

PRACTICAL GUIDE FOR CANDIDATES IN CAMEROON'S PARLIAMENTARY ELECTIONS



Imprint

Publication

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This publication was made possible with the financial support of the European Union through the project "Strengthening civil society participation in the democratic system and the electoral process in Cameroon," with its logo "Together for Cameroon," and implemented by the Friedrich Ebert Stiftung and Un Monde Avenir. Its content is the sole responsibility of the Friedrich Ebert Foundation and does not necessarily reflect the views of the European Union.

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February 2026

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According to Constitutional Law No. 96/06 of 18 January 1996 revising the Constitution of 2 June 1972, amended and supplemented by Law No. 2008/001 of 14 April 2008, Cameroon has a bicameral parliament: a house of senators, the Senate, and a house of Members of Parliament (MPs), the National Assembly. The National Assembly comprises 180 members elected by direct universal suffrage and secret ballot. Their term of office is five (05) years, renewable. Elections are held by a single round of voting. Parliamentary elections are those in which citizens elect MPs. Candidates for parliamentary elections are individuals who seek the votes of citizens registered on the electoral register.

This guide, as its name suggests, is an educational tool that aims to provide a framework enabling aspiring Members of Parliament to understand the election process, including the scope of their responsibilities. The duties of a Member of Parliament also demand that they uphold high ethical standards.

Firstly, it is worth noting that since the 1990s, Cameroon has embarked on a vast democratisation process which, like all states around the world, requires it to take young people and women into account in the electoral process. Indeed, legislative elections provide an opportunity to promote the participation of women and young people in democratic governance and to broaden the democratic space for marginalised groups in the management of the country's political life. However, the participation of women and young people is still considered a major challenge. Women and girls represent 52% of the population, according to statistics from the national institute. It is also estimated that young people under the age of 35 represent 65% or more of the total population. Yet only 33.5% (61/180) of members of parliament in Cameroon (Germaine Bienvenue NOUKIO: 2020) are women, a significant percentage, but still insufficient compared to the percentage of women in the Cameroonian population. The turnout rate among young people in parliamentary elections is also very low and does not reflect their demographic weight. Clearly, the participation of women and young people in public affairs remains a challenge, especially since the State of Cameroon is a party to various international conventions on women's rights, in particular the Convention on the Elimination of All Forms of Discrimination against Women of 1979, ratified on 23 August 1994; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of 11 July 2003, ratified in May 2009; and the African Youth Charter (2006), ratified on 11 January 2011. This guide could also be considered a tool for raising awareness and training women and young people on the role they can play as participants and candidates in local elections.

Secondly, Members of Parliament are called upon to vote on laws that regulate society. Consequently, this responsibility requires them to scrupulously respect ethical principles. Indeed, MPs must discharge their duties with dignity, as ethics require them to defend democracy and human rights, act in the public interest, ensure public integrity and avoid conflicts of



*Being a Member of Parliament entails a strong ethical responsibility: acting in the public interest, defending democracy and representing **all citizens without distinction.***

interest, perform their public duties in a professional and transparent manner, and promote diversity and political pluralism. During their terms of office, members of parliament must refrain from resorting to violence, threats or intimidation to achieve political objectives. They have a duty to ensure the effective implementation of international standards and commitments on democracy and human rights, to work to strengthen the quality of democracy, to protect and promote the ability of civil society organisations and the media to function openly and freely, defend and protect the institutional powers and prerogatives of the legislature, as defined in the Constitution and in constitutional legislation. Among other things, they must ensure that the Parliament's budget takes into account the concerns of the poorest population segments and that resources are distributed equitably. They must contribute to effective governance through oversight, legislation and representation, and they must devote all their energy, efforts and diligence to their role and all related tasks, as they represent all citizens irrespective of racial, ethnic, linguistic, gender, religious affiliation or minority status.

PRESENTATION OF THE INSTITUTION

A large, bold, blue number '31' is positioned on the right side of the page, partially overlapping the text 'PRESENTATION OF THE INSTITUTION'.

The presentation of the lower house of the Cameroonian parliament, the National Assembly, comprises a definition of the term 'National Assembly' **(A)** as well as a description of the guarantees of the mandate of Members of Parliament **(B)** and of the Bureau of the National Assembly **(C)**.

A. THE NATIONAL ASSEMBLY

The National Assembly (National Assembly (NA) is also known as the lower house of parliament, as opposed to the Senate, which is the upper house. In Parliament, the National Assembly fulfils several functions:

→ **A representative function**

Members of Parliament are elected representatives of the nation. As such, they represent the interests of Cameroonian citizens in the National Assembly.

→ **A legislative function**

The Constitution recognises the National Assembly's specific powers in legislative matters. In this sense, the National Assembly can initiate laws and vote on bills (from the government or from the Assembly's members).

→ **A supervisory function**

The National Assembly performs both permanent and exceptional supervisory functions.

- The National Assembly exercises **permanent oversight** through the establishment of committees and by holding public sittings during which parliamentary questions are asked. The standing committees oversee two things: the application of laws and the budget. In the latter case, the committees oversee the implementation of the finance law, approved by Parliament (i.e. by the National Assembly), as well as the appended documents indicating the amount allocated to each of the objectives achieved by one or more government programmes.

A parliamentary question is a request for information or clarification. Cameroonian legislation provides for two categories of requests for information from members of the government: oral and written questions. The government is required to provide oral answers to oral questions and written answers to written questions from Members of Parliament.

- Members of Parliament exercise **exceptional oversight** through the possibility of setting up parliamentary committees of inquiry and through taking into account the opinions of the people. A parliamentary committee of inquiry is a committee set up within the National Assembly, whose mission is to gather information, either on specific services or on the management of public services or national companies, with a view to submitting its conclusions to the body that created it. The committee has extensive investigative powers. In this regard, it may exercise the right to subpoena individuals, whereby any person deemed relevant to the inquiry by a commission of inquiry is required to comply with the summons issued

to them. That person is then heard under oath and is required to testify, i.e. to answer the questions put to them.

- With regard to **control by public opinion**, any citizen may send a letter signed by one or more persons expressing an opinion, a request, a complaint, a protest or a wish to the parliamentary assemblies. This is known as a 'petition'. The Standing Orders of the National Assembly consider petitions to be a means of oversight. The signatories of a petition may be members of an association or civil society organisation. Petitions must be of general interest or they will be deemed inadmissible. They are addressed to the President of the National Assembly. These petitions may be submitted to the office of the National Assembly by regular mail or electronically. Petitions deemed admissible by the National Assembly are entered in a general register in the order in which they are received. They are referred by the President of the National Assembly to the relevant committee, known as the Resolution and Petitions Committee, which decides whether to take them into consideration, refer them to a member of the government or another general or special committee of the National Assembly, or dismiss them.

The National Assembly is fully renewed every five (5) years (see Section 148 (3) of the Electoral Code). It is composed of one hundred and eighty (180) elected members known as Members of Parliament (see Section 150 (1) of the Electoral Code) and has been since 1988. Elections are held no later than **forty (40) days** before the expiry of the Members' term of office. The Members' term of office begins on the day of the opening of the ordinary session following the election. The National Assembly meets in ordinary session on the second Tuesday following the proclamation of the results of the Members of Parliament's election by the Constitutional Council.

Section 149 (1) of the Electoral Code defines the division as the basic unit of the electoral constituency. Sub-section (2) of the same section adds a restriction, specifying: *'However, certain electoral constituencies could be subject to special redistricting measures on the ground of their peculiar situation by a decree of the President of the Republic.'* The National Assembly of Cameroon is headquartered in Yaoundé, the seat of the country's institutions.

It should be noted that in Cameroon, each division constitutes an electoral constituency for parliamentary elections, and the number of seats per division is set as follows, pursuant to Decree No. 2013/222 of 3 July 2013 signed by the President of the Republic:

Region	Division	Number of seats
Adamawa	Djerem	1
	Faro et Deo	1
	Mayo Banyo	2
	Mbéré	3
	Vina	3
Centre	Haute Sanaga	2
	Lékié	5
	Mbam et Kim	1
	Mbam et Inoubou	3
	Mefou et Afamba	2
	Mefou et Akono	1
	Mfoundi	7
	Nyong et Kellé	3
	Nyong et Mfoumou	2
	Nyong et So'ó	2
East	Boumba et Ngoko	2
	Haut Nyong	3
	Kadey	3
	Lom et Djerem	3
Far North	Diamaré	5
	Mayo Kani	5
	Logone et Chari	4
	Mayo Danaï	5
	Mayo Sava	4
	Mayo Tsanaga	6
Littoral	Moungo	6
	Nkam	1
	Sanaga Maritime	3
	Wouri	9
North	Bénoué	4
	Faro	1
	Mayo Louti	4
	Mayo Rey	3

North-West	Boyo	2
	Bui	4
	Donga-Mantung	4
	Menchum	2
	Mezam	3
	Ngo-ketunja	2
	Momo	3
West	Hauts-Plateaux	2
	Bamboutos	4
	Haut Nkam	3
	Menoua	5
	Mifi	2
	Ndé	2
	Noun	5
Koung-Khi	2	
South	Mvila	3
	Dja et Lobo	5
	Océan	2
	Vallée du Ntem	1
South-West	Lebialem	1
	Fako	4
	Manyu	3
	Meme	2
	Ndian	3
	Koupé Manengouba	2

B. GUARANTEES OF THE MANDATE OF MEMBERS OF PARLIAMENT

Law No. 2014/016 of 9 September 2014 laying down the Standing Orders of National Assembly stipulates that members of this house shall bear the title of ‘Member of Parliament’.

