

REPUBLIC OF CAMEROON

PEACE – WORK – FATHERLAND

LAW No. 2006/011 OF 29 DEC 2006

TO SET UP AND LAY DOWN THE ORGANIZATION AND  
FUNCTIONING OF ELECTIONS CAMEROON (ELECAM)

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

## PART I

### GENERAL PROVISIONS

**Section 1.** (1) This law sets up and organizes an elections management organ hereinafter referred to as Elections Cameroon, abbreviated ELECAM.

(2) Elections Cameroon shall be an independent body responsible for the organization, management and supervision of all election operations and referendums.

(3) Elections Cameroon shall perform its duties in keeping with the Constitution and rules and regulations in force.

(4) Elections Cameroon shall be a moral entity with managerial autonomy.

(5) The Head Office of Elections Cameroon shall be in Yaoundé.

**Section 2.** (1) Members of Elections Cameroon shall refrain from acts that may undermine the independence and dignity of their duties. They shall specifically, during their tenure, exercise their powers strictly for the purpose of their mandate.

(2) Members of Election Cameroon shall, under no circumstances, seek or receive instructions or orders from a public or private authority during the performance of their duties.

**Section 3.** (1) Members of Elections Cameroon may not be prosecuted, investigated, arrested, detained or tried for their views and actions in the performance of their duties.

(2) Save in cases of *flagrante delicto* or violation of the Constitution and law, members of Elections Cameroon shall not be prosecuted during their tenure.

## PART II DUTIES

**Section 4.** (1) Elections Cameroon shall organize, manage and supervise elections and referendums

(2) In this respect, Elections Cameroon shall be vested with the requisite powers to perform its duties.

### PART III ORGANIZATION AND FUNCTIONING

**Section 5.** Elections Cameroon shall perform its duties through the following organs.

- the Electoral Board (EB);
- the General Directorate of Elections (GDE).

### CHAPTER I THE ELECTORAL BOARD

#### I – DUTIES

Sec \_\_\_\_\_ The Electoral Board shall ensure compliance with the electoral law of all stakeholders for the purpose of guaranteeing regular, impartial, free, fair, transparent and credible polls.

(2) In this respect, the Electoral Board shall:

- effect scrutinies and controls as may be appropriate during election and non-election years;
- scrutinize candidacies and publish the final list or lists of candidates contesting presidential, legislative, senatorial, regional and municipal elections;
- publish presidential, legislative and senatorial election trends;
- forward election reports to the Constitutional Council or bodies provided for by the law;
- ensure the timely publication and notification of the list of members of polling stations to the appropriate persons outlined in the electoral law, notably representatives of lists of candidates or candidates;
- control the preparation of election material and election documents within the deadlines fixed by law;
- examine claims and petitions regarding pre-election and election operations, subject to the jurisdiction of the Constitutional Council and appropriate courts or administrative services;

order the correction of errors ascertained upon consideration of claims or petitions filed in respect of elections or referendums.

Section 7. Within the framework of its missions, the Electoral Board shall:

- adopt the by-laws of Elections Cameroon;
  - submit reports and/or proposals to the appropriate authorities on issues that fall within their competence;
  - examine and approve draft budgets prepared by the Director General;
  - approve the action programme prepared by the Director General;
  - approve progress reports drawn up by the Director General;
  - make recommendations or suggestions on any draft bill relating to elections submitted to it;
- determine the organization and functioning of branches;  
hold consultations with the Administration, political parties and civil society for the purpose of managing the electoral process.

## II – COMPOSITION AND TENURE

Section 8. (1) The Electoral Board shall comprise twelve (12) members, including a Chairperson and one (1) Vice-Chairperson.

(2) Members of the Electoral Board shall be designated from the midst of independent personalities of Cameroonian nationality, reputed for their stature, moral uprightness, intellectual honesty, patriotism, neutrality and impartiality.

(3) The Chairperson, Vice-Chairperson and Members of the Electoral Board shall be appointed by decree of the President of the Republic upon consultation with political parties represented in the National Assembly and civil society

(4) The Chairperson and Vice-Chairperson of Elections Cameroon shall be the Chairperson and Vice-Chairperson of the Electoral Board.

