwarded by the commission chairperson to the state representative in the region for onward transmission to the Minister in charge of local and regional authorities.

CHAPTER VI ANNOUNCEMENT OF RESULTS

Section 25: The regional supervisory commission shall announce the results of the election of regional Councillors.

Section 26:

(1) After the elections:

(a) In the case of a single-member ballot, the candidate with the majority of votes shall be declared elected; in case of a tie, the eldest candidate shall be declared elected.

(b) In the case of a list of candidates:

1- for representatives of traditional rulers:

- the list which obtains the majority of votes cast shall fill all the seats.

2- for delegates of divisions:

- where a list obtains an absolute majority of votes cast, it shall fill all the seats;

- where no list obtains an absolute majority of votes cast, the seats shall be shared as follows:

the leading list shall obtain a number of seats equal to half of the seats to be filled rounded up, where applicable; in case of a tie between 2 (two) or several lists, this number of seats rounded down shall be awarded to the list whose candidates have the highest average age;

the remaining seats shared among all the lists, by applying the winner-takes-more rule; in case of a tie vote, the list having the highest average age shall be preferred.

(2) The list that obtains less than 5 (five) per cent of votes cast in the constituency shall not be considered in the proportional allocation of seats.

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

CHAPTER VII ELECTION DISPUTES

Section 27:

(1) Any elector, candidate and/or the state representative in the region may request the total or partial cancellation of the election operation in the region concerned by simple application to the court with jurisdiction.

(2) The application must be lodged within 5 (five) days of the date when the results were announced. (3) The court seized of the application shall make a ruling within 40 (forty) days.

Section 28: Regional councillors whose election is challenged shall remain in office pending a final decision.

Section 29: Where cancellation of all or part of the election is final, electors shall be convened within no more than 60 (sixty) days of such cancellation.

CHAPTER VIII MISCELLANEOUS AND FINAL PROVISIONS

Section 30:

(1) Members of electoral colleges provided for under Section 17 above shall be required to take part in the poll.

(2) The state shall defray the expenses related to the participation of members of electoral colleges in the poll, in compliance with conditions laid down by regulation.

Section 31:

(1) Any regional councillor who, subsequent to his election, finds himself in any one of the positions of ineligibility and/or incompatibility stipulated in this law shall be declared to have resigned, by order of the state representative in the region.

(2) The provisions of (1) above shall equally apply to any regional councillor disqualified from the election.

(3) The order provided for under section 31 (1) above shall be subject to appeal before the administrative court with jurisdiction. '

(4) Where a regional councillor is declared to have resigned following a final criminal conviction against him, leading to the loss of his civil and electoral rights, the appeal provided for under section 31 (3) shall not be suspensive.

Section 32:

(1) The candidate, or his representative shall pay a deposit of 25 000 (twenty-five thousand) CFA francs into the treasury within no more than 3 (three) days of the declaration of candidature.

(2) Such deposit shall be refunded to the elected candidate or list, or to the candidate or list that has obtained at least 5 (five) per cent of votes cast in the region. In case of the contrary, it shall remain in the treasury.

Section 33: The conditions of implementation of this law shall, as when necessary. be specified by decree.

Section 34: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 14 July 2006

Paul Biya,

President of the Republic.