In accordance with Law No. 2012/001 of 19 April 2012 on the Electoral Code, amended and supplemented by Law No. 2012/017 of 21 December 2012 laying down the conditions for the election of members of the National Assembly, and pursuant to Section 148(1) of the said law, Members of Parliament are elected for a five (05) year term by universal suffrage in a direct

and secret ballot. They may be eligible for re-election as many times as they fulfil all the necessary requirements, as the Cameroonian legislature has not limited the number of terms that Members of Parliament may serve. In general, the renewal of terms of office ensures the stability of the parliamentary institution. The law allows parliamentarians to return and seek a new mandate from the actual holder of power. In a republic, the people are the sole holders of political power, which they delegate to representatives who are then considered to be the ones exercising power. The term of office is the period during which this representative of the nation exercises his or her functions. Once elected, a Member of Parliament cannot be dismissed from office by a political party under Article 15(3) of the Constitution of Cameroon, which states that 'any imposed mandate shall be null and void'. The prohibition of imposed mandates, designed as a means for the people to sanction a Member of Parliament at any time, ensures that the people are the ultimate arbiters when it comes to renewing mandates. Nevertheless, the normal mandate period as set by the law may be interrupted during the legislative term owing to a number of incidents or accidents. Indeed, this may be either a provoked or an imposed change. Firstly, the change may be linked to an unexpected legal amendment (constitutional or legislative) or to the dissolution of the National Assembly by the President of the Republic. Secondly, the interruption of a term of office may be due to an accident, such as the death of the incumbent Member of Parliament.

The term of office of Members of Parliament begins on the second Tuesday following the proclamation of the results of the election of Members of Parliament by the Constitutional Council. The legal title of Member of Parliament is conferred by the proclamation of the election results by the Constitutional Council, but Members of Parliament do not take office until the second Tuesday following this proclamation. It is from this date that the extraordinary session begins in full force and effect. At the inaugural sitting, the Eldest Member of the National Assembly reads out the minutes of the proclamation of the parliamentary election results and the names of the candidates declared to have been elected as Members of Parliament, as transmitted by the Constitutional Council.

Following their election, Members of Parliament must be afforded a number of legal safeguards to enable them to exercise their parliamentary mandate independently, protecting them from all forms of political, economic and social pressure, including from their own electoral base.

They must be free to exercise the mandate entrusted to them by the people. The issue of parliamentary immunities is discussed below.

1. Parliamentary immunities

The parliamentary mandate is protected both in terms of its independence (irresponsibility) and with regard to any obstacles that may be placed in the way of its exercise (inviolability). These functional and personal protections are instituted not in the interest of the parliamentarian, but in the interest of the mandate, and are therefore general in nature. It should also be remembered that, according to the principle of the separation of powers, parliamentarians can only fully exercise their mandate if they are independent of both the executive and the judiciary. Two components will be discussed: irresponsibility **(a)** and inviolability **(b)**.

a. Parliamentary irresponsibility :

Irresponsibility protects Members of Parliament in the exercise of their mandate. It covers them for acts performed in the course of their mandate. It is a measure designed to protect the function and independence of the mandate. In other words, it guarantees the principle of separation of powers. Members of Parliament cannot be prosecuted, investigated, arrested, detained or tried for opinions or votes cast in the performance of their duties. It should therefore be noted that this criminal protection does not specifically concern the individual, but rather the office. Moreover, it only covers the exercise of the function.

b. Parliamentary inviolability:

The parliamentary mandate is protected here through the person of the parliamentarian. Inviolability protects Members of Parliament in criminal or correctional matters against any arrest or other measure that deprives them of or restricts their liberty, unless otherwise authorised by the Bureau of the National Assembly. It is perceived here as a kind of procedural immunity that protects parliamentarians as individuals against abusive or vexatious criminal proceedings brought against them for acts unrelated to the exercise of their mandate.

This authorisation is not required in the case of a flagrant crime or offence or a final conviction. Prosecution, detention or measures depriving or restricting liberty taken against a Member of Parliament may always be suspended for the duration of the session if the National Assembly so requests by a vote. On the other hand, no special authorisation is required to initiate proceedings against a Member of Parliament, provided that such proceedings do not involve measures that deprive or restrict their liberty.

Members of Parliament also indirectly enjoy protection of their homes or work premises (parliamentary offices) as they carry out their duties. They cannot therefore be subjected to any searches whatsoever without express authorisation.

Beyond protecting the parliamentary office, it should be noted that this inviolability is also consistent with the principle of the separation of powers, ensuring the independence of the legislative branch from the other branches. However, the principle of immunity is not absolute, as it is subject to certain limitations.

C. THE BUREAU OF THE NATIONAL ASSEMBLY

The National Assembly operates thanks to its bureau, which is elected at the beginning of each legislative year, more specifically during the March–April session. The permanent bureau of the National Assembly is elected for one year. It is eligible for re-election and has full powers to preside over the deliberations of the National Assembly, as well as to organise all of its services. It represents the National Assembly in all public ceremonies. The Bureau of the National Assembly is composed of:

1. The Bureaus of the National Assembly

The Bureaus of the National Assembly consist of the Provisional Bureau **(a)** and the Permanent Bureau **(b)**.

a. The Provisional Bureau:

- **Composition**

- The Eldest Member of Parliament ;
- The two youngest Members of Parliament.

This interim bureau ('**Bureau d'âge**', in French) , is formed at the beginning of each legislative period and on the opening day of the statutory ordinary session of the legislative year.

- **Powers**

- The Provisional Bureau has powers that enable the National Assembly to commence its activities before a definitive entity is put in place.
- At the opening of the ordinary session, the Eldest Member is tasked with reading out the results of the parliamentary elections and the names of the elected members, in accordance with the results transmitted by the Constitutional Council.
- The Eldest Member also verifies and informs the National Assembly that the required quorum for holding this session has been reached. The election of the Permanent Bureau is coordinated by the Eldest Member, who appoints the scrutineers, proclaims the results and installs the President-elect in his seat as President of the National Assembly.
- The Provisional Bureau presides over the annual elections of the members of the Bureau of the National Assembly.

b. The Permanent Bureau:

This Bureau must be put in place at the beginning of each legislative period, i.e. every year in March and before any deliberations take place. The composition and powers of the members of the National Assembly are specified in the Constitution of 18 January 1996 and the Standing Orders of the National Assembly. It comprises:

- **A President**

The President of the National Assembly is elected through a uninominal ballot, i.e. one name on each ballot paper, by absolute majority of valid votes cast. Failure to obtain an absolute majority in the first ballot leads to a second round of voting, for which a relative majority is sufficient.

The Standing Orders of the National Assembly stipulate that the President :

- chairs the Bureau and the Chairmen's Conference ;
- manages the finances of the National Assembly and is the Assembly's budget authorising officer ;
- presides the debates in plenary sessions and ensures order during deliberations ;

- may have outsiders who disturb the order within the National Assembly arrested or expelled.

- **A Senior Vice-President**

He is also elected through a uninominal ballot. In the event of the President's absence or incapacity, he performs the President's duties. He is, so to speak, the President's first deputy in the event of his incapacity. .

- **Five Vice-Presidents**

They deputise for the President in the event of his absence or incapacity. They are elected by list voting. In order of precedence established by the Bureau of the National Assembly, they may deputise for the President in the exercise of his duties.

- **The Secretary-General of the National Assembly**

He is an *ex officio* member of the Permanent Bureau. He is appointed by order of the Bureau. In this capacity, he :

- ensures the preparation and practical management of the activities of the National Assembly ;
- administratively manages the members, staff and assets of the National Assembly ;
- prepares the draft budget of the National Assembly, in consultation with the Questors. He must *'also manage this budget'* ;
- investigates matters for which the Bureau and the President of the National Assembly are responsible and monitors the National Assembly's interparliamentary and international relations ;
- is assisted in his duties by two Deputy Secretaries-General.

- **Twelve Secretaries**

Elected by list voting, the Secretaries of the National Assembly:

- ensure that the minutes are drafted and read out upon request ;
- register Members who ask for the floor ; supervise the voting process and count the votes.