(5) The mandate of members of the Electoral Board shall be four (4) years, renewable as appropriate

(6) Before taking office, members of the Electoral Board shall take the following oath before the Constitutional Council: *“I swear to fully and faithfully discharge my duties and to exercise my office without fear or favour in accordance with the Constitution and laws in force, to ensure the confidentiality*

*of proceedings and votes, to abstain from taking public positions and to decline any consultation on matters falling under the purview of Elections Cameroon."*

(7) They shall be bound to declare their property and assets.

**Section 9.** (1) The mandate of a member of the Electoral Board shall expire in one of the following cases:

- non-renewal of the mandate;
- resignation;
- death.

(2) The resignation referred to in sub-section (1) above shall be duly established by Elections Cameroon. In this case, the member whose resignation has been established shall be replaced by decree of the President of the Republic, upon consultation with the Chairperson of the Electoral Board. The member appointed shall serve the incumbent's remainder term. He shall take the oath as set out in Section 8 (6) above.

**Section 10.** (1) The temporary incapacitation of a member shall be established by Elections Cameroon. Where such incapacity exceeds six (6) months, the duties of such member shall be terminated by decree of the President of the Republic.

(2) The member appointed to replace the incapacitated member shall serve the incumbent's remainder term. He shall take the oath as set out in Section 8 (6) above.

**Section 11.** The mandate of members of the Electoral Board may be terminated in the following cases:

- physical incapacity duly established by Elections Cameroon;
- serious misconduct, duly ascertained by Elections Cameroon, notably the breach of oath;
- penalty imposed for a felony (life or fixed-term imprisonment coupled with banishment and civic disqualification).

**Section 12.** A member whose mandate comes to an end, pursuant to the provisions of Sections 9, 10 and 11 above, shall not be candidate for any election organized by Elections Cameroon immediately following the end of such mandate.

### III – CONFLICT OF INTERESTS

**Section 13.** The duties of Chairperson, Vice-Chairperson and member of the Electoral Board shall be incompatible with those of:

- Member of Government and persons ranking as such;
- Member of the Constitutional Council;
- active Magistrate;
- Secretary-General of a Ministry and persons ranking as such;
- General Manager of a public establishment, public and semi-public Enterprise;
- Director in the central administration and persons ranking as such;
- person with a running mandate in national, regional or local body;
- Governor, Senior Divisional Officer and Assistant Senior Divisional Officer, Divisional Officer and Assistant Divisional Officer, Head of District in office;
- Traditional ruler;
- official and personnel of the forces of law and order in active service;
- person disqualified or ineligible for elections;
- Candidates contesting elections supervised by Elections Cameroon;
- Member of a political party or support group of a political party, list of candidates or candidate

### IV-FUNCTIONING

**Section 14.** The Electoral Board shall hold 4 (four) ordinary sessions each year when convened by its Chairperson. However, when the need arises or at the request of 2/3 (two-thirds) of its members, the Board shall meet in extraordinary session.

Section 15. (1) During an election period, the Electoral Board shall meet as often as necessary.

(2) The Electoral Board shall meet at least every fortnight upon the convening of the electorate.

Section 16. Meetings of the Electoral Board shall be convened by the Chairperson, and where the latter is unavailable, by the Vice-Chairperson.

Section 17. (1) Decisions of the Electoral Board shall be taken by consensus. In the absence of such consensus, decisions shall be taken by a simple majority of members present. In the event of a tie, the Chairperson shall have the casting vote.

(2) The quorum shall be formed by 2/3 (two-thirds) of members.

(3) Proceedings of the Electoral Board shall be recorded in a report signed by the Chairperson and Rapporteur.

(4) The secretarial services of meetings of the Electoral Board shall be provided by the General Directorate of Elections.

## CHAPTER II

### THE GENERAL DIRECTORATE OF ELECTIONS

Section 18. The General Directorate of Elections shall be responsible for the organization and management of the poll under the supervision of the Electoral Board.

Section 19. The General Directorate of Elections shall be placed under the authority of a Director General, assisted by a Deputy Director General, as appropriate.

#### I – APPOINTMENT

Section 20. (1) The Director General and Deputy Director General shall be appointed by decree of the President of the Republic for a mandate of five (5) years, renewable as appropriate upon consultation with the Electoral Board.

