

**Law No 2006/005 of 14 JULY 2006
to lay down Conditions Governing the Election of Senators**

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

**CHAPTER I
GENERAL PROVISIONS**

Section 1: This law lays down the conditions governing the election of senators.

Section 2: The provisions of law n° 91/20 of 16 December 1991 to lay down conditions for the election of members of the National Assembly, as amended by law n° 97/13 of 19 March 1997, shall be applicable mutatis mutandis for the election of senators, subject to those specific to this law.

Section 3:

(1) Each region shall be represented in the Senate by 10 (ten) senators 7 (seven) of whom shall be elected by indirect universal suffrage on a regional basis and 3 (three) appointed by decree of the President of the Republic.

(2) Senators shall serve a term of 5 (five) years.

(3) The 7 (seven) senators elected shall be eligible for re-election.

(4) The term of the 3 (three) appointed senators shall be renewable.

Section 4:

(1) The term of senators shall commence on the day of the ordinary session following the election, being the expiry date of the term of the incumbent senators.

(2) The Senate shall meet as of right in ordinary session on the third Tuesday following the proclamation of the results of senatorial elections by the Constitutional Council.

(3) The decree specified under section 3 (1) above shall be published within no more than 10 (ten) days of the proclamation of results by the Constitutional Council.

Section 5:

- (1) The entire Senate shall be renewed every 5 (five) years.
- (2) Senatorial elections shall be held no later than the last Sunday before the expiry of the current term of office.

**CHAPTER II
POLLING**

Section 6:

- (1) Each region shall make up a constituency
- (2) Senatorial elections shall be by list system, with no changing of the serial order of candidate's names or vote splitting

Section 7:

- (1) Senatorial elections shall be a mixed single ballot, comprising a plurality system and a proportionate representation system.
- (2) Every political party taking part in the election shall present a full list of 7 (seven) candidates selected from among its members. For each seat, there shall be a substantive candidate and his alternate, both of whom shall appear before the Electoral College at the same time.
- (3) The composition of each list must reflect the sociological components of the region.
- (4) Where a list obtains an absolute majority of the votes cast, it shall be declared the winner of the elections, filling all 7 (seven) seats.
- (5) Where no list obtains an absolute majority of the vote cast, the list with a relative majority shall be awarded half of the seats to be filled rounded up to the next, whole number, that is, 4 (four) seats.
- (6) In case of a tie among winning lists, the 4 (four) seats shall be shared equally among the said lists, where applicable; the remaining seat shall be awarded to the list with the highest age average.
- (7) After the sharing of the seats as stipulated in paragraphs (1), (2) and (3) above, the remaining 3 (three) seats shall be shared amongst all the lists, excluding from those that obtained a relative majority in proportionate representation, following the highest remainder rule. List with less than 5% of the votes cast in the region shall be included from the sharing.

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

(9) Where several lists have the same average for the award of the last seat, the seat shall be awarded to the list having obtained the highest number of votes.

Where there is a tie in the number of votes obtained, the seat shall be awarded to the eldest candidate.

Section 8:

(1) In case of death of the substantive or alternate member and in compliance with the provisions of the law to lay down conditions governing the election of Members of Parliament, by-elections shall be held in the region concerned.

(2) By-elections shall be held under the conditions stipulated in section 7 above. However, where there is only one vacant seat to be filled, a single ballot uninominal majority election shall be held.

**CHAPTER III
QUALIFICATION OF CANDIDATES AND INCOMPATIBILITIES**

Section 9:

(1) Any candidate for the office of Senator must enjoy full civic and political rights and must have obtained the age of 40 (forty) by the date of the election.

(2) The candidate must be of Cameroonian nationality and must provide evidence of effective residence in the territory of the region concerned.

Section 10: The other qualifications of candidates and incompatibilities shall be the same as those for the election of Members of the National Assembly.

**CHAPTER IV
ELECTORATE**

Section 11:

(1) Senators shall be elected in each region by an electoral college comprising regional and municipal councillors.

(2) Regional and municipal councillors whose election is contested shall exercise their voting right pending a final ruling by the competent court.

Section 12: In every Region, the State representative shall draw up, update and keep the list of senatorial electors within his area of jurisdiction.