- **Four Questors:**

Under the general authority of the Bureau, they are responsible for evaluating, auditing and controlling the services of the National Assembly in accordance with the procedures laid down by the Bureau. In short, they are responsible for overseeing the administrative and financial services of the National Assembly.

2. Committee bureaus (chair, vice-chair, rapporteurs)

Committees are *"bodies set up in each House, generally composed of a limited number of its members, chosen on the basis of their presumed competence, and responsible in principle for preparing its work normally, by presenting a report"*.

→ Les commissions

- The permanent general committees;

- The Joint Committee;
- Special committees;
- Committees of enquiry.

→ Roles

Established each year after the election of the Senate's Bureau, the committees are generally responsible for preparing and facilitating parliamentary work in the adoption of laws, monitoring government action and investigating matters within their remit.

The members of the Committee Bureau are:

- The Chairperson;
- The Vice-Chairperson;
- The Secretaries.

N.B : There are nine permanent committees of the National Assembly, namely :

- Committee on Finance and the Budget ;
- Committee on Constitutional Laws, Human Rights and Freedoms, Justice, Legislation and Standing Orders and Administration ;
- Foreign Affairs Committee ;
- Committee on National Defence and Security ;
- Committee on Economic Affairs, Planning and Regional Development ;
- Committee on Education, Vocational Training and Youths ;
- Committee on Cultural, Social and Family Affairs ;
- Committee on Production and Trade ;
- Committee on Resolutions and Petitions.

3. The bureaus of the Parliamentary Groups (chairperson, vice-chairperson, rapporteurs)

A Parliamentary Group is a political group formed, in accordance with the law, by bringing together members who share the same political views, or groups bringing together members of the same political party or with the same political affinities, and which roughly reflect the representation of the parties in the National Assembly. The minimum number of **members required is 15 per group**.

Members who do not belong to any group may join a group of their choice, subject to the consent of the bureau of that group, in order to be included on its electoral list.

Groups are formed after submitting a list of their members and MPs allied to them, as well as a joint public declaration signed by them to serve as a political action programme, to the Eldest Member or to the President of the National Assembly. No Member of the National Assembly may belong to more than one group. Allied Members are taken into consideration when calculating the number of seats to be allocated to groups in the various committees of the National Assembly provided for in the Standing Orders.

Members belonging to the same parliamentary group are led by a Chairperson, in accordance with Section 15 of the 1989 Law. The Chairperson of the parliamentary group is assisted by a Vice-Chairperson who replaces the Chairperson in the event of absence or incapacity.

The Parliamentary Group's Bureau in the National Assembly also has two (2) Secretaries and one (1) Rapporteur.

The Chairpersons and Vice-Chairpersons of Parliamentary Groups enjoy the rank and privileges of Vice-Chairpersons and Questors, while the Secretaries of Parliamentary Groups have the rank and privileges of Secretaries of the National Assembly Bureau.

Parliamentary Groups are formed once, at the start of the MPs' term of office, and remain in place until its end.

4. Technical administrative structures

→ Staff or Cabinet structures

Presentation and responsibilities :

- **Inspector Generals:** they carry out general inspection of services, as well as any other tasks assigned to them by the Secretary-General;
- **Technical advisers:** they give their opinion on projects, work and dossiers of the National Assembly;
- **Project managers and research officers:** the former carry out any tasks assigned to them by the Secretary-General. The latter are responsible for conducting studies and research work requested by the Secretaries-General, technical advisers, inspectors general or project managers.

→ Operational structures

Presentation and roles:

- **The administrative departments of the National Assembly :**

- Departments supporting and supervising fundamental parliamentary tasks:

✓ The Department of Legislation, Parliamentary Oversight and Linguistic Affairs.

The work carried out here relates to legislative procedure, codification, translation, interpreting and note-taking during parliamentary sessions. ;

✓ The Department of Documentation, Archives and Parliamentary Research. This department has a library service with home lending facilities for parliamentarians and civil servants, an archives service and a parliamentary law research service ;

✓ The Human Resources Department: This department is responsible for the administrative management of Members of Parliament and staff, as well as their training and development.

- Departments responsible for organising the administrative working environment of the National Assembly :

✓ The Department of Coordination and International Relations. This department is responsible for the National Assembly's communications and public relations.

✓ The Department of Budget and Pay. This department is tasked with preparing the salary budget in consultation with the questors, implementing this budget and aut-

authorising the payment of Members' emoluments, staff salaries and pensions;

✓ The Department of Joint Technical Services and Social and Medical Action.

- **Accounting Agency and Accounting Materials Service**

The role of the Accounting Agency is to preserve and manage the funds and assets of the National Assembly; to verify the conformity of payment orders; to manage the National Assembly's expenditure; to draw up its management accounts and to collect donations and bequests for the benefit of the National Assembly. The Accounting Officer is seconded by an Authorised Representative.

WOMEN AND YOUTH IN POLITICS

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1. THE ASSET THAT WOMEN AND YOUTH REPRESENT IN POLITICS



*The political participation of young people and women in Cameroon is hampered by **paternalistic and moralising discourse** that perpetuates stereotypes of fragility. Yet their **capacity for dialogue, resilience and engagement** is an essential asset for a truly inclusive democracy.*

In a country where democracy is still under construction, such as Cameroon, the need to improve the political participation of young people and women is a pressing issue. It is inconceivable to talk about an inclusive democratic process without taking into account the participation of all population groups. Youth and women are confronted with a paternalistic discourse that translates into blame and admonitions such as ‘young people must wait their turn’ or ‘women must stay at home to look after the children’. This kind of patronising discourse does not encourage political participation among these marginalised population groups. This paternalistic discourse is compounded by a moralising discourse that conveys the impression of wanting to protect young people and women from the political arena, which is portrayed as being very dangerous. This moralising discourse perpetuates the clichés that youth and women are a sensitive and fragile segment of the population that needs to be protected. This paternalistic and moralising discourse has effectively driven young people and women away from the political sphere, a situation that does not reflect reality.

In our societies, women constitute a segment of the population that favours dialogue, transparency and consensus building. They are in constant contact with the population, as mothers, sisters and wives, and are better able to understand their problems and provide appropriate solutions.

Unlike older individuals, young people have a capacity for resilience and vigour that enables them to face the challenges inherent to their political participation. How is it possible that older people, who are physically more vulnerable than young people, ignore the vigour of this same youth, whom they nevertheless use as bodyguards, turning them into mere messengers during major demonstrations and political events?

Other internal and external obstacles provide a better explanation for the lack of political participation among youth and women.

2. INTERNAL AND EXTERNAL OBSTACLES RELATED TO THE POLITICAL PARTICIPATION OF YOUTH AND WOMEN

Internal obstacles include:

- **Lack of political awareness:** young people and women are often unaware of their political influence, the role and functions of political institutions (council, parliament, government, etc.), and the importance of elections;
- **Lack of financial and material resources:** precarious living conditions as a result of underemployment and unemployment, which particularly affect young people and women, prevent them from mobilising the resources necessary for political involvement;

- **A feeling of dissatisfaction:** politicians' broken promises have ultimately discouraged young people and women from becoming politically engaged, as they believe that politics does not provide concrete solutions to their situation and that the solutions to their problems lie elsewhere!

External obstacles include, among others:

- **The lack of family or community support:** Those closest to youth and women do not allow them to easily engage in politics. Some parents forbid their children from engaging in politics if they want to pass certain civil service examinations or if they want to protect their own lives. They constantly remind them that politics is a deadly game. Similarly, many married women cannot engage in politics without their husbands' prior consent. Husbands often force them to stay at home and look after the children, which limits women's full participation in politics. These stereotypes are an obstacle to the political engagement of women and youth.
- **Disappointment with political parties:** The changing rhetoric and lack of political conviction among political leaders does little to inspire enthusiasm among young people and women, who believe that there is no such thing as ethics in politics.
- **A dangerous image of politics:** Young people and women associate politics with violent and sometimes deadly struggles for power. Post-election protests, which often result in assassinations, imprisonments and legal proceedings, do not encourage political participation among these population groups.

All these values and perceptions contribute to poor participation by youth and women in politics, both as voters and as candidates. However, in a developing democracy such as Cameroon's, lack of participation is often associated with a systematic failure to take into account the real needs and interests of those concerned in the development and implementation of public policies. Conversely, greater representation of youth and women would lead to :

- Better representation of the interests of all segments of the population in decision-making bodies and in the development of public policies;
- Better consideration and resolution of issues of concern to the majority of the population;
- Increased credibility and efficiency of political institutions (town halls, parliament, government, etc.);
- Greater social cohesion and more harmonious living together.

REQUIREMENTS FOR CANDIDATES

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The organisation, management and supervision of the electoral and referendum process in Cameroon are carried out by **"Elections Cameroon" (ELECAM)**.