(2) In the event of vacancy of the office of Director General or Deputy Director General, he/she shall be replaced in accordance with the provisions of Section 20 (1) above, to serve for the remainder of the mandate.

**Section 21.** The duties of Director General or Deputy Director General shall expire in the following cases:

- non-renewal of the mandate;
- resignation;
- death.

(2) The mandate of the Director General or Deputy Director General may be terminated in the following cases:

- physical incapacity duly established by the Electoral Board;
- serious misconduct, duly established by the Electoral Board;
- penalty imposed for a felony (life or fixed-term imprisonment coupled with banishment and civic disqualification).

## II – DUTIES

**Section 22. (1)** The Director General shall be responsible for all election operations and referendums under the supervision and control of the Electoral Board, such as:

- drawing up, managing, updating and keeping the national voters' register as well as election documents and materials;
- procuring and distributing election materials and documents;
- drawing up and publishing voters' lists;
- issuing and distributing voter' cards
- organizing and supervising the training of electoral personnel;
- preparing the annual draft budget of Elections Cameroon and draft Elections budgets;
- implementing the budget of Elections Cameroon and elections budget;



- managing sundry resources and equipment put at his disposal;
- receiving and submitting to the Electoral Board candidacies for presidential, legislative, senatorial, regional and municipal elections;
- distributing, within the statutory time-limit, samples of ballot papers to candidates or political parties contesting the elections in view of campaigning;
- coordinating the work of observers accredited by the appropriate national authorities;
- organizing polling stations and appointing officers to the said polling stations;
- reporting to the relevant authorities any threats to public order in the polling stations;
- coordinating all bodies responsible for election operations;
- transporting election reports and other documents from polling stations to the head office of Elections Cameroon;
- forwarding election reports to the Electoral Board for the publication of election-trends.

(2) In this respect, the Director General shall be vested with all powers necessary for the performance of his duties.

(3) He shall submit a progress report to the Electoral Board at least once every six months.

(4) After every election, the Director General shall be responsible for centralizing and keeping all election documents and materials. He shall draw up the final report on the conduct of the poll.

**Section 23.** (1) The Director General of Elections shall be responsible for the administration of Elections Cameroon.

(2) He shall attend Electoral Board meetings in an advisory capacity.

(3) The Director General shall represent Elections Cameroon within the framework of his duties and may appear in judicial proceedings.

(4) The Director General shall serve as secretary during Electoral Board meetings.

(5) The Deputy Director General shall perform such duties and carry out such missions as shall be entrusted to him by the Director General within the framework of the administration of Elections Cameroon.

### III – SUPPORT BODIES

Section 24. (1) The General Directorate of Elections shall comprise support bodies.

(2) The organization and functioning of support bodies referred to under Section 24 (1) above shall be laid down by the Electoral Board.

(3) Heads of support bodies shall be appointed by the Director General of Elections.

### IV- STAFF

Section 25. (1) The Director General shall recruit staff on behalf of Elections Cameroon, in keeping with the laws and regulations in force.

He may also request the secondment of civil servants or transfer of government contract workers and State employees.

(3) Staff of Elections Cameroon shall be bound by the in-house staff rules adopted by the Electoral Board in keeping with the laws and regulations in force.

(4) Throughout their employment, civil servants, contract workers or State employees on secondment or appointment, shall be bound by labour laws subject to the General Rules and Regulations of the Public Service in respect of retirement, increment and end of secondment.

(5) During the election period, the Director General of Elections may hire temporary staff to perform specific duties.

### CHAPTER III BRANCHES

Section -26. (1) Elections Cameroon shall have branches at provincial, divisional and council levels.

- (2) The organization and functioning of branches shall be laid down by the Electoral Board
- (3) Officers of the branches shall be appointed by the Director General of Elections upon the approval of the Electoral Board.

#### PART IV FINANCIAL PROVISIONS

Section 27. The resources of Elections Cameroon shall be public funds managed in compliance with public accounting rules.

Section 28. Elections Cameroon shall have an annual budget and an elections budget in an election year.

Section 29. The Director General shall be the authorizing officer of the Elections Cameroon budget.