CHAPTER V REGIONAL SUPERVISORY COMMISSIONS

Section 13:

(1) A regional supervisory commission responsible for ensuring the regularity, impartiality and objectivity of senatorial elections shall be set up in each region.

(2) To that end, the regional supervisory commission shall:

- control the drawing up and updating of registers of electors for senatorial elections;
- control and distribute electors' cards;
- hear and determine all claims or objections concerning electoral registers and cards and order an necessary corrections;
- centralize and verify the vote counting operations conducted by local election commissions.

(3) The proceeding of the regional supervisory commission shall be minuted in a report signed by the members present. This report shall be forwarded to the National Vote Counting Commission, accompanied by the reports and documents from local election commissions.

A copy of the said report shall be forwarded to the State representative in the region for onward transmission to the Minister in charge of territorial administration. Other copies shall be submitted to the representative of each list of candidates.

Section 14:

(1) The regional supervisory commission shall comprise:

Chairperson: President of the Court of Appeal of the area;

Members:

- 2 (two) independent personalities designated by the State representative in the region, in consultation with the legalized political parties present in the region concerned;
- 2 (two) representatives of the administration designated by the State representative in the region;

- a representative of each legalized political party participating in elections in the region concerned.

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

CHAPTER VI ELECTORAL REGISTERS

Section 15:

(1) In each region, a list of senatorial electors comprising regional and municipal councillors shall be drawn up.

(2) The form of the list shall be determined by order of the State representative in the region.

(3) The list shall feature in alphabetical order, each elector's full name, date and place of birth, type of elective office, profession and domicile or place of residence.

Section 16:

(1) On publication of the decree convening the Electoral College, the list of senatorial electors shall be updated by the State representative in the region, in close collaboration with the legalized political parties present within his administrative constituency.

(2) The updated list of senatorial electors shall, where applicable, show the additions and deletions resulting notably from death, deprivation of voting rights, by-elections and various cases of ineligibility and disqualification for membership as provided by law.

(3) The updated list of senatorial electors shall be drawn up and finalizing by the State representative in the region, at least 15 (fifteen) days before the voting date. It shall be published and may be copied or notified to any person on request

CHAPTER VII REGISTRATION CARDS

Section 17:

(1) Senatorial electors shall each receive a special registration card which must feature his full name, date and place of birth, type of elective office, filiation, profession, domicile or place of residence.

(2) The abovementioned special registration cards shall be used only during senatorial elections.

Section 18:

(1) Registration cards shall be distributed, under the supervision of the commission referred to in section 13 of this law, within the 15 (fifteen) days preceding the elections.

(2) Cards not delivered to their legal holders shall be left at the polling stations where such holders are registered. They shall remain at disposal of the persons concerned until the close of the poll.

**CHAPTER VIII
POLLING STATIONS**

Section 19: Voting shall be conducted in the headquarters of each division.

Section 20: On the proposal of the State representative, the Minister in charge of territorial administration shall issue an order to fix for each region, the list of polling stations as well as the distribution of electors within the said stations.

Section 21: The table of the list of polling stations and of the distribution of senatorial electors shall be posted at the headquarters of administrative constituencies at least 5 (five) days before the voting.

Section 22: The practical organization of polling stations shall be fixed by order of the Minister in charge of territorial administration. Polling booths shall be placed at the disposal of voters as well as envelopes to ensure secrecy of the vote.

**CHAPTER IX
ELECTORAL DISPUTES AND PROCLAMATION OF RESULTS**

Section 23:

(1) The Constitutional Council shall ensure the regularity of the election of senators and transparency in polling.

(2) It shall examine and give final ruling in all claims and disputes.

(3) In the event of dispute in the regularity of the election of senators, the matter shall be brought before the Constitutional Council by any candidate, political party which

participated in the election in the constituency concerned and any person having the status of government representative for the election.

Section 24: The constitutional council shall proclaim the results of the election of senators within a period of 15 (fifteen) days following the close of the poll.

CHAPTER X MISCELLANEOUS, TRANSITIONAL, AND FINAL PROVISIONS

Section 25: Where the Senate is put in place before Regions, the Electoral College for senatorial elections shall exclusively comprise municipal councillors.

Section 26: Decrees to lay down the conditions for implementing this law shall be issued as when necessary.

Section 27: 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.