ELECAM is hence responsible for establishing, managing, updating and maintaining the national electoral register. In order to carry out this mission, joint electoral commissions are set up to conduct preparatory activities for elections, organise and supervise electoral operations, polling operations and the final counting of votes (*see Section 49 of the Electoral Code*).

Preparatory operations for parliamentary elections in Cameroon include drawing up and revising electoral registers, as well as the issuance and distribution of voter cards (see Section 50 of the Electoral Code). In fact, a commission tasked with revising the electoral registers is created in every council. When justified by the area or population size of the council, the Director General of Elections may set up several commissions to revise electoral registers (see Section 52).

Thus, prior to standing for election as a member of the National Assembly, a potential candidate must be nominated by a political party and must be eligible to vote. Voter eligibility is defined in Section 45 of the Electoral Code. **Voters must be Cameroonian nationals, regardless of gender, and be at least twenty (20) years of age;** they must be registered on an electoral register and free from any disqualification under the law.

A. THE NOMINATION FILE

The nomination file contains all the documents that a citizen who wishes to become a Member of Parliament must provide in order for their candidacy to be valid.

1. Who can be a candidate?

The first criterion that must be met in order to be a candidate for election to the National Assembly of Cameroon as a Member of Parliament is age. Candidates must be at least twenty-three (23) years of age on the date of the election; and be able to read and write French or English. More broadly and comprehensively, Section 156 of the Electoral Code states that: Any Cameroonian national, regardless of gender or religion, who enjoys full civil and political rights, the right to vote and is duly registered on an electoral register, may stand as a candidate in elections for a seat as a Member of Parliament in the National Assembly of Cameroon.

A naturalised alien who has waited ten (10) years from the date of acquisition of citizenship before applying may also be elected as a Member of Parliament. More specifically, Section 157 of the Electoral Code states that: *"Any alien who has acquired Cameroonian nationality by way of naturalisation may also stand as a candidate for the position of Member of Parliament in an electoral constituency after a period of ten (10) years from the date of acquisition of such nationality, subject to the conditions laid down in the Nationality Code"*.

To be eligible to stand as a candidate, the applicant must pay a deposit of one million CFA francs (1,000,000 CFA francs) into the Public Treasury



N.B. The substantive candidate and the alternate shall both pay the said deposit if the candidacy is validated.

Potential candidates for the position of Member of Parliament must provide proof of actual residence in the territory of the division concerned. The following persons may stand as candidates:

- Citizens who have not been convicted of a criminal offence;
- Cameroonians who are not serving in the national defence or security forces.

Furthermore, it should be noted that no one may stand as a candidate on more than one list or as a Member of Parliament for more than one constituency.

2. Who is not eligible to stand as a candidate?

In accordance with Section 158(1) of the Electoral Code, persons who, through their own actions, have placed themselves in a position of dependence or collusion with a person, organisation, foreign power or foreign state are ineligible.

Sub-section 2 provides that ineligibility is determined by the Constitutional Council within three (03) days of referral, at the request of any person affected or the Public Prosecutor.

Under Section 159 (1), the following persons are also ineligible and may not stand as candidates for election to the National Assembly during their term of office and for six (06) months following cessation of office by resignation, dismissal, transfer or any other means:

- Directors;
- Department heads;
- Civil servants and personnel of services contributing to the defence and security of the territory, in particular police officers, gendarmes, military personnel, prison administration personnel and similar personnel. Magistrates, town hall secretaries-general, municipal tax collectors and council department heads may be added to this list.

Furthermore, the following persons may not serve as Members of Parliament in their electoral constituencies while in office:

- Members of the Government (ministers or equivalent, persons with ministerial rank, governors);
- Secretaries-general and inspectors-general in the Governor's office;
- Senior divisional officers, divisional officers and their deputies;

Finally, the following are excluded from serving as Members of Parliament in the National Assembly:

- Senators;
- Mayors;
- Government delegates to an urban community;
- Regional councillors;
- Presidents of consular chambers;

- Chairpersons of boards of directors;
- Persons employed by a public institution or a public or semi-public sector company;
- Cameroonian citizens holding non-elective public office.

However, the Standing Orders of the National Assembly specify that Members of Parliament assigned temporary or extraordinary missions by the Government are exempt from the provisions above. The combined term of the legislative mandate and mission may not exceed two (02) years. However, at the end of this period, the mission may be renewed by decree, issued after consultation with the Bureau. The Bureau of the National Assembly shall immediately be notified of any mission assigned by the Government.

It should also be noted that the status of mayor, government member or senator, for example, does not preclude a person from standing as a candidate in parliamentary elections. Only holding multiple such positions is prohibited. In other words, the candidate elected as a Member of Parliament must choose, under the conditions and within the time limits set by law, between his or her mandate as a Member of Parliament and his or her previous function or functions. In addition, Members of Parliament are not allowed to sit in both the Senate and the National Assembly at the same time.

3. What does the nomination paper contain?

Candidates for election to the National Assembly of Cameroon must first declare their candidacy. The prerequisites for this declaration include the candidate being endorsed by a political party, as independent candidates are not allowed to stand in this type of election. Candidates in the elections for Members of Parliament must be affiliated with a political party that will nominate them for election. According to the Constitution of Cameroon, the nomination paper must contain, for each candidate or alternate, a certificate from the political party endorsing the candidate.

The Electoral Code sets out the conditions for nomination in greater detail.

Section 164(1) states that: "*Candidatures shall, within 15 (fifteen) days from the convening of the electorate, be made out in nomination paper in triplicate, bearing the legalised signature of candidates.*"

According to Sub-section (2), this nomination paper shall be submitted and registered, against a receipt, at the General Directorate of Elections or at the Divisional Branch of Elections Cameroon in the constituency concerned. A copy shall be immediately sent to the Constitutional Council by the candidate or their representative, against acknowledgement of receipt.

Sub-section (3) stipulates that nomination papers submitted at the Divisional Branch of Elections Cameroon shall be forwarded without delay to the General Directorate of Elections.

Sub-section (4) states that the nomination paper must include:

- The surnames, first names, date and place of birth, filiation, occupation and residence of the candidates;
- The name of the list and the political party to which it is affiliated;
- The symbol selected for the purpose of printing ballot papers or of identifying the party;

- The name of the representative of the list, whether he is a candidate or not, and their home address;
- Information on how the sociological components of the constituency were taken into account in drawing up the list;
- Information on how gender was taken into account when drawing up the list.

Sub-section (5) prohibits the choice of an emblem comprising all the three (3) colours: green, red and yellow.

The composition of the nomination paper itself is mentioned in Section 165 of the Electoral Code, which states that:



The nomination paper shall include for each candidate, substantive or alternate:

1. A copy of the birth certificate, not more than three (03) months old (*issued by the Mayor or Deputy Mayor of your council of birth*);
2. A certificate of nationality (*the certificate of nationality is issued by the President of the Court of First Instance or the judge delegated by him for this purpose*);
3. A criminal record (Bulletin No. 3), not more than three (03) months old (*issued by the Court of First Instance of the candidate's place of birth and signed by the Public Prosecutor and the Chief Clerk*);
4. A declaration in which the person concerned certifies on their honour that they are only a candidate on this list and that they are not in any of the disqualifying situations provided for by law;
5. A tax certificate or tax exemption certificate (*issued by the divisional tax centre of their place of residence*);
6. An attestation of registration on electoral registers (*issued by the Head of the ELECAM office in their council*);
7. A document attesting to domicile or residence in the relevant municipality, *issued by the competent administrative authority (the Mayor or his deputy)*
8. The original receipt of payment of the deposit (*receipt of payment of a deposit of one million (1,000,000) francs is established in triplicate by the Public Treasury*);
9. An attestation stating that the political party has nominated the person concerned as a candidate.

NB : Copies of birth certificates required to establish the age of voters and candidates are issued free of charge on plain paper to any applicant. They bear the statement of their special purpose at the top of the text and may not be used for any other purpose.

4. When to submit your nomination paper?

Section 164, and more specifically its Sub-section (1), requires that nomination papers be submitted within **fifteen (15) days** from the convening of the electorate, in triplicate, bearing the legalised signatures of the candidates.

5. Where should the nomination paper be submitted?

The electoral constituency for parliamentary elections is the division. It is up to each candidate to choose the division that they would like to represent.

Potential candidates for parliamentary elections in Cameroon must submit their nomination paper to the General Directorate of Elections or to the divisional branch of Elections Cameroon in accordance with Section 164 (2) of the Electoral Code. The nomination paper is thus submitted and registered, against acknowledgment of receipt. The head of the ELECAM divisional branch shall immediately forward nomination papers to the General Directorate of Elections, together with any comments.

No withdrawal of candidates or changes to the nomination paper shall be allowed after the list has been submitted. The Electoral Board is responsible for finalising and publishing the lists of candidates.

However, if a candidate on a list dies or is declared ineligible, he or she may be replaced by another candidate, in accordance with the procedures laid down for the nomination of candidates, no later than three (03) days before the election.

