

## **DECISION 98-407 DC OF 14 JANUARY 1999**

### **Act determining the mode of election of regional councillors and of councillors in the Corsican Assembly, and the operation of regional councils**

**(Extracts)**

(...)

#### **THE CONSTITUTIONAL COUNCIL,**

Having regard to the Constitution;

Having regard to Ordinance 58-1067 of 7 November 1958 laying down the Institutional Act on the Constitutional Council, as amended, and in particular Chapter II of Title II thereof;

Having regard to the Electoral Code;

Having regard to the General Code of Local Authorities;

Having regard to Decision 82-146 DC of the Constitutional Council of 18 November 1982;

Having regard to the observations of the Government, registered on 8 January 1999;

Having heard the rapporteur;

On the following grounds:

1. The Deputies refer to the Constitutional Council the Act determining the mode of election of regional councillors and of councillors in the Corsican Assembly, and the operation of regional councils, and in particular sections 3, 4, 13, 20, 22, 23 and 27; the Senators contest sections 3, 4, 13, 16, 17, 20, 21, 22, 23, 24 and 27;

(...)

#### **ON THE OBLIGATION TO SECURE PARITY BETWEEN MALE AND FEMALE CANDIDATES, IMPOSED BY SECTIONS 4 AND 17:**

10. The second paragraph of section L 346 of the Electoral Code, as amended by section 4 of the Act referred, provides that "Each list shall secure parity between male and female candidates"; section 17 amplifies section L 370 of the Code to extend this obligation to elections to the Corsican Assembly;

11. The applicant Senators consider that these provisions are contrary to Article 3 of the Constitution, to Article 6 of the Declaration of Human and Civic Rights of 1789 and to the principles of the Constitutional Council's earlier decision of 18 November 1982;

12. In the current state of the law, and for the reasons set out in the decision of 18 November 1982, citizenship confers the right to vote and stand for election on identical terms for all who have not been excluded on grounds of age, incapacity or nationality or for reasons related to the need to preserve the voter's freedom and the independence of the elected office-holder, and no distinctions may be made between voters and candidates on grounds of gender; the provisions contested must accordingly be declared unconstitutional;

(...)

#### **Has decided as follows:**

##### *Article 1*

The third paragraph of section 4, section 17 and section 24 are unconstitutional.

*Article 2*

The other provisions contested are constitutional.

*Article 3*

This decision shall be published in the *Journal officiel de la République française*.

Deliberated by the Constitutional Council at its sitting of 14 January 1999, attended by Mr Roland DUMAS, President, and Mr Georges ABADIE, Mr Michel AMELLER, Mr Jean-Claude COLLIARD, Mr Yves GUÉNA, Mr Alain LANCELOT, Ms Noëlle LENOIR, Mr Pierre MAZEAUD and Ms Simone VEIL.