Section 30. The draft annual budget of Elections Cameroon as well as the draft elections budget shall be prepared by the Director General of Elections and approved by the Electoral Board. The Chairperson of the Electoral Board shall submit the said draft budgets to Government for consideration and tabling before Parliament for adoption as part of the Finance Law.

Section 31. (1) Upon adoption of the State budget by Parliament, the Minister in charge of finance shall disburse funds to Elections Cameroon as priority State expenditure as set out in the appropriations of the Finance Law.

(2) Where elections are held in a non-election year, the State shall take appropriate measures to allocate requisite resources to Elections Cameroon for the organization of the elections.

Section 32. The Minister in charge of finance shall appoint a Treasury Accounting Officer to Elections Cameroon.

Section 33. An auditor shall be appointed to Elections Cameroon by the Minister in charge of finance for a mandate of three (3) years, renewable once.

Section 34. The administrative accounts and management accounts of Elections Cameroon shall be submitted annually to the Minister in charge of finance and to the Audit Bench of the Supreme Court

Section 35. The accounts of Elections Cameroon shall be audited annually by the relevant State services.

## PART V MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

Section 36. A decree of the President of the Republic shall lay down the protocol ranks and privileges of the Chairperson and Vice-Chairperson of the Electoral Board, members of the Electoral Board, as well as the Director General and Deputy Director General of Elections.

Section 37. (1) The Chairperson and Vice-Chairperson of the Electoral Board shall be entitled to monthly remuneration and benefits in kind.

(2) Members of the Electoral Board shall be entitled to session allowance during meetings of the Electoral Board and refunded all expenses incurred in respect of such meetings upon production of supporting documents.

(3) Allowances and mission allowances shall be granted to members of the Electoral Board.

(4) The monthly remuneration, session allowances, allowances and mission allowances referred to in sub sections 1, 2 and 3 above shall be determined by decree of the President of the Republic.

Section 38. The Director General and Deputy Director General of Elections shall each be entitled to monthly remuneration and statutory benefits whose nature and amount shall be determined by decree of the President of the Republic.

Section 39 The rules of procedure and *modus operandi* of Elections Cameroon shall be laid down by the by-laws

Section 40. (1) Elections Cameroon shall receive any collaboration and assistance requested from government services for the performance of its statutory duties.

(2) The Minister in charge of territorial administration shall ensure permanent liaison between government and Elections Cameroon. In this respect, the latter shall submit copies of minutes and progress reports to him.

Section 41. Where Elections Cameroon is duly established as incompetent by the Constitutional Council, the President of the Republic shall, under Article 5 of the Constitution, take the requisite corrective measures.

Section 42. (1) All previous provisions repugnant hereto are repealed and shall so remain.

(2) The electoral duties of relevant State bodies shall be transferred to Elections Cameroon, under the supervision of the President of the Republic.

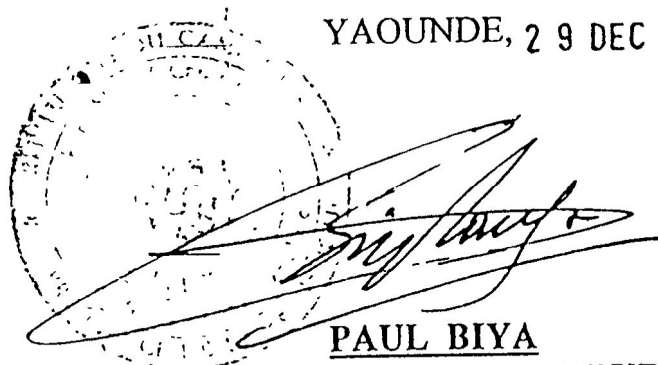
(3) As and until Elections Cameroon is effectively put in place, over a period which should not exceed 18 (eighteen) months, the National Elections Observatory (NEO) and other relevant electoral State bodies shall continue to carry out their respective electoral duties.

(4) A decree of the President of the Republic shall duly ascertain that Elections Cameroon has been effectively put in place.

Section 43. Separate instruments by the President of the Republic shall lay down, as and when necessary, conditions for the implementation of this law.

Section 44. This law shall be registered, published according to the procedure of urgency and inserted in the *Official Gazette* in English and French.

YAOUNDE, 29 DEC 2006



PAUL BIYA  
PRESIDENT OF THE REPUBLIC