However, it is not possible to regularise irregularly constituted files.

B. PRE-ELECTORAL DISPUTES

These are disputes that arise before the elections take place. The Electoral Board (E.B) may accept or reject a candidacy on grounds of inadmissibility (see *Section 125 (1)*). ELECAM is responsible for ruling on disputes or complaints relating to various pre-election operations. ELECAM's jurisdiction is subject to the remit of the Constitutional Council.

1. What should I do if my list is rejected?

If my list is rejected, a petition must be filed with the Constitutional Council. These challenges arising from the rejection or acceptance of candidacies, must be submitted within two (2) days of the publication of the candidacies for consideration by the Constitutional Council by:

- Any candidate;
- Any political party that took part in the election;
- Any person acting as a government agent for the said election.

Objections or appeals are made through ordinary petitions addressed to the Constitutional Council. Such petitions are not suspensive. Under penalty of inadmissibility, the petition must specify the alleged facts and grounds. The Constitutional Council shall rule within a maximum of ten (10) days following the filing of the petition. Its decisions are final.

Section 128 of the Electoral Code adds a caveat by emphasising in Sub-section (1) that if a candidate nominated by a political party is declared ineligible by the Constitutional Council after the publication of the nominations, they shall be replaced by another candidate proposed by the party. This new candidate must meet the eligibility requirements laid down by the law. Sub-section (2) specifies that: The replacement of the candidate must take place within no more than three (03) days following the decision of the Constitutional Council.



2. What to do when your list is accepted?

When their list is accepted, candidates must prepare for the election campaign. To do so, they must know the rules and conditions of the election campaign as laid down by the electoral law.



THE ELECTION 94

The election period begins as soon as the President of the Republic signs the decree convening the electors (see *Section 86 of the Electoral Code*). **Ninety (90) days** must elapse between this convocation and the day of election.

A. THE ELECTION CAMPAIGN

The election campaign refers to the period during which the candidates whose candidacies have been validated are authorised to campaign or advertise through a wide variety of means of communication, such as leaflets, posters, banners, rallies within their electoral constituency, trips, the written press, radio, television, etc. In this sense, the election campaign is a crucial phase of the election and, as such, candidates for election to the National Assembly must familiarize themselves with the operational rules governing this critical moment.

1. Rules and regulations

Several sections of Law No. 2012/001 of 19 April 2012 relating to the Electoral Code, amended and supplemented by Law No. 2012/017 of 21 December 2012, set and define the rules and conditions for conducting the election campaign during election period for members of the National Assembly. In this crucial phase of the election, Elections Cameroon, and primarily its General Directorate, plays a major regulatory role. The main mission of the General Directorate of Elections Cameroon is to define the rules of the election campaign.

More specifically, the campaign for parliamentary elections in Cameroon is governed by the provisions of Sections 87 to 95 of the Electoral Code. With reference to these sections, it should be noted that this campaign period is punctuated by a series of activities carried out in the field by the various candidates or their political parties under the regulatory supervision of ELECAM and the public authorities.

In concrete terms, the election campaign for the National Assembly elections, in accordance with Section 87(1), begins on the fifteenth day before the election and ends at midnight on the eve of the election day. Sub-section (2) emphasises that candidates may have circulars, manifestos or posters produced at their own expense or at the expense of the party nominating them. Sub-section (3) specifies that these documents must be printed on paper of the same colour as that used for printing ballot papers. Section 87 (4) underscores ELECAM's heavy responsibility in this important phase of the election itself, noting that: The maximum size of posters produced for the election campaign shall be determined by decision of the Director General of Elections.

In keeping with this point, we would like to draw the attention of the various candidates to the fact that the General Directorate of Elections is also responsible for providing each candidate, party or list of candidates in the election with a number of ballot papers corresponding to the number of registered voters, plus a quarter, as well as campaign ballot papers (see Section 88 (1)). The Director General of Elections also determines the size of the ballot papers by decision, after consultation with the Electoral Board (see Section 88(2)).

Section 89 (1) stipulates that ELECAM's role in regulating the election campaign is as follows: The text of circulars or manifestos and posters, signed by the representative of the list, candidate or party, must be submitted in duplicate to Elections Cameroon for prior approval.

Sub-section (2) adds that one copy shall be kept in the archives, while the other bearing the required approval shall be given to the candidate or the representative of the candidate, list or political party. Mention of the approval shall be made on the printed document.

2. Incidents and disputes during the campaign

This chapter addresses disputes that can arise during the election campaign. The Electoral Board may intervene to prohibit or suspend certain aspects of the campaign. Specific provisions of the electoral law entrust ELECAM, Cameroon's electoral regulatory body, with this supervisory and monitoring role. In this regard, candidates on a list are prohibited from displaying their campaign materials on billboards allocated to other candidates. When such an incident occurs, ELECAM ensures that the illegally displayed posters are removed. More generally, specific provisions of the electoral code highlight this fundamental aspect of the campaign. In this respect, we can refer to:

Section 91(2), which states that: Any public display, even by means of stamped posters, relating to the election, outside the locations designated by ELECAM, is prohibited, both for candidates and for any other person or group.

Section 92(2) states that: Documents and other items distributed in violation of the provisions of Section 92 (1) shall be seized by the administrative authority at the request of Elections Cameroon, without prejudice to any criminal proceedings that may be brought against the perpetrators of the offence.

Section 94 (1) states that in the event of a clear threat or serious disturbance to public order, the administrative authority may, by order, prohibit one or more of these meetings. Sub-section (2) states that in such cases, the administrative authority must agree with the organizers on a new date or, if necessary, another venue to enable them to hold the meeting or meetings. It shall inform the relevant branches of Elections Cameroon thereof.

In a broader sense, it is also prohibited for any candidate to attack the honour or reputation of another candidate by any means whatsoever, in a place open to the public, or by any process intended to reach the public, by attributing to them, directly or indirectly, facts which they cannot provide evidence of.

The victim of defamatory statements may, by petition, and without prejudice to criminal proceedings against the perpetrator and/or his accomplices, refer the matter to the local supervisory commission, which must rule within three (3) days of the date of the referral.

If there is no evidence to support the allegation, the commission may disqualify the candidate who made the defamatory statements.

However, if the candidate is elected before the National Assembly's verification office rules on the case, the decision shall be forwarded by the said office within ten (10) days of the proclamation of the results to the Constitutional Council or the competent administrative court for the possible disqualification of the elected candidate.

Thus, after the proclamation of the results of the parliamentary elections, each Member of Parliament must provide the following documents to the Secretariat General of the National Assembly for the purpose of verifying incompatibilities:

- A certified true copy of the birth certificate or a supplementary judgment in lieu thereof;
- A certified copy of their national identity card;
- A document certifying the end or suspension of any activity incompatible with the office of Member of Parliament;
- A sworn statement attesting to the end or suspension of incompatible activities.

Verification of cases of incompatibility is carried out by boards set up for this purpose. Each verification board rules on the individual cases of Members whose names appear on the list submitted to it (see Standing Orders of the National Assembly).

The verification boards are elected for the duration of the legislative period. In case of a resignation due to incompatibility, as determined *ex officio* by the chair of a verification board or the President of the National Assembly, as the case may be, the resigning member shall be replaced by another candidate nominated by his parliamentary group or, failing that, his political party.

B. POLLING DAY

Polling day refers to the day on which Members of Parliament are actually elected. On this day, polling stations are open and closed at the times specified in the decree issued by the Head of State on the convening of the electorate by the Local Polling Commission.

Distributing or arranging for the distribution of ballot papers, circulars, documents, articles or objects related in any way to the election is strictly prohibited on election day. Documents and other items distributed in violation of the provisions of the regulations shall be seized by the administrative authority at the behest of Elections Cameroon, without prejudice to any criminal prosecution against the perpetrators of that offence.

1. Who can vote?

Section 45 of the Electoral Code stipulates that any Cameroonian citizen by birth or naturalised, regardless of gender, is entitled to vote once they have reached the age of twenty (20) years, provided they are not subject to any disqualification provided for by law.

Cameroonian citizens who enjoy the right to vote and who have their home of origin or have actually resided in the constituency for at least six (6) months may also be entered in a constituency's electoral register (see Section 46 (1)).

Citizens who do not meet the age or residence requirements at the time of revision of the electoral register may also be entered in the electoral register provided they meet these requirements before the final closing date for registration or, if need be, on polling day, as specified in Sub-section (2) of Section 46.

Sub-section (3) of the same section states that military personnel and those of equivalent status in all branches of the armed forces may vote and thus be entered in the electoral regis-

ter of the place where their unit or home port is located without being subject any residence requirement.

Section 46 (4) extends voter status to citizens who can prove that they have been registered in the direct tax roll of the relevant constituency for the fifth consecutive year.

Sub-section (5) specifies that: In the case referred to in Sub-section (4) of the Electoral Code, the application for registration must be accompanied by a certificate of non-registration in the electoral register or of removal from the register, issued by the Divisional Branch of Elections Cameroon in the place of domicile or habitual residence of the applicant.

2. How to vote?

Punctuality, vigilance and compliance with legal and statutory provisions are the watchwords for the election. The chairperson and members of each Local Polling Commission must arrive at the polling station at least one hour before the polls open in order to carry out the necessary checks prior to opening.

In a nutshell, the voting process involves three (3) key elements, namely:

a. Polling stations :

Polling stations officially open at **eight (8) o'clock**.

Two sections of the Electoral Code govern the functioning of polling stations as voting operations.

Section 96 (1) states that: The Director General of Elections shall draw up a list of polling stations for each council. According to Sub-section (2), the list shall indicate the area covered by each polling station. According to Sub-section (3), each polling station shall have a maximum of five hundred (500) voters. According to Sub-section (4), all polling stations must be located in a public place open to the public.

Section 97 states that: the list of polling stations shall be forwarded to Council branches of Elections Cameroon to be posted up at least eight (08) days before election day.

b. Conduct of the Poll:

Before the polls actually open, the Chairperson of the Local Polling Commission ascertains that all the electoral materials listed in the decision on the organisation of polling stations are available and that the designated members of the Commission are present. **At least three (3) members must be present** when the polls open.

He replaces the absentee representatives of candidate lists or political parties (*in accordance with the provisions of Section 56 of the Electoral Code*) and also appoints a secretary. He records these measures in the report.

With regard to the replacement of appointed representatives who are absent when the polls open, Section 58 of the Electoral Code specifies that once replaced, they '*are no longer entitled to sit on the Local Polling Commission*'.

Before voting actually begins, the Chairperson of the Local Polling Commission opens each ballot box to show that it is empty and seals it publicly (*in the presence of the members, voters in attendance and, where applicable, accredited observers*).

- **The conduct of the ballot makes the quality of the voters an essential element.**

In this regard, Section 98(1) states that: Each polling station shall have lists of electors who are eligible to vote. One of these lists is for voters to sign. A list is displayed in front of the polling station. According to Sub-section (2), each polling station shall be equipped with the election materials necessary for the conduct of the poll.

Section 99 (1) of the Electoral Code states that the Chairperson of the Local Polling Commission must take note of the time at which voting begins at the onset of the polling process. This time must be recorded in the report. According to Sub-section (2), before the first voter casts their ballot, the Chairperson of the Local Polling Commission must publicly open the ballot box to show that it is empty and has only one opening, then lock it under the control of the other members of the commission and in the presence of any other accredited persons.

As regards the voting system, Section 151(1) of the Electoral Code stipulates that the poll shall be conducted by voting for a list of candidates, without preferential voting or vote splitting. According to Sub-section (2), each political party existing legally and wishing to take part in the election in a constituency must submit a complete list of candidates chosen by its members, equal to the number of seats to be filled. According to Sub-section (3), the composition of each list of candidates must take into account the different sociological components of the constituency concerned. It must also take gender aspects into account.

Section 152 (1) states that the election is held by ways of a mixed single-round ballot, comprising a majority system and a proportional representation system. However, pursuant to Sub-section (2), the election is held by a single candidate majority uninominal voting ('first past the post') in constituencies with only one seat to be filled.

- **The management of ballot papers and envelopes is an important step in the polling process**

The ballot papers of all the political parties in the contest, together with their envelopes, are laid out on a table behind which the members of the Commission are seated. Each voter is invited to take one ballot paper from each political party and one envelope before entering the polling booth.

Section 100 (1) of the Electoral Code states that: Voting shall be by secret ballot. Voting shall take place using uniform, opaque envelopes. Section 100 (2) stipulates that, in each polling station, the number of ballot papers for each candidate or list of candidates, as well as the number of envelopes, must exceed the number of registered voters.

- **The use of polling booths is another crucial moment in the voting process**

The use of the polling booth is not optional. All voters are invited to enter the booth to make their choice. In addition, voters must be reminded to place any ballot papers that they have not selected in the waste bag.

- **Queue management measures must be put in place during this phase**

Arrangements must be made by the Chair of the Commission to ensure orderly voting. To this end, queue management measures must be put in place to prevent disabled and other vulnerable persons from having to wait in line for extended periods of time.

- **Voting record**

The voter's cast ballot is recorded by :

- ✓ Affixing their signature and/or fingerprint in indelible ink next to their name on the electoral register, in the space provided for this purpose.
- ✓ The voter dipping their fingertip or, where applicable, their fingernail in indelible ink.

Section 101 (1) of the Electoral Code stipulates that: Any voter whose name is duly entered in the electoral register is entitled to vote. However, according to Sub-section (2) of the same text, this right is suspended for persons who have been convicted of a criminal offence or who are in preventive detention or administrative or judicial custody.

Section 102 (1) of the Electoral Code clearly states that: No person shall be allowed to vote unless their name appears on the electoral register of the polling station concerned. In Sub-section (2), notwithstanding the provisions of (1) above, the Chairperson and members of the Local Polling Commission are allowed to vote there upon producing their voter card. Sub-section (3) states that the decision ordering registration given by the competent court in the event of an appeal, evidenced by an Order, is equivalent to a registration of the voter on the relevant electoral register.

Section 103 (1) of the Electoral Code stipulates that voters must present their voter card upon entering the polling station. They must also prove their identity by presenting their national identity card. According to Sub-section (2) of the same text, the Local Polling Commission may allow any voter registered at that polling station who, for any reason, is unable to present their voter card to vote. The Commission must first check their identity, as provided for in Section 103 (1) above.

Section 107 of the Electoral Code stipulates that: Initialled copies of the electoral register shall be kept by the Council Branch of Elections Cameroon. In the event of a dispute, they shall be forwarded to the Constitutional Council for consultation or to the competent administrative court, at its request.

3. The polling station : composition and functioning

The term 'polling station' refers to the premises or space where voting takes place on polling day. It is the place where voting and ballot counting occur. It must be specially equipped to accommodate the various polling activities and must operate in compliance with the provisions of the law.

The polling station differs from the voting centre, which is a space or a set of rooms housed in a facility that can accommodate one or more polling stations.

Section 54 (1) of the Electoral Code states that a Local Polling Commission shall be set up for each polling station. The Local Polling Commission is a joint body, made up as follows:

A Chairperson : who is a prominent figure appointed by the Head of the Divisional Branch of Elections Cameroon.

Members :

- A representative of the Administration, appointed by the Divisional Officer.
- A representative of each candidate, list of candidates or political party.

a. Role of the Chairperson of the Local Polling Commission:

As the key figure in the Local Polling Commission, the Chairperson plays a central role in the conduct of the poll. In that capacity, he or she must:

- Ensure the safekeeping and security of election materials;
- Enforce the stipulated timetable and procedures;
- Ensure the availability and effective presence of the members of the Local Polling Commission during the election;
- Replace any designated Commission members who are absent at the opening of the polls;
- Distribute tasks among the Commission members and the scrutineers;
- Prioritize consensus and dialogue in resolving any difficulties encountered and issues raised;
- Ensure policing of the polling station.

Section 60 of the Electoral Code entrusts the Chairperson of the Local Polling Commission with the important task of maintaining order at the polling station.

With regard to maintaining order at the polling station, it is worth recalling the provisions of Section 60 of the Electoral Code, which stipulate that: *'The Chairperson of the Local Polling Commission shall alone be responsible for maintaining law and order at the polling station.'*

As such, they must have any person who is not a voter registered in the polling station removed from the polling station, with the exception of candidates, heads of administrative units within whose jurisdiction the polling station is located, and their representatives. They shall prohibit anyone from obstructing the polling station. They may call on the police to restore order or have the polling station vacated. They shall prevent any voter carrying any weapon whatsoever from entering the polling station. Section 55 requires the Chairperson of the Commission, during vote counting, to appoint four (4) scrutineers from among the voters registered on the electoral register of the relevant polling station.

Section 56 of the Electoral Code states that: *"Where one or more representatives of the candidates, list of candidates or political parties is/are absent at the opening of the poll, the Chairperson of the Local Polling Commission must, by decision recorded in the report, fill up such vacancies in the Commission by appointing electors whose names feature in the electoral register of the polling station and who can read and write English or French."*

b. Responsibility of the Local Polling Commission:

All Commission members shall contribute to the various tasks incumbent upon the Local Polling Commission, including :

- Conducting the poll, counting the votes and announcing the results obtained at the polling station;
- Resolving any disputes relating to the organisation, conduct of the poll and counting of votes. In the event of a tie, the Chairperson holds the casting vote;
- Drawing up the ballot counting reports and tally sheets and transmitting them to the Head of the Council Branch, in accordance with Section 62 of the Electoral Code;
- Securing the election materials after the vote before they are collected by the Head of Elections Cameroon or any other competent authority.

A more comprehensive description of the responsibilities of the Local Polling Commission can be found in Sections 61 and 62 of the Electoral Code. Section 61 provides that: The Local Polling Commission shall rule on any difficulties relating to the organisation, conduct of the poll and counting of votes. In the event of a tie, the Chairperson shall have the casting vote.

In the event of a challenge to the Chairperson's decision by a member of the Commission, an affected voter, a candidate or a representative of a political party or list of candidates, the challenge and the reasons therefore shall be mentioned in the report.

Section 62 (1) of the Electoral Code grants the Local Polling Commission the power to prepare the report on all polling operations. This report shall be signed by the Chairperson and the members of the Commission in attendance and sent to the Head of the Divisional Branch of Elections Cameroon. The same Section 62 of the Electoral Code, in its sub-section (2), defines the mission of ELECAM by stipulating that within forty-eight (48) hours of the close of polling operations, the Head of the Council Branch of Elections Cameroon shall forward a copy of the reports of the Local Polling Commissions and any attached documents, to the Council Supervisory Commission, where applicable.

Sub-section (3) of the same text concludes that:

The Divisional Supervisory Commission shall, within 72 (seventy-two) hours, forward the report of its proceedings to the National Commission for the Final Counting of Votes.

c. Scrutineers:

Although they are not members of the Local Polling Commission, scrutineers also assist with certain tasks carried out by the Commission.

A scrutineer is a voter appointed by the Chairperson of the Local Polling Commission to help the said Commission count the votes. They are chosen from among the voters on the electoral register of the polling station and must be able to read and write French or English.

d. Observers

Observers, whether national or international, are persons duly accredited by the competent authority to observe the conduct of the polls. They generally act on behalf of an organisation or country they represent.

The General Directorate for Elections is responsible for coordinating their activities.

e. Persons authorised to vote (Voters):

Only voters who are duly entered in the electoral register of the polling station may vote at that station.

However, the Chairperson and members of the Local Polling Commission are authorised to vote there upon presentation of their voter card, even if their names do not appear on the electoral register of that station.

Furthermore, the order to register, which is given in the event of a petition by the competent court, and which is certified by an Order, is deemed equivalent to the registration of the voter on the relevant electoral register.

Where applicable, the Chairperson of the Local Polling Commission pencils in the name of the authorised voter on the register. A note of this addition is made in the report.

Voters shall be identified by means of an official identity document (national identity card and/or voter card). Voters who hold a national identity card and whose name appears on the electoral register of the polling station shall be authorised to vote if they are unable to present their voter card.

f. Political party representatives:

Representatives are individuals appointed by political parties and political groups to monitor the voting process. They are accredited by the competing political parties. They sign the report and note their observations therein. They must ensure that they obtain accreditation and identification documents.

A general overview of polling station management shows that it usually involves three stages, which are as follows:

- Identifying polling stations.
- Setting up and organising polling stations.
- Managing voting operations on polling day.

Identifying polling stations is the decisive stage on which the other two stages rest. It is essential for candidates in legislative elections to familiarise themselves with the process of identifying polling stations. As a result, the identification of facilities or spaces that could serve as polling stations takes place during the preparatory phase of the elections, well before the vote. Several factors must be taken into account when identifying polling stations, namely :

- Obtaining prior agreement from the facility owner or manager;
- The building's capacity (especially in densely populated areas);
- The location of the facility in relation to the geographical distribution of voters;
- The accessibility of rooms that can accommodate polling stations for persons with disabilities;
- The opinion of local, administrative and traditional authorities.

4. What to do in case of problems at a polling station?

In the event of a problem at a polling station, the candidate shall refer the matter to the Local Polling Commission, which has the power to rule on all issues that may arise at the polling station. This is the meaning behind Section 61 of the Electoral Code, which states that:

The Local Polling Commission shall rule on any difficulties relating to the organisation and conduct of the poll and vote counting. In case of a tie, the President shall have the casting vote.

Where the decision of the Local Polling Commission is impugned either by a Commissioner, an elector affected, a candidate, or an agent of a list of candidates or political party, mention of such decision, the reasons therefore and the dispute shall be made in the report.

C. PROCLAMATION OF RESULTS



1. Proclamation of results at the polling stations

Polling closes at **six o'clock (6:00 p.m.)**. Immediately after that time, the Chairperson of the Commission announces the closing of the polling station. No voter arriving after the announcement of the closing may be allowed to vote.

However, voters who are inside the premises of the polling station at that time or who are waiting outside the door to enter must be counted and allowed to vote. The actual time at which voting ends must be recorded in the counting reports.

The votes must be counted in succession and in the order determined by the Chairperson of the Local Polling Commission. Before proceeding with the counting of votes, the Chairperson of the Commission must first:

- **Seal the opening through which the ballot paper is inserted into the ballot box;**
- **Rearrange the polling station for the counting of votes;**
- **Appoint the scrutineers who will assist the commission during the counting process;**
- **Prepare the tally sheets and enter the names of the scrutineers on them.**

Once these preliminary steps have been completed, the Commission must proceed with the counting of each ballot as follows:

- **The ballot box is unsealed and its contents poured onto a table set up for counting;**
- **The number of envelopes and ballot papers without envelopes contained in the ballot box is first determined;**
- **A scrutineer then takes the ballot paper out of each envelope and passes it to another scrutineer, who reads aloud the name of the political party on the ballot paper;**
- **The name of the political party thus read is recorded on tally sheets prepared for that purpose;**

The following are not taken into account during vote count :

- **Any ballot papers bearing any marks;**
- **Ballot papers contained in envelopes bearing any marks or in envelopes other than those made available to voters;**
- **All ballot papers other than those officially printed.**

After the count, the number of valid votes cast for each political party is determined. The Commission also determines the number of invalid ballot papers. The result of each ballot is then determined.

All cancelled ballot papers and, where applicable, the envelopes containing them are attached to the report, where their number is recorded, along with the number of ballot papers found without envelopes and the number of empty envelopes.

2. Centralisation of election votes

The results of the election of Members of Parliament to the National Assembly are immediately recorded in the report. This report is produced in as many copies as there are members in attendance, plus two (2). It is sealed and signed by all members of the Commission, who each receive a copy.

One of the two additional copies of the report on the election of Members of Parliament, along with accompanying documents, is sealed in an envelope addressed to the Head of the Divisional Supervisory Commission and handed over to the Head of the relevant Council Branch of ELECAM for transmission to the General Directorate of Elections within 72 hours.

In accordance with Section 63 of the Electoral Code, a Divisional Supervisory Commission shall be set up in each division to ensure the smooth conduct of election preparations and the elections themselves. In this capacity, the Divisional Supervisory Commission shall centralise and verify the vote counting operations carried out by the Local Polling Commissions, as well as any related documents. In case of a simple procedural irregularity, it may request immediate rectification from the members of the Local Polling Commission.

The Divisional Supervisory Commission comprises the following entities:

Chairperson : the President of the High Court with territorial jurisdiction

Members :

- Three (3) representatives of the administration, appointed by the Senior Divisional Officer;
- Three (03) representatives of Elections Cameroon, appointed by the Head of the Divisional Branch of Elections Cameroon;
- A representative of each candidate.

The composition of the Divisional Supervisory Commission is approved by a decision document issued by the Head of the Regional Branch of Elections Cameroon.

Following the work of the Divisional Supervisory Commission, the results are forwarded to the National Commission for the final counting of votes. The National Commission is composed as follows:

Chairperson: one (01) member of the Constitutional Council, appointed by the President of the Constitutional Council.

Members :

- Two (02) Judicial Officers, appointed by the Chief Justice of the Supreme Court;
- Five (05) representatives of the Administration, appointed by the Minister of Territorial Administration;
- Five (05) representatives of Elections Cameroon, appointed by the Director General of Elections;
- One (01) representative of each candidate or political party taking part in the election, appointed by the candidate or his political party.

The composition of the National Commission for the Final Counting of Votes shall be determined by a resolution of the Electoral Board. The list of members shall be communicated to the Constitutional Council and made available to the public.

The National Commission for the Final Counting of Votes shall carry out the final counting of votes, based on the reports and supporting documents forwarded by the Divisional Supervisory Commissions. It shall correct any clerical errors in the counting of votes. However, it may not cancel the corresponding reports. The final counting of votes shall be public and shall take place at the seat of the Constitutional Council. The National Commission for the Final Counting of Votes draws up a report of all its operations. This report, produced in as many copies as there are members, is signed by the Chairperson and the members in attendance. A copy of the report is forwarded within **five (05) days** to the Constitutional Council, with appended documents.

3. Proclamation of election results

The Constitutional Council proclaims the election results for Members of Parliament to the National Assembly within a period of no more of twenty (20) days from the closing date of the poll (see Section 168 (1) of the Electoral Code).

According to Section 152 of the Electoral Code, the election of Members of Parliament shall be held by a mixed single-round voting system, comprising a majority system and a proportional representation system.

However, in constituencies where there is only one seat to be filled, the election is held by a single candidate majority uninominal voting system. After the ballot:

a- In single-member constituencies, the candidate who obtains the majority of votes is declared elected; in the event of a tie, the oldest candidate is declared elected;

b- In constituencies with a list system:

- If a list obtains an absolute majority of the votes cast, it shall win all the seats to be filled.
- If no list obtains an absolute majority of the votes cast, the seats are allocated as follows: the list that comes out on top is allocated a number of seats equal to half of the seats to be filled, rounded up to the nearest whole number where necessary; in the event of a tie between two (2) or more lists, this number of seats, rounded up to the nearest whole number where applicable, is allocated to the list whose candidates have the highest average age;
- The remaining seats are allocated to the other lists by applying proportional representation to the lists with the highest votes;

- In the event of a tie, the list with the highest average age is given preference.

Lists that have obtained less than 5% of the votes cast in the constituency are not eligible for the proportional distribution of seats. Seats are allocated to candidates in the order in which they appear on each list.

DESCRIPTION OF THE ALLOCATION OF SEATS BY PROPORTIONAL REPRESENTATION WITH THE HIGHEST AVERAGE

1 Allocation of the majority bonus

- The list that obtained the highest number of votes is allocated a number of seats equal to half the number of seats to be filled, rounded up to the nearest whole number.
- In the event of a tie between the leading lists, these seats are allocated to the list whose candidates have the highest average age.
- Once this is done, the remaining seats are distributed among all the lists in proportion to the highest average number of votes.

Seat allocation according to the highest

3 average

- Applying the electoral quota does not allow for all the seats to be distributed.
- Once this distribution has been carried out, if there are still seats to be allocated, the lists with the highest averages will receive the unallocated seats in order, from highest to lowest.
- To allocate the remaining seats, the highest average method consists in dividing the number of votes for each list by the number of seats it has obtained, to which 1 is added.

2 Calculation of the electoral quotient

- In order to distribute the seats among the different lists, the electoral quotient must first be calculated.
- This is done by dividing the total number of votes cast by the number of seats to be filled.
- Each list will obtain as many seats as its score contains the electoral quotient.

$$\text{Electoral quotient} = \frac{\text{Total votes cast}}{\text{Number of seats to be filled}}$$

N.B. : It should be noted that under Section 154 of the Electoral Code, after their election, and in all cases of vacancy other than the death of the substantive member, the alternate shall take the seat of the Member of Parliament at the National Assembly until the latter's term expires.

Section 155 of the Electoral Code provides that when one or more permanent vacancies arise in an electoral constituency as a result of death, resignation of the substantive and alternate member, or for any other reason, by-elections shall be held within twelve (12) months of the vacancy. By-elections shall be held in the electoral constituency concerned, in accordance with the ordinary conditions specified above. When a seat becomes definitely vacant in an electoral constituency with many seats, the election shall be held by single-member plurality voting. Only political parties that took part in the general elections in the constituency in question may participate in the by-elections. There shall be no by-election if the vacancy occurs less than one year before the end of the legislative period.

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**POST-ELECTORAL
DISPUTES**

Post-electoral disputes refer to petitions filed for the total or partial cancellation of elections.

A. WHO SHOULD FILE A PETITION ?

The petitioner in post-electoral disputes in a parliamentary election may be :

- Any candidate competing in an electoral constituency;
- Any political party that took part in the election;
- Any person acting as a representative of the government for the election.

B. HOW SHOULD THE PETITION FILE BE COMPILED ?

A case or petition relating to post-electoral disputes in elections for members of the National Assembly must be brought before the Constitutional Council. This means that challenges to the validity of the election of Members of Parliament consist in a simple petition addressed to the Constitutional Council. The petition must be reasoned and accompanied by supporting evidence (material proof).

C. WHEN SHOULD THE PETITION BE FILED ?

The various candidates in the elections for Members of Parliament to the National Assembly must file their petition within **seventy-two (72) hours** of the close of the poll. (*See Section 133 (1) of the Electoral Code*).

D. WHICH BODY HAS JURISDICTION OVER PETITIONS ?

The Constitutional Council is the competent judicial body for post-electoral disputes. This mission assigned to the Constitutional Council is laid out in Section 168 (1) of the Electoral Code, which provides that:

The Constitutional Council shall ensure the regularity of the election of members of the National Assembly. It shall announce the results within a maximum of twenty (20) days from the date of the close of polling.

Section 132 (2) of the Electoral Code grants the Constitutional Council the power to rule on any petition requesting the total or partial cancellation of election operations filed by any candidate or political party that took part in the election, or by any person acting as a representative of the government for that election.

Section 136 of the Electoral Code indirectly demonstrates the exclusive jurisdiction of the Constitutional Council in post-electoral disputes by stating that the decisions of the Constitutional Council relating to elections, election results and candidacies may not be appealed.

E. WHAT ARE THE IMPLICATIONS OF A PETITION ?

If the petition is rejected by the Constitutional Council, the candidate must accept the decision and refrain from taking any further action, as Section 136 of the Electoral Code clearly states that: *"The decisions of the Constitutional Council relating to elections, election results and candidatures shall be final."*

If the petition is accepted by the Constitutional Council, the candidate must continue to prepare for the elections, as according to Section 135 of the Electoral Code, in the event of cancellation of the elections, immediate notification shall be given to the Minister of Territorial Administration and to Elections Cameroon. **A new election shall be held within no less than twenty (20) days and no more than forty (40) days from the date of cancellation.**

F. WHAT ARE THE VARIOUS GROUNDS FOR DISMISSAL ?

Most petitions in post-electoral disputes brought before the electoral adjudicator generally are unsuccessful for the following reasons:

Inadmissible petition : inadmissibility here means that the case brought before the judge does not meet all the conditions required by law to enable the judge to resolve the issue before him.

- **Non-compliance of the petition with legal provisions:** *this means that the petition submitted to the judge did not comply with the requirements of the law, namely: compliance with deadlines, the status of the person bringing the case before the judge to contest the results announced, and the addressee of the petition.*
- **Failure to comply with the deadlines:** *this ground is invoked when the petition is filed past the deadline, i.e. after the sixth (6th) day following the publication of the results, the legal deadline being five (5) days.*
- **Wrong addressee for the petition :** *candidates very often address their petitions to the President of the Supreme Court instead of the President of the Constitutional Council. And, once the petition has been filed with the President of the Supreme Court, the latter is required to decline jurisdiction and the petition is declared inadmissible. The petitioner can then no longer redirect their challenge to the competent judge because the applicable deadline will already have passed.*
- **Lack of standing of the petitioner:** *in this instance, the challenge is brought by an unqualified person. That is, a person who is neither a voter (not listed in the electoral register of the constituency concerned), nor a candidate, nor a representative of the list, nor a person acting as a government agent for the elections in the constituency in question.*

The right to dispute a parliamentary election is granted to :

- *Any voter (any person who is duly listed as a voter in the electoral register for the consti-*

tuency concerned and who has duly exercised their right to vote).

- *Any political party that took part in the election*
- *Any candidate (any person whose name appears on a list of candidates who actually took part in the elections, the result of which is being challenged).*
- *Any representative (any person appointed to act on behalf of the list before, during and after the vote).*
- *Any person acting as a government agent for the election in question.*

Unreasoned petition: sometimes it is not possible to identify the grounds on which the petition was filed. This situation very often results from a lack of reasoning in the petition. Sometimes, when the grounds are identified, the petition suffers from a lack of evidence, and the judge accepts the petition in form but rejects it on its merits.

Withdrawal: the case does not proceed in this instance because the person who filed the petition decides to discontinue their action, i.e. they withdraw their challenge to the results.

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POURTOIS, H. (2016). Les élections sont-elles essentielles à la démocratie ? *Philosophiques*, pp.411-439.. <https://doi.org/10.7202/1038213ar>, disponible à l'adresse : <https://www.erudit.org/fr/revues/philoso/2016-v43-n2-philoso02859/1038213ar.pdf>, (consulté le 13.09.2023). ;

C. Courses

Marcelin NGUELE ABADA and Nadège ESSAGA BIPOUNA, *Course on electoral law and litigation*, Master 1 Public Law, Faculty of Legal and Political Sciences, University of Yaoundé II-Soa, Academic year: 2021-2022, 60 pages;

TANG S. M., *Course on Electoral and Parliamentary Law*, Faculty of Legal and Political Sciences, Catholic University of Central Africa, Academic year: 2024-2025, 94 pages.

Official documents :

1. Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972, amended and supplemented by Law No. 2008/001 of 14 April 2008.
2. Law No. 2012/001 of 19 April 2012 relating to the Electoral Code, amended and supplemented by Law No. 2012/017 of 21 December 2012;
3. Law No. 2019/024 of 24 December 2019 to institute the general code of regional and local authorities.

